

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 8, 2004
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, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: None

STAFF PRESENT: Bill Gray, City Engineer; Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Andel, Secretary

OTHERS PRESENT: Cecelia Allen, Andrea Antulov, Roger Blakley, Dr. Robert & Lavonne Brunner, Phyllis Brussel, George Carlisle, Maiko Covington, Nancy Dietrich-Rybicki, Gregory Girolami, John Horton, Robert Kidd, K. M. Kimbrell, Gerald Knight, Jeff Langendarf, Vera Mainz, Carl Malmgren, Robin Mittenthal, Dave Monk, Sandra Pijanowski, Warren Rittenhouse, Russell Rybicki, Steve & Gail Schmall, Nancy Stagg, Susan Taylor, Alfred Weiss, Joan Zagorski, Janice Zoellick

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

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

2. CHANGES TO THE AGENDA

Rob Kowalski, Planning Manager, made a correction to the agenda. Plan Case # 1876-S-03 appeared on the agenda under New Public Hearings, and it should have been listed under New Business.

3. APPROVAL OF MINUTES

There were none.

4. COMMUNICATIONS

Chair Pollock announced that someone had sent out a postcard regarding Plan Case # 1876-S-03. The postcard urged people to call the members of the Plan Commission regarding this case. As a result, he received nine phone calls in favor of the Preliminary Plat for the Walton Subdivision and 3 in opposition. He encouraged the other members of the Plan Commission to share the results of phone calls that they received as well. Mr. Kangas mentioned that he received four phone calls in support and one call in opposition. Mr. Douglas received six phone calls in support and two phone calls in opposition. Ms. Stake received two phone calls in support of the preliminary plat. Ms. Upah-Bant stated that she received four calls in favor and six calls against the request. However, she did not feel it was beneficial to announce the results. It would have been more beneficial to the Plan Commission members to hear what was said in each phone call at the same time.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS and 8. NEW BUSINESS

Chair Pollock stated that since there was only one case on the agenda, the Plan Commission would list that case under both item numbers.

Plan Case # 1876-S-03: Preliminary Subdivision Plat for Walton Subdivision at the Southeast Corner of US Route 150 and IL Route 130.

Mr. Kowalski began his presentation by introducing the case to the Plan Commission. He stated that the case was for a preliminary plat and the Plan Commission was to make a recommendation to the City Council on whether or not the plat was consistent with the Urbana Subdivision and Land Development Code. The request was to subdivide the site into seven lots. Only Lot 1 and Lot 2 would be developed in Phase I. Altogether, there would be two or three phases. He gave a brief history and description of the site. He discussed the issues of zoning, access, drainage and utilities for the subject site. He read the options of the Plan Commission, and he presented the staff recommendation, which was as follows:

Staff recommended that the Plan Commission forward this case to the City Council with a recommendation to approve the Preliminary Plat of Walton Subdivision.

Mr. Kowalski noted that if the preliminary plat were approved, then the next step for the planning of Lot 1 and Lot 2 would be for the developer to submit a final plat. The final plat would go straight to the City Council for their approval. Staff would expect this to happen for Lots 1, 2, and 3 and the dedication of Tatman Drive within the next couple of months.

Ms. Stake wondered why the Plan Commission did not get a copy of the traffic study, utility plan, nor the drainage plan. They did not have any information on it, other than what staff had mentioned. This was such a big project with such little information. Mr. Kowalski responded by saying that those detailed reports were not necessarily required to be completed and approved for the subdivision of the land. They were tied more towards the development of the parcels. As requests were submitted for building permits to develop the parcels, the building permits would not be issued until those reports were submitted and determined to be consistent with the City of Urbana's codes as determined by the City Engineer. Ms. Stake added that she had no idea what she was doing then. Mr. Kowalski mentioned that in this case, there had been a significant amount of work that had been done on those studies already. The engineer for the development could speak more about those studies. Ms. Stake remarked that this was not satisfactory.

Mr. Alix questioned where it was envisioned that the proposed multi-use path along the north edge of the property and south of the railroad would go? Mr. Kowalski noted that the multi-use path would go from the east corner of the property to the west side of Lot 7. He mentioned that just north of this property was the railroad right-of-way, which was still in flux as to what was going to happen with that. There was a long-term plan to have a path installed that would connect Urbana to Danville. City staff saw this development as an opportunity to have part of that pathway installed, even though the path may not be inside the abandoned right-of-way. The opportunity was not there to place the path inside the abandoned right-of-way at this time. With this development, Walmart had agreed to install that path.

Mr. Alix inquired as to how much of the drainage ditch that was shown at the north edge of the contour map would have to be built prior to the development of Lot 1? Bill Gray, City Engineer, replied that generally the drainage into a detention basin would have to be one of the first things that were built. He pointed out that the swale would go through the footprint of the building, so that drainage work would have to be a very early action item for construction phasing.

Mr. Alix asked how much of the work would have to be done in order to develop Lot 1? Would the developer just need to extend the ditch to the east border of Lot 1? Or would the developer need to extend that ditch across the entire tract? Bill Harpole, of Crawford, Murphy & Tilly, Inc., mentioned that this particular drainage ditch currently cuts across the property. It takes a significant amount of flow from the Beringer Commons area. So, their intention was to take that ditch clear along the north side of the site and along the seller's remaining land to the west to basically a natural outlet point close to the northeast where they show a future detention pond. That whole section of drainage would have to be installed.

Mr. Alix asked if the detention basin that was shown to the east of the inverted U water easement on the map would detain water coming from upstream or would that just be intended to detain water from the site and discharge it into the ditch? Mr. Harpole stated that it was intended to intercept flow from Lots 1, 2 and 3. The flow coming onto the site would be diverted and bypassed.

Mr. Alix mentioned that at the public hearing for the rezoning of this property, there was considerable concern at that point about volume and velocity of water already flowing through an aging drainage district tile just to the east of this site and concern about this development

accelerating the rate of decay of that tile downstream from this site. He asked if anything would be done to increase the velocity of water flow along the north edge of this site? Mr. Harpole replied that the detention pond would be designed to slow down flow of any new development that they would have. Therefore, they certainly would not increase an existing condition. He noted that was the purpose of a detention pond. As far as an aging system that currently existed, he did not know what to say about that.

Mr. Alix commented that typically when you take natural drainage and convert it into a ditch, then it would increase the peak velocity of the water that was flowing. They would basically be speeding the rate at which the water would drain out of Beringer Commons and some of the other subdivisions. Mr. Harpole stated that the water currently comes down a ditch on the south side of the railroad tracks and goes under a couple of six foot by six foot culverts on High Cross Road. So, they were not going to do anything more than what was already in that ditch. They would just continue that ditch along the north side of the site.

Mr. Alix asked if they would be essentially widening the ditch on the south side of the railroad right-of-way? Mr. Harpole stated that the ditch goes down to the where the culvert comes under the road, then the ditch does about a 90-degree turn, so that the water floods out across the field. He stated that they would be intercepting the ditch at that 90-degree turn and continue the channelization of the water along the north side of the site. Mr. Alix asked if they would have to take any steps to detain the water closer to the eastern edge of the overall tract? He wanted to know if they would be making a bad situation worse by creating that ditch without creating any detention on the eastern end of the parcel? Mr. Harpole stated that the water coming onto their site was from other areas. They were only trying to pass it on through. Mr. Alix stated that they would not be addressing the issue of the water that was transiting across the parcel other than putting it in a ditch.

He asked if Mr. Gray had reviewed the overall drainage of this tract and if the City was comfortable with this as an overall strategy for developing this tract? Mr. Gray replied conceptually yes, but the Stormwater Management Plan had not been submitted to the City at this time. What was laid out in the preliminary plat, conceptually the City was okay with this plan. He elaborated on the concerns of drainage by saying that there were some significant restrictions in the Cottonwood Drive area, which was further east of the proposed site on Route 150. The road had been underwater a couple of times this year already because of heavy rains. He mentioned that he brought this issue to the attention of County, Township, and State officials and to the Saline Branch Drainage District. It was their jurisdictions, their roadways, and their ditches. They are aware of it. He felt that it needed to be made clear that with this project that the detention was to not make the flow rate any worse. If anything it may even lessen what the rate was coming from this 26 acres. There is a problem under current existing conditions, irrespective of Walmart, that needed to be addressed. Irrespective to this project, there should be a net zero impact to the current situation.

