

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 10, 2005
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

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

MEMBERS EXCUSED: There were none.

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Rob Kowalski, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Planning Secretary; Ryan Brault, Economic Development Redevelopment Specialist

OTHERS PRESENT: Amy Aidman, Ricky Baldwin, Brandon Bowersox, George and Nancy Boyd, Gary Brummet, Susan Butler, Sarah Davis, Natesha Elliot, Hugh Gallivan, Cynthia Helms, Bjorg Holte, William Hope, John Ison, Dale Johnston, Stephen Kaufman, Julia Kellman, Alice-Anne Kingston, Linda Klepinger, Herbert and Christa Knust, Germaine Light, Anita McClain, Theresa Michelson, Phil Miller, Dave Monk, William Monroe, Julianne Newton, John Peisker, Joyce Phares, Boyd Rayward, Scott and Judy Reichard, MD Rumi Shammin, Helaine Silverman, James Simpson, Dan Sostheim, Peg Steffenson, Lois Steinberg, William Sullivan, Matthew Tomaszewski, Steve Vaughn, Blake Weaver, Amy Young

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

The meeting was called to order at 7:32 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. Hopkins moved to approve the minutes from the February 10, 2005 meeting of the Plan Commission as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Email from Christopher Alix regarding the Comprehensive Plan
- Orchard Downs Redevelopment Project Flyer

Chair Pollock noted that there were two cases on the agenda that the Plan Commission would consider before they began talking about the Comprehensive Plan. Since the Plan Commission and City staff did not believe that they would finish discussing the Comprehensive Plan during this meeting, City staff set up and planned a special meeting to be held on Thursday, March 17, 2005 at 7:30 p.m. in the City Council Chambers.

He pointed out that there was no redevelopment plan for the Orchard Downs area. There was nothing that the Plan Commission would be discussing as part of Orchard Downs. There was an Orchard Downs segment in the Comprehensive Plan, and anyone could talk about it if they wanted. He stressed that there had been many rumors of plans being made by the University of Illinois and the City of Urbana. As far as the Plan Commission knew, these were only rumors, and they do not know of any plans for redeveloping Orchard Downs at this time or in the near future.

Elizabeth Tyler, Director of Community Development Services, commented that there really was not a section on Orchard Downs in the Comprehensive Plan. Orchard Downs appears on one of the Future Land Use maps. There were not any statements about Orchard Downs in the Plan either. The map says "Mixed-Residential", which is an urban pattern. It also reads as follows: "*Work with the University on Long-Range Redevelopment of Orchard Downs Tracts. Mix of densities (including single-family and multi-family) with supporting neighborhood businesses. Build as a Planned Development.*" She stated that the City of Urbana staff was not working on a redevelopment plan for Orchard Downs. It was not in our workplan, and she had not even seen a redevelopment plan for this particular area. She believed that the University of Illinois was thinking about redeveloping the Orchard Downs area, because they owned the property.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case Number 1916-A-04 – Annexation Agreement between the City of Urbana and Gary Brummet for a 2.22-acre tract of property located at 3303 East Windsor Road; and

Plan Case Number 1916-M-04 – Request to rezone approximately the eastern 1.43 acres of a full 2.22-acre tract of property located at 3303 East Windsor Road.

Ryan Brault, Economic Development Redevelopment Specialist, and Rob Kowalski, Planning Manager, presented these cases to the Plan Commission. He described the proposed site and the land surrounding it. He talked about the proposed rezoning and the provisions of the proposed annexation agreement. He reviewed the La Salle National Bank Criteria that pertained to the proposed rezoning request. He displayed an aerial photo of the property to show where the proposed new clinic would be located on the site compared to the existing clinic. He presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission forward Plan Cases Number 1916-M-04 and 1916-A-04 to the Urbana City Council with a recommendation for approval.

Mr. Kowalski introduced Dr. Gary Brummet and gave a brief background of how the proposed rezoning and annexation agreement requests came to be. Staff and Mr. Brummet believed that the proposed annexation agreement would serve the City's interest as well as Mr. Brummet's interests. He mentioned that he talked to the Atkins Group, which are a neighboring property owner to the west and to the south. They agree that annexing this property in would be a good option.