Mr. Alix stated that he was concerned. He just wanted to make sure that the City Engineer was comfortable that the general layout of this proposed plat would not foreclose the ability in the future to solve this problem. Mr. Gray noted that conceptually the location of the detention basins and the footprint of the size appeared to be reasonable. Although he had not seen the

specific calculations to review, he had no reason to believe otherwise that it would not meet the City's stormwater management requirements.

Mr. Alix noticed that on the plat, it appeared that extension of Tatman Drive would not line up with the existing Tatman Court. Mr. Gray reassured the Plan Commission that it would. The streets would line up precisely, but there would be additional turn lanes than what appeared on the map.

Elizabeth Tyler, Director of Community Development, reminded the Plan Commissioners that there were three parts to subdividing land. The first step was a developer submitting the preliminary plat. This involved the overall provision of utilities to a site and the potential layout of lots. The second step was the developer submitting a final plat. The final plat was the legal layout of the lots. She mentioned that quite often the first and second steps were combined. The preliminary plat tells you whether a project could be done, and the final plat would be a mechanism by which the project occurs. If the final plat were approved, then it would be recorded by the Champaign County Recorder's Office. Land could then be legally transferred. The third step would be the developer submitting construction plans for public improvements, including drainage, sidewalk construction, changes to Route 130, a new Tatman Drive, etc. Those are very extensive plans that the City Engineer's office reviews prior to construction. Those improvements need to be bonded.

She stated that although Mr. Gray was satisfied conceptually with the diversion ditch, the ditch would still need to be built to the City's standards according to our code. It would still need to have the specs and be bonded, constructed and inspected, so that it would work the way it had been presented. In terms of having all the information up front, City staff did not have everything. It was a process, which would take several months. She added that not all of those documents would be brought to the Plan Commission at this early stage. Because this case was potentially a significant commercial development, City staff and the State of Illinois required an ITIA (Illinois Traffic Impact Assessment). She passed around two copies of the ITIA for the Plan Commission to review.

With regard to street layout, Mr. Alix asked City staff if they were comfortable with the single potential stub street shown on the preliminary plat? The south edge of the parcel was 2600 feet long, and the developer was only envisioning one extension to the south. Would this likely be an issue in the future? Mr. Kowalski stated that staff was satisfied with that for now. There could be additional streets proposed as part of future developments, and in which case, they would revise the preliminary plat. The layout shown in the proposed preliminary plat with stubs to all directions satisfied how staff could anticipate the area would develop. Lot 3 would have access control from High Cross Road and to a certain extent from Tatman Drive, east of High Cross Road. It would be likely that if that lot were to develop solely as Lot 3, it would be some kind of development that would front on Tatman Drive.

Mr. Alix inquired as to what type of development would typically use a lot the size being proposed in Lot 3? Mr. Kowalski answered by saying that it would most likely be a linear development that would front on Tatman Drive. However, there was nothing in the proposal that

would preclude a developer from coming back in the future and proposing to subdivide that lot further. In which case, the Plan Commission would revisit the preliminary plat again.

Mr. Alix questioned who the actual petitioner was? Mr. Kowalski replied that the owner of the land, Omer A. Schrock Family Trust, was the petitioner.

Ms. Stake thought that High Cross Road only went up to University Avenue (Route 150). Mr. Kowalski commented that it was just a matter of the name that a person chooses to use, whether it was High Cross Road or Route 130. Mr. Gray stated that the County Board named this road "High Cross Road", and it goes to Old Church Road. As you go further south in the town of Philo, it was called something else. It happens to be that where Route 130 heads south from University Avenue, the road was usually referred to as Route 130. North of US 150/University Avenue, it was only referred to as High Cross Road.

Mr. Pollock asked if the preliminary plat would go before the City Council? Mr. Kowalski replied yes. Mr. Pollock questioned if the final plat would have to be for the entire subdivision or submitted in phases? Mr. Kowalski answered by saying that a final plat could be submitted in phases. So, in this case, City staff expected the first phase to be final platted to include Lots 1, 2, and 3 along with the dedication of Tatman Drive from High Cross Road to eastern property line of Lots 1 and 3. Mr. Pollock clarified that in the future, depending on the type of development and who the developer was, the City could change what they see in the preliminary plat by adding additional streets or other requirements that may be needed. Mr. Kowalski stated that was correct.

Dr. Robert W. Brunner, of 4001 East Washington Street, stated that he owns 80 acres immediately across the street and was contiguous to the proposed Walmart adventure. He also owns approximately 54 acres immediately south of Washington Street, which would be south of the proposed site. He mentioned that he and his wife were in opposition of the entire proposal.

Dr. Brunner mentioned that the most interesting topic that had been discussed was water. Every since Beringer Commons Subdivision had been developed, the water problem had been increased. The water runs off from the Beringer Commons area onto his land.

A Walmart store did not seem compatible with the stuff that Urbana had historically been made of. It would seem to many people that the City would encourage Walmart to take over the old Kmart facility and/or the Jewel/Osco facility. It was thought that this would be a great place for the elderly people to live, because they could walk over to Kmart and do their shopping.

To provide a corridor of business in the proposed area would be environmentally unfriendly for some people in the City of Urbana. As far as traffic and being a beautiful place to live, the proposed area would never be the same again. It was currently some of the best farmland in the world.

The other concept was that a Walmart would cause Jerry's IGA, maybe County Market and Schnucks to go under. These businesses could be diminished.

Robin Mittenthal, of 605 West Oregon Street, believed that the proposed development would affect the overall character of the City. He mentioned that he used to be a farmer and knew that it was extremely difficult to pay for land by farming it these days. He did not begrudge the efforts of the property owner to sell the land.

Although it may be a little too late to stop Walmart from developing on this site, there were so many other very likely sites that would be closer to the center of town, where such a development could be built. It was ridiculous to destroy a piece of virgin farmland. He had a hard time believing that it would be cheaper to build the roads and extend utilities to the proposed site than it would be to redevelop the old Kmart site for a Walmart. In addition, the proposed development would add to the continued decay of the Downtown Urbana area.

Joan Zagorski, of 1605 South Race Street, had mixed feelings about this new Walmart store. She was very much in favor of a new store to increase the City's tax base. However, she did not feel that the proposed site would be the right place for one. She would rather see Walmart redevelop and use the old Kmart building. At least, it would be much closer to and for Urbana shoppers. She wondered what Walmart would need with 75 acres? She foresaw the proposed site, which was currently farmland, being paved over. It would no longer allow rainwater to return into the soil to replenish our ground water, which fed our wells. Our ground water levels were becoming increasingly lower every year, because we use it so much faster than replacement takes place.

George Carlisle, of 406 East Green Street, had the same concerns as the previous speakers. Another concern of his was the sanitary sewer capacity and whether it would have enough capacity to handle additional sanitary sewer input? He understood that some of the southeast Urbana areas were having problems with backed up sewers during rains, because the series of lift stations, such as the one along High Cross Road, the one near the creek on Race Street and the one near Meadow Brook Park.

Traffic congestion was another one of his concerns. Would US Route 150 need to be widened? It was currently only two lanes. Would the traffic compare to the amount of traffic on North Prospect?

When meeting with the people who live across from the proposed site to the north of US Route 150, he found that they do not even have sanitary sewer hookup to their homes. The proposed development might mean that they would have to install sewer lines, which would mean that their yards would be torn up. Those neighbors were very much opposed to Walmart coming into the proposed site.

Mr. Carlisle mentioned that the present railroad right-of-way had some trees along there, which he hoped would be preserved. He did hope that this right-of-way would become a trail, and he applauded the effort of Walmart to make an interim multi-use path along the north side of the proposed property. He felt that the railroad right-of-way should be kept as a buffer, because the lights would be a problem for the neighbors to the north and to the northwest. There would also be a lot of noise and traffic.