Gary Brummet, owner of the A & E Animal Hospital, noted that he had owned the A & E Animal Hospital for almost 21 years. It had been located at 3303 East Windsor Road since 1969. The animal hospital was outgrowing its current facility partly due to the fact that the facility was originally designed as a three-bedroom house. He would like to have handicap accessibility for his clients, which he was unable to have with the present facility. He believed the proposed new animal clinic/hospital would add to the community.

Mr. Kangas moved that the Plan Commission forward both cases to the City Council with a recommendation for approval based on the La Salle National Bank Criteria. Ms. Stake seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote. Mr. Kowalski noted that these two cases would be heard by the City Council on April 4, 2005.

Plan Case Number 1918-SU-04: Request by the Apcon Corporation for a Special Use Permit to allow a concrete and asphalt recycling plant located on the north side of Somer Drive, west of North Lincoln Avenue in the IN, Industrial Zoning District.

Paul Lindahl, Planner I, presented this case to the Plan Commission. He began with a brief background on the history of the site and of the Apcon Corporation. He described the proposed site and its surrounding properties. He discussed the general purpose and intent of the IN, Industrial Zoning District, potential impact on adjacent land uses, the existing conditions and recommended measures to mitigate impacts, the setbacks, fencing, vehicular access, site drainage, dust control, and the water service line. He reviewed the criteria according to Section VII-6 of the Urbana Zoning Ordinance that pertained to a special use permit request. He summarized staff's findings and read the options of the Plan Commission. Mr. Lindahl presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed Special Use Permit as presented to the Urbana City Council, for reasons articulated in the Summary of Findings, with the following conditions:

- 1. The conditions of the Special Use Permit shall be binding on Apcon Corporation, its subsidiaries, affiliates, and assigns including but not limited to, Apcon Corporation; Mid-America Recycling, Co.; Mid-America Sand and Gravel Company; Urbana Concrete and Recycling Co.; University Construction; and MACC of Illinois, Inc., and that the term "Petitioner" used in the Special Use Permit and conditions shall apply to all these companies, their subsidiaries, affiliates, and assigns.*
- 2. The activity on the site shall be limited to the storage, stacking, piling, sorting, and recycling (including but not limited to crushing, grinding and sifting) of asphalt and concrete material.*
- 3. There shall be no asphalt or concrete batching, or tar storage or processing permitted on the site.*
- 4. The layout of the site shall be reconfigured to resemble Exhibit "G" Site Diagram, which illustrates setbacks, fencing, landscaping/buffers and access, within 180 days of approval of the Special Use Permit. Any significant deviation from this Site Diagram shall require an amendment to the Special Use Permit and shall include review by the Urbana Plan Commission and approval by the Urbana City Council.*
- 5. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared to the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the City Engineer*

- within 90 days of approval of the Special Use Permit. The site shall be graded and reconfigured in substantial conformity with the plans as approved within 180 days of approval of the Special Use Permit.*
6. *In accordance with Exhibit "G" Site Diagram, the site shall be reconfigured and the following setbacks shall be established and maintained. There shall be no storage of materials within the setbacks.*
 - a) *25-foot setback on the east property line along Lincoln Avenue;*
 - b) *25-foot setback on the south property line along Somer Drive;*
 - c) *5-foot setback along the north and east property lines that abut the legally non-conforming residential land use (Squire Property);*
 - d) *A minimum 25-foot setback along the top of the east embankment of the Saline Branch Ditch. A continuous line of jersey barriers shall be placed to delineate a minimum 25-foot setback line along the embankment.*
 7. *In accordance with Exhibit "G" Site Diagram, an opaque fence at least 6 feet in height shall be installed along the south property line along Somer Drive with openings at the three permitted access drives within 180 days of approval of the Special Use Permit.*
 8. *A landscape plan shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit. The approved elements of the landscape plan shall be established within 180 days and at a minimum shall include the following provisions:*
 - a. *The east property line along Lincoln Avenue shall be screened with either a six-foot high opaque fence or a berm. If the Petitioner utilizes the existing berm for screening, it shall be cleared of any existing concrete or asphalt debris and shall be planted and maintained with either grass or ground cover material.*
 - b. *There shall be a minimum of 20 living evergreen shrubs planted and maintained in a living condition east of the fence or berm along Lincoln Avenue.*
 9. *In accordance with Exhibit "G" Site Diagram, there shall be three access drives permitted from Somer Drive. Driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the following provisions within 180 days of approval of the Special Use Permit:*
 - a. *The eastern most access drive shall be no wider than 35 feet at the property line and shall generally align with the existing eastern drive to Blager Concrete on the south side of Somer Drive;*
 - b. *The central access drive shall be no wider than 35 feet at the property line and shall generally align with the existing western drive to Blager Concrete on the south side of Somer Drive;*
 - c. *The western access drive shall be no wider than 24 feet at the property line and shall generally align with the existing drive to Temple Trucking on the south side of Somer Drive.*