He wondered if we really needed another Walmart, because there were already two in this area, one in Champaign and the other in Savoy. He agreed that the empty space in the old Kmart building and Jewel/Osco building should be reused. If the buildings were beyond repair, they could be torn down and rebuilt. People without cars would not be able to shop at Walmart in the proposed location, unless MTD expanded their bus routes.

Mr. Carlisle did not feel that the proposed development made any sense at all. Therefore, he was very much against it.

Janice Zoellick, of 241 Dewey in Urbana Mobile Park Estates, inquired if the Walmart would be open 24 hours a day? Mr. Kowalski replied that he assumed so, since it would be a Supercenter similar to the Walmart in Savoy.

Ms. Zoellick mentioned that she had fallen while working at the Walmart in Savoy. She only received six months benefits. Nine months later Walmart denied her benefits, because they said it was an existing condition. She now had several other health problems.

She felt that if Walmart had enough money to build another store, then they should pay her workman's compensation. The Walmart company does not take care of their associates.

Maiko Covington, of 805 South Race Street, expressed her concern of the Walmart locating at the proposed site, and the City was trying to develop area up by Farm & Fleet. Was the City of Urbana going to have two big commercial areas? She believed that the City of Urbana should only have commercial in one area.

She mentioned that the main reason why she lives where she does was because she could walk to the supermarket. If she should ever need to shop at the proposed development, how would she get there? It would be too far to walk and MTD currently did not provide bus services to the proposed area.

She stated that it would be nice to have a path on the north side of the property and sidewalks that would connect to other areas. However, if the sidewalks do not end up connecting to anything else, then they would be worthless to have.

Russ Rybicki, of 2803 Myra Ridge Drive, had KDL Research and Analytics send him some information on the Walmart company. He mentioned that Walmart was often criticized for the decline of small businesses in the towns where they build. Walmart was able to sell items cheaper because smaller stores could not do business with the same distributors. This drives out the smaller stores, cutting out competition, cutting jobs, and reducing the people's choices where to purchase items. Furthermore, competitors of Walmart are forced to cut wages, which makes finding good paying jobs harder to find.

Walmart, as a corporate business, was facing a number of diversity related controversies that included gender discrimination lawsuits, lawsuits regarding overtime, racial discrimination and sexual harassment lawsuits. Also, they have a history of intimidating or firing employees who wanted to unionize.

Mr. Rybicki mentioned that Walmart was the largest employer in the United States. The Wall Street Journal cited Walmart as one of the corporations that had the most influence in downward pressure on production costs. This meant that Walmart puts pressure on their suppliers to be cheaper and cheaper, so that the suppliers turn to sweat shops to produce some of the merchandise.

Chair Pollock reminded the audience that the Plan Commission was here to discuss a preliminary plat for a commercially zoned piece of property. There were issues that had been mentioned that were very important to consider, such as drainage, utilities, etc. He noted that this meeting was not a referendum on Walmart. It perhaps would have been appropriate to have it be one during the question of zoning, and the Plan Commission did discuss some of these issues during the zoning meeting for the proposed property.

Mr. Rybicki replied that he wished the City had made it clear when they talked about the zoning that it would have been the time to talk about Walmart. His understanding was that when the City talked about zoning, it was about zoning, and not about what store was going into there. Ms. Stake responded by saying that was true. He did not want to wait till the 15 minutes before the City Council voted to express his opinion about Walmart.

Mr. Rybicki went on to say that as a property owner, he understood the City's desire to increase our tax base. However, he did not feel that the City wanted to turn Urbana into "Wally World". We want to maintain the character that the City Council had worked hard to maintain.

Cecelia Allen, of 3712 East University Avenue, mentioned that she lived across the street from the last ditch for the water that was sent their way. She mentioned that she made a sincere effort and exhausted herself in an attempt to educate herself about the Saline issue. When trying to get information about this issue from elected officials, she would get evasive answers. Many times her phone calls would not be returned.

She commented that all she heard from the City officials was about the 700,000 to 900,000 dollars of sorely need tax revenues that the City anticipated. What she did not hear about was the tremendous costs of this adventure, including water and sewer hookups, construction of roads, lighting and other City improvements to completely undeveloped farmland, the projected cost of police and fire protection, MTD and other City services, loss of tax revenues from existing businesses, and costs of residential tax grievances. She had not heard about payments and other incentives the developer would receive for developing this project. What would happen when the incentives expire? Would Walmart leave at that point and straddle the City with the cost of improvements and a useless 200,000 square-foot blue box? These costs can and often have completely obliterated the projected sales tax revenues.

Walmart had been airing many commercials saying how wonderful they are. If they are such a benevolent organization, then why are thousands of lawsuits against them?

Ms. Allen stated that the City of Urbana had been accused of being anti-business. This was not true. She would love to be able to buy simple things like clothing in this town; however, she would never set foot in a Walmart.

She stated that City officials were on record for saying that they did not think that Walmart would have any effect on local businesses. It seemed highly unlikely. Had a valid and independent Economic Impact Study been done? Many people have been raising these questions for some time now, and the City of Urbana government had not been forthright with the answers.

Andrea Antulov, of 810 North Busey, stated that like everyone else, she could not buy underwear in Urbana. We need business. The question was whether this was a good fit. She mentioned that she went to Walmart in Savoy and noticed that getting in and out of the parking lot was a hassle, because the retention pond was like a moat. So, she advised the Plan Commission and City Council to look at these plans very carefully and take into consideration those logistical points.

She inquired if the residents of the Scottswood Subdivision had even been notified about this meeting? She would be surprised as to why they were not in attendance.

Many of the speakers had already talked about the old Kmart and Jewel/Osco buildings. She heard a rumor about the old Bergners store being held hostage by Bergners continuing to pay on their lease. What kind of commitment did Walmart promise the City? Who was to say that Walmart would not hold the proposed property hostage once they have been built in order to keep away other businesses?

She noticed that Sunny Estates just went through. Therefore, there would be another drainage issue.

Ms. Stake clarified that Bergners was holding the empty space in Lincoln Square Mall hostage. Her son, who was a lawyer, said that the City did not have a very good lawyer when we drew up that contract. Ms. Antulov commented that the City of Urbana put in beautiful sidewalks and lampposts and unfortunately not a driveway big enough that tour buses could come in once they finished with Cracker Barrel. That was a great deal of investment on the part of the City, and maybe the City should get a better lawyer when dealing with the top of the market in the country and possibly the world. She stated that this project was a big thing, and it could turn the tide for this town.

Jeff Langendarf, of 3504 East University Avenue, inquired about whether there would definitely be an access and entrance from this plot to Route 150? Mr. Kowalski stated that according to the preliminary plat, it was conceptually shown that when Lots 6 and 7 would be developed, there would be an access constructed to Route 150. Mr. Alix added that it was not guaranteed that the owner of the parcel would be able to build that connection, because it crosses the railroad right-of-way.

Mr. Langendarf asked what the actual footage distance was from Route 130 to the east side of Lot 6? Mr. Kowalski replied that it was approximately 2,626 feet.

Mr. Langendarf questioned if by chance this project fell through, could the land be rezoned from commercial to residential? Mr. Pollock answered by saying that it could be done.

Mr. Langendarf inquired if there was a chance that the City wanted to incorporate his house into the City limits? Mr. Kowalski said that it was not something that the City staff was actively pursuing. His property was not contiguous to the City, so they could not force annexation.

Carl Malmgren, of 2906 Rutherford Drive, commented that at the rezoning hearings, the Plan Commission and the City Council both passed the buck when he asked how they could get the zoning go from B-3 to B-1, Neighborhood Business Zoning District. The Plan Commission said that it was not within their purview, and that it would be the City Council who would be able to make that decision. The City Council said that it was not their purview, but the Plan Commission's purview. Mr. Pollock responded by saying that when a case comes before the Plan Commission to change the zoning from a certain designation to a different certain designation, then the job of the Plan Commission was to review that case and make a recommendation to the City Council on whether they felt it would be appropriate or not. It was the job of the Plan Commission to say, "well, we kind of like that, but we would like something else better".

Mr. Malmgren inquired if an analysis on the tax basis had been made? Was that an area that the Plan Commission could answer questions about? Mr. Pollock stated that as a member of the Plan Commission he was not prepared to answer that. He could ask Elizabeth Tyler, Director of Community Development Services, or Bruce Walden, Chief Administrative Officer, outside of this meeting.