10. *The curb along the north side of Somer Drive that the petitioners have removed or damaged, and where access drives are closed shall be reconstructed to the standards required by the Urbana Subdivision and Land Development Code and to the satisfaction of the City Engineer within 180 days of approval of the Special Use Permit.*
11. *That all areas of public right-of-way along Somer Drive that the petitioners have encroached into and damaged be graded and seeded with grass, to the satisfaction of the City Engineer within 180 days of approval of the Special Use Permit, and shall be maintained by the Petitioner.*
12. *That the Petitioners apply for and obtain a construction permit from the City of Urbana Building Safety Division to extend a water service line installed by the Petitioners and terminating in the public right-of-way on Somer Drive. The water line shall be extended to a point inside the fencing required above, and the extension shall be constructed within 180 days of approval of the Special Use Permit.*

Mr. White inquired if there had been any contact with the Illinois Environmental Protection Agency (IEPA) regarding compounds from the asphalt leaking into the Saline Branch. Mr. Lindahl stated that this question would be better directed to the petitioner.

Mr. White questioned what would happen if the petitioner were not granted a special use permit. Mr. Lindahl stated that there had been a disagreement for some time now about whether or not the petitioner needed a special use permit. He believed that the petitioner and the City had reached a point in the discussion where they could all move ahead. The concrete and recycling plant was a good operation, and the proposed site was an appropriate location of it. The City had an opportunity to put the disagreement to rest by granting the special use permit.

Ms. Goscha asked a question regarding the water service line. She understood that the petitioner had gone ahead and tapped into the water service without previously applying for a permit from the City. Was the City now asking the petitioner to apply for a permit and put in a new service line? Mr. Lindahl replied by saying that there was a water service main along the north side of Somer Drive. The petitioner had worked with Illinois-American Water Company to tap into the main to provide water for the petitioner to wash out the trucks and for other activities on the site. The water main was located within the City's right-of-way. Therefore, the City would like for the petitioner to apply for a permit, so that the service could lawfully and properly be extended inside of the fence line for use on the property. The City was only asking them to extend the line 15 feet.

Ms. Stake understood that the Apcon Corporation had encroachment of pile materials in the City-owned right-of-way, truck traffic across and damage to the City-owned curb and right-of-way surface on Somer Drive, cutting and removal of City-owned curb on Somer Drive, encroachment of materials into the IN Zoning District required 25-foot front-yard setbacks on Lincoln Avenue and Somer Drive, and installation of a water service line in the city-owned right-of-way. Since the Corporation had done all of this without the City's permission, what made staff think that the Corporation would comply with the City's regulations now? Mr. Lindahl

replied that he believed that the City had the opportunity with the petitioner's cooperation to get a special use permit. The City would require the petitioner under the special use permit to get into compliance with the City's regulations. He felt this would be a win-win opportunity for both the City and the petitioner to come to an agreement. Mr. Kowalski added that for many years, the City had been trying to encourage the owners to bring the proposed site into compliance. Staff recently had the opportunity to get together with the owners and decide how to best bring the site into compliance. The petitioner brought the special use request to the City, and staff worked together with the petitioner to develop the attached list of conditions, how they could be accomplished and in what time frame. The petitioner was comfortable with the list of conditions staff recommended along with the approval of the special use permit. The petitioner was committed to following the conditions. Staff felt comfortable that the petitioner would be able to complete the conditions and bring the proposed site into better compliance with the City's codes.