Mr. Malmgren questioned if there were plans to affect the Interstate 74 (I-74) off ramp coming off of University Avenue? How would that affect this? Mr. Pollock responded by saying that the questions of access on I-74, about whether to change, eliminate, or add to the trumpet exchange at Route 150, or to add another interchange perhaps at High Cross Road or Cottonwood Road are issues that would be discussed in the near future as the City considers amendments to our Comprehensive Plan, which staff had been working on. It really had not been addressed in terms of this particular case.

Mr. Malmgren asked if the Traffic Impact Study was available to the public for this preliminary plat? Mr. Kowalski replied that it was part of the case file. It was not available on the website. However, Mr. Malmgren could contact him after the meeting, and he would make arrangements to get him a copy.

Mr. Malmgren stated that Mr. Kowalski had mentioned in his staff report that he would address the issues of traffic and the impact on the neighborhood. He was not aware of any future comments regarding the impact on the neighborhood.

He asked if the sidewalks, the sewage coming into the sight, the lighting, etc. would be paid for by the petitioner or by the City? Mr. Pollock stated that the developer was reasonable for those expenses.

Regarding the drainage that was discussed in terms of the retention pond and the ditch that was going to be on the north side, Mr. Malmgren questioned if there had been a formal connection between the drainage and the existing drainage tile? Has the existing drainage tile been taken into account in terms of the drainage plan for the proposed site? Mr. Pollock replied that in a preliminary fashion, this question had been addressed. The answer was that when City staff takes a look at the Stormwater Management Plan, which would be very complex, they would be able to say yes or no to that. Mr. Malmgren asked if that information and that discussion be available to the public? Would it be held in a public session or would it be done in meetings and the public finds out after the fact? Mr. Kowalski answered by saying that an Administrative Review would be done by Mr. Gray and the City's Engineering staff to ensure that those improvements would meet our standing City codes for stormwater management. It would not be brought before any other body for any kind of public hearing review. Like the Traffic Impact Analysis, when the Stormwater Management Plan was being reviewed, if public citizens have questions or comments, then Mr. Gray or someone on his staff would be more than happy to talk about it.

Mr. Malmgren inquired if the final plat would come before the Plan Commission and be available for the public to hear discussions on? Mr. Kowalski stated that the final plat would go directly to the City Council.

Regarding the proposed multi-use path along the north side of the property near the railroad right-of-way, Mr. Malmgren inquired if it was possible for the City to request that they run it the entire length of the proposed subdivision rather than just a portion of it? Mr. Kowalski said that the request for the multi-use path was tied to the development of Lot 1. As Lot 7 and Lot 6 would be developed, he would expect that the City staff would make a similar request, if there were not already works for a path to be installed in the abandoned railroad right-of-way. The goal was to complete a long connection, not just a 700-foot sidewalk. Although the City was not involved in a great amount of detail for the Greenway Trail from the City of Urbana to the City of Danville, as Lot 6 and Lot 7 of the proposed subdivision were considered for development in the future, the issue of installing the Greenway Trail would be forced a little more, because there would need to be a road connection across that right-of-way to US Route 150 as shown on the proposed preliminary plan. To figure that out, they would need to figure out how the City could have some kind of access to that abandoned right-of-way and what was the railroad's position for making something happen there. Mr. Pollock added that the City and other private entities were interested in making the Greenway Trail happen. From his personal experience of dealing with the railroad, it could take a while. Mr. Malmgren mentioned that the railroad right-of-way moved to the west from the US Route 150 and IL Route 130 intersection all the way up to beyond University Avenue. Was there anticipated City unified process to bring that altogether into one trailway? Mr. Pollock replied that would be great, but the City was not involved in that at this point.

Phyllis Brussel, of 2003 George Huff Drive, noticed that the Plan Commission seemed to be concerned about the drainage and lighting. Well, the Plan Commission would not be considering this case at all if Walmart were not interested in developing this site. She wondered what would be developed on this site, if it were not a Walmart? Walmart was a store that the City did not

need, because it was not an admirable store to have. We want a lively downtown area, and here we are considering this development. This development would lead people away from the downtown area.

Alfred Weiss, of 705 South Cedar Street, wondered how many people were in opposition to this proposed development. Mr. Pollock stated that was not the purpose of hearing public input. The purpose was for the public to tell the Plan Commission what they think about the proposed preliminary plat. Mr. Weiss remarked that he was strongly opposed to the preliminary plat, and he hoped that the Plan Commission would do what the public had come there and asked them to do, which was to reject the proposed preliminary plat and recommended to the City Council that there be another zoning consideration.

Mr. Kangas inquired what Mr. Weiss opposed about the preliminary plat? Mr. Weiss replied that he objected to the location of the proposed development. There were already empty commercial spaces that could be developed and were not. These were places that already had significant environmental impact. So, redeveloping these areas would be good. Redeveloping these empty spaces would also draw people and businesses downtown and closer to where they live and not developing on the outskirts of town. He mentioned that he had philosophical differences with Walmart. He added that he lived in Urbana, because he liked the values that Urbana had. He was willing to pay higher taxes, because of the way Urbana ran its business.

Gerald Knight, of 405 Beringer Circle, commented that he did not want lights from the proposed development shining in his backyard. He mentioned that he paid a lot of money in taxes, and he was upset that the City wanted to treat him this way. The people who live in the Stone Creek Subdivision complain about T.K. Wendell's being next to them. Development in the east part of Urbana would slow down if Walmart were allowed to develop on the proposed site. Walmart would not be drawing people from Urbana to shop there. People from Philo, St. Joseph, and Villa Grove would be driving here to shop at Walmart. The City wanted to put the interchange in at Interstate 74 and High Cross Road, and that would be their next step. His taxes would probably increase, while his property value would go down. He realized that the Plan Commission could not lower his property taxes, but the results of what the Plan Commission did could lower the value of his property, which would then lower his taxes. He was willing to pay a little extra to keep Walmart out. The old Kmart and Osco/Jewel buildings were empty. The area out by Farm & Fleet was already developing into a Prospect Avenue. Why ruin east Urbana by allowing the proposed development? The City of Urbana might get a little tax money, but it would not help Urbana.

Cecelia Allen re-approached the Plan Commission to inquire as to whom the people should talk to about opposing the idea of Walmart coming to town? They tried talking to the Plan Commission at the public hearing for the rezoning of this site, and they tried talking to the City Council. Chair Pollock responded by saying that people could have come to the public hearing for the rezoning of this site to talk about their opposing Walmart. It was very clear that Walmart was the impetus for that rezoning request. The Plan Commission discussed it that evening and decided that there would be great advantages to the City by zoning the site as commercial. The intersection of two state highways would be an appropriate place to have commercial

development. The question was not so much Walmart or another large operation, but the fact that it would be an appropriate place for commercial development.

At this current meeting, the Plan Commission was not talking about whether it was an appropriate place for commercial development, because the zoning was in place. A proposal for a preliminary plat had been brought before the Plan Commission to request approval of the proposed subdivision.

Ms. Stake commented that at the time of the rezoning, she wanted the proposed site to be rezoned to B-1, Neighborhood Business Zoning District. We were supposed to be planners, and she did not feel that many times they planned; they just reacted to what they got.

Ms. Tyler had several responses to the testimony given by the public citizens in the audience. She mentioned that several of the comments related to site plan issues. She said that City staff had already begun review of a site plan for a Walmart against the City's zoning requirements, which were pretty stringent in many respects for many of the issues that have been raised at this public hearing; including the lighting issue.

The Urbana Zoning Ordinance prohibited impact of lighting on residential areas. City staff had asked the developer to submit a lighting plan to demonstrate that there would not be an impact on the residential areas nearby. There are some existing trees and quite a bit of distance between the proposed development and some of the residential uses. There are some residences to the north and to the northwest, so City staff wanted to be shown through the Site Plan Review Process that there would not be lighting impacts.

She stated that the trees in the railroad right-of-way would be helpful. However, the railroad had not been the easiest to communicate with. City staff had made attempts. In addition, hopefully those trees would remain intact, but staff had asked for additional, extensive landscaping on the site plan. The landscaping would not only mean tree islands within the parking lot, but also perimeter landscaping because of the potential impact on surrounding residential, and because this would be an eastern gateway into the community. The City Arborist had been working with the landscape architect to ensure that there would be ample greenery.

Ms. Tyler mentioned that City staff had worked with the MTD on the site plan review. MTD had given staff comments about their needs for access with street strength and turn-around requirements. MTD requested that the access be provided via Tatman Drive, and that a turn-around be provided, so they would not have to travel across the parking lot or ever have to back up a bus through a parking lot. They even considered how people would get from the buses to the store. She mentioned that the sidewalks would need to connect from the street to the store and across the parking lot in a safe manner. These needs have been incorporated into the site plan.

Ms. Tyler addressed the issue of how the City could afford the cost of extending the sewer, the water and the streets. She pointed out that there were no public investments for this particular development. There were neither incentives nor waivers.

Refilling the old Kmart building was very important to the City of Urbana. We have a grant and loan program that the City Council established specifically for redevelopment or re-occupancy of that site. She mentioned that it was a very good property, and that there had been a lot of interest in it. City staff in the Economic Development Division work to promote a lot of inquiries towards that building. We were very hopeful that there would be re-occupation with a vital retail use. For a Walmart Supercenter, the building was not something that they would consider just on the size basis. But there are many other retailers that the 80,000 square feet would be appropriate to use. There are a lot of residences in that area that could take advantage of any business that occupies that building in the future.

There was a proposal for the Jewel/Osco building that would be coming to the Plan Commission as a Special Use Permit. It would have a retail component along with some other commercial components.

City staff was working hard to make sure that any vacant commercial buildings in Urbana would be reused as quickly as possible. There actually are not that many vacant commercial buildings in the City.

Someone mentioned the empty Bergner's space in Lincoln Square Mall and how Bergner's had been paying the lease to keep another business from moving in. Last week, Bergner's finally moved out. It took two years to get them out of that empty space, but it was great news that they were finally out, because now City staff could work with the owners to get retailers back in there. There was room for many different levels and sizes of commercial development in the City of Urbana. One store did not need to replace another store. The City of Urbana lost two important retailers: Bergner's and Kmart. The projections on the sales tax were based on comparables as well as the loss of the general merchandise that we know came from Urbana residents, who enjoyed shopping at a local Kmart. City Administration hoped again to have more general merchandise choices for people in Urbana to support.

Ms. Tyler pointed out that having the sales tax base was important to balance the property tax base. Currently, of course, so much of Urbana's sales tax was being spent in Champaign and Savoy, and it did not benefit us in the way of City police or fire services.

Someone had mentioned the Scottswood area and the drainage problems there. She stated that was truly a big issue. City staff had been working with the Champaign County and with the Urbana Township on a major drainage study in this area and also on a grant proposal to have state funding for drainage improvements. It was a cooperative effort with the Urbana Park District that there be a wet prairie type detention basin in their new park they had purchased off of Main Street, the Weaver Park. Hopefully the funding will come through, and when that detention basin was constructed, it would relieve the existing drainage problems in the Scottswood area. Even though the Scottswood area was not in the City limits, it was in the City's interest as well to solve this problem. This problem was not directly related to the drainage issues on the proposed site.

Someone had mentioned the connection of the tile and the relocated drainage culvert or diversion ditch. This would need to be approved by the Saline Branch Drainage District, because the tile

was theirs. So, it would not just be the City Engineer that needed to look at this. This would happen at the time of the construction plan.

There were many questions about when the appropriate time would be for the public in opposition of Walmart to comment. She commented that she understood their frustrations, because when the City looks at zoning, we look at zoning as a generality. Would this site be suitable for General Business use? There had been comments about Neighborhood Business, and in her opinion, it did not meet the needs of Neighborhood Business. The proposed site would be way too large of a site for a Neighborhood Business use. The question at the rezoning hearing was whether the City should down zone the site from Industrial to General Business? When it was zoned Industrial, there was a railroad that served it. The railroad has been gone, and there had be a long history of unsuccessful marketing of the site. The landowner did request for the rezoning to General Business. So, this was why in the State of Illinois, the Plan Commission really does not look at the particular use proposal before them. It may not always be a Walmart. It could be something else someday in the future, and the Plan Commission and City Council needed to look at the whole classification of uses in B-3, General Business Zoning District.

The other reason in zoning that the City does not review or look at who the petitioner was in each case was because the City needed to respect petitioner rights and property rights. We could even be in a situation where perhaps a petitioner had not performed well in a previous approval, and the City could not legally consider that. The City was not supposed to impose a petitioner prejudice. She felt the same would apply in a subdivision plat request. How do we deal with the fact that Walmart was a big social issue? She felt that Chair Pollock had taken a good approach at this meeting by not trying to exclude commentary on Walmart, but the Plan Commission did need to be careful about what the actual approval was, which was looking at the preliminary plat against the Urbana Subdivision and Land Development Code.

She noted that someone had mention the multi-purpose path and what the plan was for that? There was a Greenway Plan that the City of Urbana had participated in that was just now being released in draft form. It was being prepared by the Regional Planning Commission. It included this proposed multi-purpose path as a component of a major connection between Urbana and Danville along this railroad right-of-way. City staff saw the proposed development as an opportunity to at least start that major regional connection. Strictly speaking, there was no sidewalk requirement along the north end of the site, because there would be no street frontage due to the railroad right-of-way. She mentioned that the City would make the same request as they look at any proposals for development to the east and/or west of this site.

Ms. Tyler talked about the concern for Urbana's Downtown area. The City had a Downtown Strategic Plan in place. She mentioned that it was a goal and a focus for City staff and for the City to assist redevelopment in the Downtown area by providing incentives to business opportunists to locate there. The same did not apply to the proposed development.

Mr. White was concerned with the lighting. He questioned if T.K. Wendell's would be in compliance with the City code? Ms. Tyler answered by saying that T.K. Wendell's was located in the County. That type of use would not be something that the City would encourage or would

have permitted. City staff has potentially looked at annexing this business and phasing out some of their activities, because that was not a good use next to a residential area.

Mr. White stated that from his perspective, he felt comfortable with the drainage issue, because the Saline Branch Drainage District would be approving the plans as well. He saw the traffic report, so he felt the traffic was being taken care of. The only thing that held him up was the lighting. He believed that there were too many lights in town anyway. Maybe we need the City Council to look a little closer at lighting. Ms. Tyler stated that the lighting would be a big part of the site plan review. Although it was not real specific, the Urbana Zoning Ordinance did talk about shielding from residential areas.

Mr. Pollock asked if there were any problems anticipated with sanitary sewer capacity? Mr. Gray replied no. The proposed development was part of the area that currently could be annexed into the Urbana-Champaign Sanitary District. The Sanitary District had done some master planning. The interceptor that was on High Cross Road, just south of University Avenue, would serve the area. When you think of all the possible uses that could go into these 20-some acres, from a sanitary sewer perspective, there could be many other heavier dischargers than a Walmart. Mr. Pollock inquired if in general the sanitary impact from a commercial development was less than that from residential? Mr. Gray replied yes, multi-family residential in particular.

Mr. Pollock questioned if there were any plans or discussions to have the State of Illinois widen US Route 150 east of High Cross Road as a result of the proposed commercial development? Mr. Gray stated that the State of Illinois had looked at the impact study, and they have not submitted their comments back to the consultants or to City staff yet. He had not seen any impacts to US Route 150 needing additional lanes due to the proposed development.

Mr. Pollock inquired as to how wide the railroad right-of-way was? Mr. Kowalski replied that it was about 100 feet. Mr. Pollock stated that with the additional ten feet that City staff was talking about adding, there would be a minimum buffer of 110 feet for the entire length along the north side of the site. Mr. Gray corrected them by saying that the right-of-way was about 133 feet wide.

Mr. Pollock brought up the question of whether the City had tried to assess the neighborhood impact as a result of commercial development on these lots. Mr. Kowalski stated that the review of neighborhood impact for a plat and a development were slightly different than a neighborhood impact when the City was reviewing a change in zoning from Industrial to Commercial or Residential to Commercial. The review of neighborhood impact that the Plan Commission was looking at here was what they had been talking about such as the impacts of traffic, how the City's public facilities handle those impacts, drainage, utilities, and more of those technical issues that need to be addressed and codified in the Urbana Subdivision and Land Development Code.