Ms. Stake inquired as to how much water the Apcon Corporation used. Mr. Lindahl referred that question to the petitioner.

John Peisker, Vice-President, Chief Operating Officer of Apcon Corporation, stated that they leased the property through an inter-company lease to Mid-America Recycling. He addressed some of the questions that had been raised.

He confirmed that there had been an ongoing discussion with City staff since about 1998. They initially had been told that they were able to move from one site to the current site. Since that move, there had been ongoing discussions with City staff because there was a disagreement about whether or not this use was allowed by right. At this point, he believed that the City and Apcon Corporation were willing to agree to disagree and put it in the past. Apcon Corporation would like to move forward and try to get the site into compliance, so that the City would be comfortable with it. They were committed to conforming to the rather exhaustive list of conditions attached if the special use permit were approved.

Mr. White voiced that his main concern was with water runoff and what was in the water that runs off. He noted that the water runoff was going into the Saline Ditch. Mr. Peisker stated that the IEPA did not consider concrete or asphalt to be, in any form, hazardous to the runoff. IEPA's particular concern was sedimentation, which would be addressed by the condition that the Apcon Corporation would come up with an engineered stormwater runoff plan and sedimentation control. In terms of toxicity, there were not any.

Mr. White asked if there would be much in the way of tar in the material. Mr. Peisker replied no. The material that was brought in to be recycled was primarily concrete. In the last few years, there had been a change in some of the state laws in terms of resale of asphalt sales to townships and the use of state money for this. So, they had to limit the amount of asphalt coming in, so it was primarily concrete. The materials coming in did not have tar in them. It was a bituminous-based material that was in the asphalt; however, it was a small portion of what was being recycled.

Ms. Stake questioned how they control the dust. Mr. Peisker explained that was the primary use of the water on-site. During the crushing process, the water was used to wet down the material, which suppresses the dust. In addition to any street sweeping that the City does, the Apcon Corporation sweeps once every two weeks as part of their agreement with the IEPA. After they have paved the entrances into the site, it would help to mitigate dust out onto the street.

Ms. Stake agreed it was a good idea to recycle. What was the recycled material used for? Mr. Peisker stated that it was primarily used in the base of parking lots and roadways. It was also used for the aggregate shoulders along the side of a road. He noted that over the last four years, they had averaged about 110,000 tons of recycled material.

Blake Weaver, attorney on behalf of Shirley Squire, stated that she was a neighbor to the petitioner. The Apcon Corporation bounds her property on the south and west. Her property is the non-conforming residential land use shown on Exhibit "G".

By way of history, when the petitioner applied for a special use permit in 1996 for four or five different uses, Ms. Squire's representative at that time indicated to the Plan Commission that she had concerns about dust, odors, etc. As a consequence, she has lived with this process for sometime. She has complained to the owners about the use that takes place on the proposed site and has subsequently filed a lawsuit against the Apcon Corporation. She was alleging that the Apcon Corporation's operations have constituted a nuisance and diminishes her use and enjoyment of her property. She also alleges that their use has been in violation of the required Zoning Ordinance. This lawsuit was filed in 2003. There have been discussions with City staff, and as staff and the petitioner have indicated that there has been a disagreement as to the lawfulness of this use.

The previous special use permit only affected the use of the property west of the Saline Ditch, which was about 1,000 feet from Ms. Squire's property is located. In the original petition, there was the petitioner's argument that dust and particulate from the asphalt plant and the concrete processing plant would be minimized by the baghouse and the vacuums used as part of those plants. Despite those representations, it would be Ms. Squire's position that there was dust and particulate that passes to her property and diminishes her use and her property value.

Ms. Squire was now concerned because it was no longer 1,000 feet away, but only five feet away. Mr. Weaver mentioned that there was a six-foot high solid Cedar fence on the south and west side of her property. When looking at Exhibit "G", you can see a 12' to 15' berm that was adjacent to the fence. The berm got there by dragging material to this site.