Ms. Upah-Bant asked for clarification in that the only two lots that there were any plans stated for were Lots 1 and 2? Mr. Kowalski said that was correct. Ms. Upah-Bant commented that out of their clear blue heads, they just plunked down future road, right in the middle of nowhere with no idea of how they came up with this plan to divide the site into these lots. It did not make any

sense to put the future road on the east end of Lot 1. How did they come up with Lots 3, 4, 5, 6, and 7? Mr. Gray pointed out that the reason why the north-south road was at the location it was, was because of the Illinois Department of Transportation (IDOT). If you look at the topography, there was sort of a rise in the road. If the proposed road were further west, then it would become a dangerous intersection. Visibility would be better with how it was being proposed. Again, he reiterated that this may or may not happen. It could change depending on who wanted the balance of the 50-acres. There could be one user or 50 users, and then there would be a bunch of lots that the Plan Commission would have to review. When they look at generally where the roads are to go, especially if it was a collector-type designated street, they do want it to line up with the existing Tatman Court, they do want the road to make its way over to Cottonwood Drive, and they want connectivity. It may not be exactly straight, and there may be a curve or two. Similarly in the north-south fashion between Cottonwood Drive and High Cross Road, there probably should be a collector-type class street. For the best information for what the developer knows today, the information dotted on the preliminary plan was reasonable. Mr. Harpole added that in his discussion with IDOT, he found that this was the only permissible location to make a connection. Every where else did not have a line of sight, and this location was far enough away from the US Route 150 and IL Route 130 intersection to warrant a possible traffic signal as well.

Ms. Stake inquired if there would be an overpass to get over the railroad tracks? Mr. Kowalski responded by saying that there would have to be a pass built there when the north-south road was eventually constructed. Ms. Stake remarked that if the City kept the access to the railroad, so that we could again put in another railroad someday, then we would not want to ruin this idea with a road going across the tracks. Mr. Kowalski replied that the long-range plan was not another railroad, but a multi-use path. At the point where the path would cross the street, it would be a typical crosswalk. Ms. Stake mentioned that Dave Monk had talked about continuing the rail service at the rezoning hearing.

Mr. Hopkins asked staff to make a comment about the visibility of the site plan review process? If he wanted to know what discussions were going on about lighting details or planning details in the parking lot, these were reviewed by an administrative review process, but they were not secret. How might he find out? Ms. Tyler mentioned that there were people, who were interested in that level of detail, and they come to the Community Development office and look at the plans. Although there were some proprietary situations with the building plans, people still do view the site plans. In site plan review, staff looked at the zoning; and as they review the building plans, they would be looking at the building codes. They go through this process when there are uses that would be permitted by right.

Mr. Alix responded to an earlier question from Ms. Allen regarding who the public could talk to about their opposition to Walmart coming to town. He believed that it was clear that there was a lot of frustration among the public citizens in attendance at this meeting. He also believed that there was a misconception about what the powers of the City really were. In this case, the City has the Zoning Ordinance and building codes, but what these laws were really intended to do was to ensure what does get built wherever in the City by whoever chooses to build it was done in a way so that it would be safe and meets a minimal set of standards in terms of how it impacts the surrounding uses. Mr. Alix said that the City was not building the Walmart and does not

decide whether the owner of this land gets to sell this property or whom he sells it to. In fact, it was neither constitutional nor legal for the City to influence that process.

In some cases, the City of Urbana does, if they want to encourage a development of a particular type or discourage a particular type, offer tax incentives or contributes to the building of the infrastructure. In this particular case, the City was not offering the developer anything. In effect, the private landowner had come in and said that he wanted to sell the land to someone who wants to build a Walmart. This issue before the Plan Commission and the City Council, then, becomes whether what the purchaser of the land wants to do with the land would be legal, safe and within their rights based on the ordinances in the City.

What can people do to keep the developer from building a Walmart? He did not know exactly. He stated that they could make their desires clear to the owners of the land and to Walmart, they could not shop at the proposed Walmart or any other Walmart, and/or contact their elected representatives of the City and of the State. Once something like this was opened, these people could protest or take the business to court.

To answer the original question of what City commission could they go before to keep Walmart from being built, there was not one. All the City could do was listen to their input. Especially, in the case of the Plan Commission, they were concerned with relatively limited points of law. In the case of rezoning, the Plan Commission had to look at a number of very specific legal criteria as to whether or not a rezoning request met that criterion. If a request by a landowner met that criterion, then the Plan Commission was obligated to approve it. The landowner owns the land, not the City. Walmart, the developer, was the one who was going to spend the money to build this thing, not the City. He just wanted to say that obviously the Plan Commission had been in this situation repeatedly, where citizens would come forth and say why can't you stop this? He believed that whether or not the Plan Commission should was something that everybody was going to have an individual opinion about. As a matter of law, it was probably not going to be very crucial to get the City to block this project, because the City's opportunities to do that are extremely limited.

Mr. Kangas mentioned that this land was previously zoned Industrial until last summer, and then it was zoned B-3, General Business Zoning District. The Plan Commission cannot say which commercial enterprises could go in there. They cannot say that it could be Kmart, but it cannot be Walmart. Any commercial enterprise listed in the City Code could be permitted by right to develop this site. Mr. Pollock added that in the City Code, there was a list of permitted uses for each zoning classification, and Walmart is a permitted use in the B-3 Zoning District.

Mr. Kowalski stated that one of the missing pieces to the puzzle was the update to the Urbana Comprehensive Plan. It was a policy document on how they want to develop in the City and where they want to develop what uses. Staff was currently in the middle of updating this plan. This was probably the most critical avenue of where they would be setting policy on. Where does the City want development? Would a big box be okay? Do we not want big boxes? These kinds of foundation decisions would be made in the updated Comprehensive Plan. Mr. Pollock added that the Comprehensive Plan was the guide to the zoning in the City.

Mr. White moved that the Plan Commission forward this case to the City Council with the recommendation to approve the preliminary plat of the Walton Subdivision. Mr. Douglas seconded the motion.

Mr. Kangas stated that this was commercial by right. He noted that there were some water issues that were being addressed. The City Engineer was involved and would have to approve the drainage plans before any construction permits were issued. He did not see anything wrong with the preliminary plat in that concept.

Ms. Stake noted that the drainage was a big problem. Warren Rittenhouse, who was a Saline Branch Drainage Ditch Commissioner, warned the Plan Commission at the public hearing for the rezoning of this site about the drainage problems. The Plan Commission had not been told how the developer plans to solve the problem. So, she did not feel that this was the time to pass this request.

We do not know how they would get the MTD out there. We do not know very much about what was really happening with this plat. The Plan Commission has had better information with smaller projects than on this one, which was a huge project.

Ms. Stake commented that this was very rich farmland, and it should not even be used for this. Because it was very rich farmland, it also had all this water, which helped with farming. However, this water would not help the proposed development. So, now the developer planned to cover this land with concrete and try to deal with the water. She was skeptical on how they were going to deal with the water.

Ms. Stake felt that the big boxes were going to destroy the small towns, such as Bismarck, Homer, Sydney, Ogden, Philo, Royal, Fithian, and Gifford. There would probably be more of an impact on these small towns than on the City of Urbana.

There would also be an impact on Urbana. She did not know what would happen to Farm & Fleet. However, she was glad to hear that there was some possibility of Lincoln Square coming back. It used to be a beautiful shopping area, and people could buy almost anything they wanted in there. Now, people could buy almost nothing. We should be working with and helping the businesses that the City already has.

She did not want the right-of-way of the railroad to be changed. She wanted it to remain the way it was in case sometime in the future, we have a need for railroad services again.

She believed that the people in the audience had the right idea that this would be the wrong thing for the City of Urbana and for the people of Urbana. Therefore, she hoped that the Plan Commission would deny this request.

Ms. Goscha thanked Ms. Tyler for accurately portraying the comments that the public had and for going through them in such a systematic manner. She stated that was very helpful for her to receive Ms. Tyler's comments back.

She saw the case before the Plan Commission as being a preliminary plat, in which they did not have all the details that they would have for a final plat or a special permit. She felt comfortable with the following four points:

- 1) Drainage - The City Engineer, who was trained in looking at drainage, felt that this was an acceptable preliminary or conceptual plan. Should there be a problem tying in with the drainage tile, then the final plat would not be approved or some other changes would have to be made.
- 2) Traffic - She saw in the staff memo and the Plan Commission heard at this meeting that there had been discussion with the MTD. The developer and MTD do want to have bus service out to the proposed development. The City was making provisions with roads to connect with Cottonwood Drive, which she saw as being great.
- 3) Neighborhood Concerns – She saw the neighborhood concerns as being lighting, trees, and the aesthetic impact. The lighting problem would be taken care of through Administrative Review, and the Urbana Zoning Ordinance was very clear about not having any lights shining onto adjacent properties. She was very encouraged that the City was looking at heavy landscaping at the perimeter of the proposed property. It would definitely be a plus in helping to visually screen the development from the neighbors who were concerned about having a big box near them.
- 4) Future Business – The reason why the City zoned this land as B-3 was because the Plan Commission and the City Council felt this was an appropriate place for commercial. She foresaw that by developing one business in this area, it would lead to developing more businesses in this area. She felt this would be good and healthy for the City of Urbana.

Ms. Goscha stated that she was in favor of approving this preliminary plat.

Mr. Hopkins commented that as he understood the preliminary plat, the inter-urban right-of-way had been incorporated into the parcels in this plat, but the New York Central lines, which were currently owned by CSX, had not been incorporated. Therefore, the remaining right-of-way was 100 feet, rather than 133 feet. Mr. Harpole responded by saying that they have a title company working on that. The inter-urban section had reverted back to the owner of this property, and therefore, it would also be property for sale. Whether it was in there or not, they would shift the property line in the site plan if need be.

Mr. Hopkins understood that the current negotiations for the site plan were essentially to put in a multi-use path on what the developer hoped to be the owner's property, which would in effect be the old inter-urban right-of-way. Mr. Harpole replied that the layout of the bike path was actually going to be a little bit south of the inter-urban right-of-way. Mr. Hopkins clarified by saying that the multi-use path would be the northern most developed item on the proposed site. It would be at least 133 feet beyond the US Route 150 right-of-way before there would be any developed activity. Mr. Harpole added that there would even be more than 133 feet, because they would have to make room for the diversion ditch. Mr. Hopkins questioned if the diversion ditch would be entirely on the owner's property? Mr. Harpole said yes. All of the work that would take place would be entirely on the owner's property. Mr. Hopkins imagined a parking lot edge that would be 200 feet south of the US Route 150. Half of the 200 feet would be right-of-

way that would be a multi-use path and be available for planting. Why he brought this up was because the cross section imagination of where the proposed building would be relative to US Route 150 was worth keeping in mind. It was like a depth of a large residential lot. If this were kept in mind during the site plan review, then there would be an opportunity to accomplish the intents of the Urbana Zoning Ordinance relative to lighting and planting. He did not feel that it would be unreasonable to achieve these.

Mr. Hopkins stated that one of his reactions was that in looking at the whole 80 acres and the existence of two detention parcels and recognizing that there was already a drainage problem that was in the jurisdiction of the State of Illinois and in Champaign County, he wanted to know if anyone had looked at the opportunity for regional stormwater detention solutions? This seemed to him to be the kind of place that they ought to be looking at solutions like this other than building little potentially problematic detention sites on each increment of development when there was basically an open area of land. Mr. Gray stated that was a good suggestion. This very thought was being incorporated in the Scottswood Subdivision drainage situation. The Township, County, Park District, City and the School District to some degree were cooperating along with the St. Joseph Drainage District to work out a solution. There was no reason why this could not happen with the proposed development as well. However, the real problem or bottleneck was beyond the City's corporate limits. Generally, this was to the purview of the drainage district. Mr. Hopkins asked if he was correct in that it was an Urbana ordinance that this preliminary plat was trying to meet by identifying its proposed detention basin at the back of Lot 1? Mr. Gray replied yes. Mr. Hopkins stated that if they were going to achieve the objectives of Urbana's detention ordinance by taking advantage of the opportunity for a regionalization, then the City and this petitioner were the ones in a position to initiate that collaboration. Mr. Gray responded by saying that it needed to be a governmental entity approaching the petitioner.

Mr. Hopkins said that he was not quite clear as to whether this was happening. Mr. Gray stated that it was not happening. Mr. Hopkins inquired if we could make it happen? How do we do that in relation to the proposed preliminary plat? Mr. Gray stated that it was possible, and it would take a variety of folks united to work it out. The City only realized in the last year or so how bad the drainage problem was for this area. Now, that he was aware of it, maybe they could begin to start a similar process of trying to tackle the drainage issue in this area with the various governmental agencies that were involved. They were in the midst of the Scottswood solution, which for the City was looking beyond our borders to solve their drainage problem and through great cooperative effort, he felt they may accomplish it, especially if they could get the grant they applied for. Maybe the next one they tackle would be the problem in the proposed area. Mr. Hopkins inquired what the Plan Commission would need to do to at least enable that possibility and ideally encourage that possibility? Mr. Gray commented that the Plan Commission could send their message in their recommendation to the City Council that this would be something that the City staff should explore in a regional fashion with the other appropriate agencies.

Mr. Hopkins proposed an amendment to the motion that the approval would include instruction from the City Council to City staff to initiate discussions with appropriate government bodies, drainage districts, and the petitioner to investigate regional or area drainage detention solutions

for the area from the intersection of IL Route 130 and US Route 150 to Cottonwood Road. Ms. Stake seconded the motion.

Ms. Upah-Bant felt this was a great recommendation. Mr. Pollock agreed. His biggest concern with the proposed preliminary plat was the drainage issue. Given what had happened with Beringer Commons and with other parts in the area, what the petitioner and developer were proposing to do, even if it was done according to Urbana's code and to the best of their ability, it may not be enough to protect people downstream. He felt this recommendation would be a good approach towards solving the drainage problem in this area.

Mr. White asked City staff if this would be doable? Mr. Gray answered by saying that it was doable. It was just a matter of appropriate resources, staff and money. It would be a very worthy effort, and the City has a track record of doing these sorts of things. The Boneyard issue was huge, and that exhausted his time for about five years. The Scottswood area was another great example. The pieces were in place and the bodies and people were in place to do it. It was just a matter of setting aside the time and doing it.

Mr. Pollock mentioned that even if the City started on this process, it would not necessarily impact the preliminary plat being passed and the final plat coming back and what happened on this property. The idea of getting it started and how it would impact the neighbors and future developments, made it work doing. Was that agreeable by the Plan Commission? They all agreed. The Plan Commission understood that it would be a very time consuming process. Mr. Hopkins added that it would be a great opportunity. If the City were going to have development in situations where they can do things like this, then the City should try to do them.

Chair Pollock took a voice vote for the amendment to the motion. The amendment passed by a unanimous vote.

Ms. Stake proposed an amendment to the motion to have the City Council beware of the lighting issues as they affect the neighbors. Due to the lack of a second, the proposed amendment failed.

Mr. White again stated that he would like to see the City investigate their lighting ordinance. Mr. Alix agreed whole-heartedly. Every time a proposal for a new commercial development comes any where near a residential area, the question of lighting comes up, and every time the Plan Commission would make some weaselly type motion to the City Council saying "please take into account the lighting". The way to solve that problem was to determine whether the City's lighting ordinance was satisfactory or not. Everyone had driven by big box stores and large industrial sites and knew that, although lighting may be directed downward in accordance with the Urbana Zoning Ordinance, plenty of light was still cast upon the neighboring residences. There were certainly jurisdictions which have solved this problem through a much more satisfactory level than Urbana had.

Ms. Upah-Bant commented that when the Plan Commission did vote on the motion, it would not be a vote for or against Walmart. It would be vote for a preliminary plat for a subdivision in a B-3 Zoning District in the City of Urbana. It was not the People's Republic of Urbana; it was the City of Urbana. People have been caught up in a frenzy of talking about Walmart. Although

some of the Plan Commissioners may feel the same way that many of the speakers in the audience felt, but that was not what was at issue in this case. She did not want the Plan Commission members to lose sight of that.