They were talking about a perpetual construction site. This was a site where various materials were brought in and dumped by large construction equipment. Most of the large construction equipment was operating during the nice weather from 7:00 a.m. to 3:00 p.m. All of this equipment has the clanging bells when in reverse. There were bulldozers that moved the stockpiles of asphalt and concrete around. There were hydraulic jackhammers that turn the large pieces of concrete into smaller, more manageable pieces, which were stockpiled in the berms and later taken to the crusher. All of this creates in close proximity to Ms. Squire's property noise,

dust, visual blight and vibrations. Ms. Squire was concerned about her continuability to use her property, not only as a non-conforming residential use, but any sort of industrial use.

In preparing for the original public hearing regarding this case, in the written staff report, staff was going to recommend a ten-foot setback from Ms. Squire's property line. This had now been reduced to five-feet. There needed to be at least a 25-foot setback and specific requirements for dust control provided to mitigate the effect of the construction use on her adjoining property.

Mr. Weaver believed that the IEPA permitted, with respect to the existing use of the proposed site, only the crusher. He did not believe that the IEPA permit covered the trucks coming in and out, dumping materials, the hydraulic jackhammer, or the bulldozers moving the materials. All of this creates noise and a nuisance. Therefore, on behalf of Ms. Squire, Mr. Weaver urged the Plan Commission to deny the special use permit request. If the Plan Commission approved the request, then he urged a strengthening of the conditions attached to the special use permit to further mitigate the effect of the use that now exists.

Ms. Stake inquired how there came to be industrial zoning around the house to begin with. Mr. Weaver explained that the house was an old schoolhouse. Ms. Squire bought the house on a sentimental whim because her husband, who was now deceased, had actually attended the schoolhouse. She renovated it, and it was used as a residential use. It was County zoning originally, and the City entered into an annexation agreement with one or more of the owners of the consortium. Ms. Squire's property was later annexed after having been surrounded by the petitioner.

Ms. Squire hired him to question the City about getting some enforcement from the Zoning Ordinance. In looking at the minutes from 1996, there was no permitted activity east of the Saline Ditch as a consequence of that special use permit.

Mr. Peisker re-approached the Plan Commission to clarify that the IEPA permit did address the issues that Mr. Weaver was talking about. It did not only permit the crusher, but it regulated the fugitive dust that was created throughout the whole operation.

Ms. Stake asked staff how a house got surrounded by industrial zoning. Ms. Tyler answered by saying that Ms. Squire's property was actually zoned IN as well. Ms. Squire's property was an involuntary annexation, because the surrounding property had been annexed prior to it. She explained that because Ms. Squire did not voluntarily annex and the City did not rezone the property, upon annexation the property was zoned IN because that was the conversion equated from the Champaign County's zoning.

Ms. Upah-Bant wondered if Ms. Squire knew that the property was zoned County Industrial when she purchased it. Ms. Tyler replied that there was a history of different uses of the property. The schoolhouse had been remodeled into a residential use, and at one point it was used as a flower shop. She did not have the complete history to explain why Champaign County zoned it as industrial.

Mr. Hopkins moved that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval along with the attached conditions with the following amendment: Condition 6(c) be changed from five-foot setback to 25-foot setback. He stated that his justification for the change was that the Plan Commission would be granting a special use permit in an industrial zone. He did not feel that it was justified because it was residential, because it was a non-conforming use in an industrial zone. However, it could be justified for the specific use for which the Plan Commission was enacting a special use permit. Ms. Stake seconded the motion.

Mr. White stated that he was not necessarily in favor of increasing the setback, but he was in favor of approving the motion without the change in Condition 6(c).

Ms. Upah-Bant inquired if the Apcon Corporation would still be able to do what they need to do if the City increased the setback to 25-feet. Ms. Tyler commented that the Apcon Corporation could still use the setback area as a driveway. However, they would not be able to place material piles in the setback area. In other locations, setbacks are maintained with jersey barriers or with some other demarcations to keep the piles back. Mr. Lindahl added this might cause the petitioner to use the setback as a drive to make room where the drives were to be located for stockpiles of materials.

Mr. Peisker stated that they had already setback 25 feet on the side of Lincoln Avenue by putting up a berm. Condition 6(b) requires a 25-foot setback along Somer Drive. Operationally, it would become more difficult if the City whittles away the amount of space that they could utilize. Apcon Corporation would have to do some thinking about whether or not a 25-foot setback from the Squire property would hinder their operations. He did not know if a 25-foot setback would make the neighbors happy since the Apcon Corporation would be able to use the setback area to shuttle materials and be right up against the fence. Currently they are at least eight feet away from the fence.

Ms. Upah-Bant was still concerned that there would be noise and lots of dust. She was not sure that a 25-foot setback would solve the problem. Ms. Squire would still be unhappy.

Ms. Stake commented that it was illegal for the Apcon Corporation to use the proposed site in the way that they have been, unless the City grants them a special use permit. They should at least ask for a 25-foot setback for the sake of Ms. Squire.

Mr. White mentioned that the problem was that the residential property was a non-conforming use, and the Apcon Corporation really did not have the right to operate on the proposed site. He did not see where a 25-foot setback would make that much difference.

Mr. Hopkins liked the berm idea. The difference was that without the setback requirement, the Apcon Corporation could operate and move material in the proposed setback area. There could essentially be a front-end loader, not just operating but dumping materials as well, within five-feet of Ms. Squire's fence.

Mr. Kangas stated that this was an agreement with the petitioner to help clean up the site. Would the petitioner back out of the agreement if the City required another 25-foot setback? Mr. Hopkins responded by saying that the Plan Commission was only making a recommendation to the City Council, who would in turn act upon this request.

Roll call was as follows:

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

The motion was passed by a vote of 5-2.

Plan Case Number 1923-CP-05 – Request by the Urbana Zoning Administrator to consider adoption of the 2005 Urbana Comprehensive Plan.

Mr. Kowalski presented the staff report for this case. He pointed out that Ms. Upah-Bant and Mr. Hopkins had helped create the 2005 Comprehensive Plan by serving on the Comprehensive Plan Steering Committee for the last four years. The current Comprehensive Plan dates back to 1982. He explained the steps that City staff and the Comprehensive Plan Steering Committee had taken in preparing the proposed update. He discussed the following basic parts of the proposed Comprehensive Plan:

- The Vision
- Background Analysis and Process
- Trends and Issues
- Goals and Objectives
- Future Land Use Descriptions
- Rural Residential
- Future Land Use Maps
- Future Transportation Map/Mobility Map
- Implementation Program

Ms. Stake mentioned that she had always blamed the University of Illinois for cutting down the apple trees and blueberry bushes in the Pomology area. Now, she found that the City had been encouraging the University of Illinois to do it. Mr. Kowalski replied that the Comprehensive Plan recommended a mix of three different types of land uses. These land uses included some community business at the corner of Philo Road and Windsor Road, some mixed residential along Windsor Road, and some expansion of Meadowbrook Park into the Pomology tract. Ms. Stake commented that it would be a pity to cut down all of those trees.

Helaine Silverman, of 108 East Mumford Drive, commented that the notice published in the News-Gazette on March 6, 2005 convened a meeting for a public hearing on the 2005 Comprehensive Plan to start at 7:30 p.m. on March 10, 2005. As the Plan Commission could

see, there were quite a few people in the audience who were interested in the Comprehensive Plan. Many of them had left because staff did not begin to speak about the Comprehensive Plan until 8:45 p.m. She requested that in the future when staff publishes a notice about a public hearing, that they give a realistic time for the public.

She went on to talk about the Orchard Downs Redevelopment Project. According to the Comprehensive Plan, Orchard Downs did exist within the City's purview; and therefore, within the interests of the public who lives around the Orchard Downs area. She was concerned with some of the words that appear in the proposed Comprehensive Plan, such as "neighborhood business". From the staff presentation, she understood staff to define "neighborhood business" as something different than big-box regional centers. Was she correct in that the proposed 2005 Comprehensive Plan of the City of Urbana did not envision some big retail in the Orchard Downs area? Mr. Pollock replied yes.

Ms. Silverman inquired what the Plan Commission considered "neighborhood business" to mean. She mentioned that she had seen a plan created by consultants, who were contracted by the University of Illinois. The consultant's notions of neighborhood business seemed rather grand.

Another issue of having neighborhood businesses located in the Orchard Downs area was where they would be located. It was one thing to locate a lovely, galleria type arrangement, but it was another thing to lose the green space that buffered the southeast Urbana residents from Orchard Downs. She mentioned that this had become enough of a concern that it became an election issue in the mayoral race. Clearly, she now understood that technically they were not talking about the University's redevelopment plan, but that they were talking about Orchard Downs.

She asked Chair Pollock to explain what exactly was the decision making process. Could the University of Illinois do what they want in the Orchard Downs area? Who decides and when would the decision be made? What is the relationship of the Plan Commission to the City Council to the University of Illinois?

Mr. Pollock explained that the Plan Commission was not trying to answer the public's questions, but that the public hearing was a place for the Plan Commission to hear what the public had to say. Ms. Silverman responded by asking if there was a point to the public speaking to the Plan Commission, because they had spoke out to the consultant's last April, and they basically ignored the residents in the consultant's report. She suggested that the Plan Commission walk through southeast Urbana and take the time to talk to the neighbors. They would find significant opposition to retail. They attended this meeting because they were concerned, but to be concerned they needed to understand. She felt that the residents were getting very important answers. What are the Plan Commission members' ideas? What constitutes a "neighborhood business"? She said that the City must have been speaking to people at the University of Illinois. What does the Plan Commission think that the University of Illinois wants? Who has authority? Mr. Pollock replied that currently the Plan Commission was not looking at anything having to do with Orchard Downs, other than the designation in the proposed 2005 Comprehensive Plan. If the University of Illinois had been dealing with members of the City's administrative staff or members of the City Council, then the Plan Commission did not know anything about it. There

had been no plans for redevelopment of the Orchard Downs area presented to the Plan Commission.

The Plan Commission would review any plans, which the proposed 2005 Comprehensive Plan was one of them, rezonings, and annexations brought before them. The Plan Commission considers the evidence brought to them by the public and to incorporate it into a recommendation, which they forward to the City Council. The final authority for making decisions, in terms of Urbana zoning decisions, rests with the City Council. Right now, the only thing before the Plan Commission was the proposed 2005 Comprehensive Plan. In terms of whether the University of Illinois had any power over the City of Urbana, there was a long history of battling it out. He was not capable of answering such a question.

Ms. Tyler noted that the University of Illinois' position was that they were not subject to city zoning or planning. The City's position was that the University of Illinois should be subject to city zoning and planning. Therefore, both the City of Urbana and the University of Illinois were at an impasse. The City hoped to do some joint planning with the University of Illinois in redeveloping the Orchard Downs area. The Interim Chancellor had represented to the City that there would be a joint process and a public process. This was why it was important to staff for the 2005 Comprehensive Plan to set the stage for that.

Ms. Tyler went on to say that the consultant plan to which Ms. Silverman referred to was a marketing consultant's study. She recently had received a copy of it. She disagreed with the consultant's findings. It was not consistent with what staff was showing on the map in the proposed plan.

In terms of what the chain of command was, she suggested that the residents provide comments on how Orchard Downs was addressed in the proposed 2005 Comprehensive Plan. It would behoove the residents to express their concerns directly to the University of Illinois. There was a University of Illinois planner who served on the Comprehensive Plan Steering Committee, and there were many changes made to the draft plan at her request. City staff believed that the plan was acceptable and that the University of Illinois understood the implications of the Comprehensive Plan in its entirety.

Stephen Kaufman, of 4 Burnett Circle, expressed his concern about how the wording in the proposed plan would impact the revitalization of Downtown Urbana, as well as the revitalization of the Sunnycrest area. There were many vacancies in these areas. If the University of Illinois follows through with the consultant's plan, then it might be exacerbated and may actually be competitive in a very serious and negative way with what the City would like to accomplish.

Another thing that he was concerned about was the impact of the redevelopment of Orchard Downs on the quality of life. It was the only mountain that