She went on to say that she wondered if the Plan Commission might want to look at the multi-use path. She felt that the City would be missing an opportunity. She understood it that the City was going to ask that the multi-use path would be required to be installed at some point along the north side of Lot 1. What about Lots 6 and 7? Would the developer be required to install the path on the north side of Lots 6 and 7 as well? Did it depend on when those lots were sold off? It seemed that the City was in the perfect position right now to get the multi-use path installed along the entire length of the north side. Mr. Kowalski replied that the request for the multi-use path was made on Lot 1 because that was where a development was currently proposed. City staff would make the same request as the other lots were developed. The developer would be required to install sidewalk as part of the Urbana's code anyway. The request was simply for the developer to upgrade from a five-foot sidewalk to a ten-foot path. He felt it would be more appropriate to request the installment of the multi-use path on the final plat. Mr. Pollock added that it was possible that the other lots could be sold to someone else, who would then have to be responsible for responding to the City's request or demand. This early in the process, we do not know who would own those lots and be responsible for installing the multi-use path, he suggested that the Plan Commission wait to request that.

Mr. Hopkins thought there was another issue here. As he understood it, the agreement on Lot 6 was to put in a multi-use path at the time of development regardless of the state of the negotiations about the CSX right-of-way. Whereas, what we hope to happen was that those negotiations would lead to a multi-use path in that right-of-way that would go all the way from Downtown Urbana to Danville. So, he did not think that the City wanted to require the construction of the multi-use path on the private property outside of that right-of-way at this time. Ms. Upah-Bant wanted to make sure that the intent was there, and she did not care when it happened.

Ms. Stake wanted to know why the Plan Commission did not see the final plat? They are the Plan Commission. Why can't they plan? Mr. Kowalski believed that the Urbana Subdivision and Land Development Code use to require that final plats come back to the Plan Commission and to the City Council. Some years ago, there was an amendment to expedite that process. So, now the final plats are brought straight to the City Council when they are to be recorded. The reason being was because a final plat was typically identical to the preliminary plat that was approved. There typically are not new issues to be discussed. It was more of a procedural process of having an ordinance passed to approve it, getting it recorded, and having the lots created. Ms. Stake inquired who made the changes? Mr. Kowalski replied that it was a text amendment that was brought before and approved by the Plan Commission and the City Council.

Mr. Hopkins understood the fixed point for the proposed north-south street. As the proposed area would be developed, the collector street was going to be identified as Tatman Drive, at least for the north part of this development area between US Route 150 and Washington. If at some future date an interchange was installed on Cottonwood Road, perhaps as an alternative to the trumpet extension, or two miles east of Cottonwood Road, one of the implications would be that

the access to this commercial site would become Tatman Drive, because it would, in fact, be easier to come off the interstate and turn right on Tatman Drive right into this development, rather than turn on Route 150 and make three left turns to get into this site. Would the right-of-way, which would be 66 feet wide, for Tatman Drive be sufficient for a four-lane collector street (if at some future date that would be appropriate)? Mr. Gray replied that for a collector street, 60 feet was the appropriate right-of-way width. If four lanes needed to be put in there, then it could be done. It would be tight, but it could be done.

Mr. Alix had some serious reservations about this preliminary plat. He felt the time to raise them was now rather than to assume that they would get taken care of between the preliminary platting stage and the final platting stage. His reservations were serious enough that he planned to vote against the motion just on the basis of the plat. There were a number of things that came up as common threads during the rezoning hearing for this site. The most significant was downstream drainage. The next most significant issue was the impact of the development on the residential uses to the north and to the northwest.

Looking at the preliminary plat, he saw a plat that made no effort to address the ongoing drainage problems, but rather as the petitioner's representative mentioned to avoid adding to those problems and to essentially detain the minimum amount required to accommodate runoff from the developed sites. The point that was made by Mr. Hopkins about the opportunity to potentially use a parcel this large to integrate some regional opportunities for stormwater detention was something that came to mind immediately. There did not appear to be any effort made in the process of generating this plat to address this issue.

The plat was organized such that the only way he could see to site plan Lot 1 resulted in the big box store being as close as it could possibly be to the residential uses to the north and to the northwest. Again, the developer failed to take into account the characteristics of the site, which were brought up at the rezoning hearing.

Mr. Alix also had concerns about street circulation. He noticed that when talking about traffic counts, traffic counts were based on one Walmart store and a gas station. When looking at this parcel, he had to take into account the fact that Lot 6 would likely be developed as another big box store. The traffic counts very well may be doubled than what was indicated on the preliminary survey. He commented that there would be a parcel to some extent landlocked to the north, limiting the connections to the north. He was not sure that the plat had showed that thought had gone into handling that volume of traffic.

He understood why the north-south street was placed as far east as it was. It was an issue of where a safe location to tie into US Route 150 was in the future. The fact that the only north-south stub street shown was that far east did not do much to encourage sensible development moving south along High Cross Road. During the rezoning hearing, the City believed that development was significantly more likely to move southward along High Cross Road than to move eastward on US Route 150 based on the availability, utilities and so forth.

Mr. Alix stated that these may all be individually relatively minor objections, but his concern was that for a parcel this large, which will in effect for a long time be the eastern gateway to the

City of Urbana, a considerably better job could have been done, taking into account the impact on the surrounding area, the impact on drainage and the opportunity to solve some of these drainage problems, and to take into account the site specific characteristics of this site. This would be a rectangular development that would maximize the amount of developable land and minimize the amount of detention provided. Although this was pretty standard, it was not something that he could really accept on this important of a visible place of the community. Therefore, he would not support the motion.

Roll call on the motion was as follows:

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

The motion passed by a 7 – 2 vote. Chair Pollock mentioned that this case would go before the City Council on Tuesday, January 20, 2004.

7. OLD BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Steve Schmall, of 503 Dodson Drive West, appreciated the concerns about the drainage for the Walton Subdivision case. He noted that he lived in Edgewood Subdivision, which was built before the trailer park that was immediately north of the University Avenue interchange. The subdivision ends up getting water runoff water from the trailer park. Until Beringer Commons was built, whenever there was a heavy rain, there were probably a dozen houses in the Edgewood Subdivision that were inundated with water. One street would end up with as much as 3 feet of water on it. When Beringer Commons was built, those water problems were alleviated.

He was concerned that if suitable drainage were not made so that the water could continue to pass through, then they would have drainage problems again. He was not aware of the problems in the Scottswood Subdivision.

Mr. Schmall commented that he was very frustrated about not being able to get his voice heard. At the rezoning meeting, it was made clear that the meeting was not about Walmart. He did not believe that the Walmart deal was not known about at the rezoning meeting. Mr. Pollock responded by saying that when the rezoning happened, it was about whether that property was appropriate for commercial. Everyone thought that Walmart might be interested in it; however, the case was about whether it was appropriate for commercial development or not. It was not about who might want to build upon it.

Dave Monk, of 115 North Market in Champaign, noted that he just came from a Rails, Trails and Greenways meeting. He noticed on the Preliminary Plat for the Walton Subdivision that there were two railways on the north and east perimeter of the proposed site. He talked about the potential of Champaign-Urbana having a hub in the future and suggested that the City consider keeping the Interurban Railroad open and available for such a hub connection.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ **Bed and Breakfast Special Use Permit** was going before the City Council on Monday, January 12, 2004. Staff had made a lot of progress with the owners of 714 West Michigan to conceptually lay out how the pull off area could be done on an additional three feet by possibly moving the retaining wall and what impact that would have on the trees in the front yard.
- ✓ **Next Scheduled Meeting** – There will be three cases for staff to present to the Plan Commission. Those cases included: 1) Special Use Permit for the old Jewel building on South Philo Road for a self-storage warehouse use, 2) Special Use Permit for Somer Drive for a Ready-Mix Concrete Plant, and 3) Text Amendment for the B-1 Zoning District. The meeting will be held on Thursday, January 22, 2004.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 11:00 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission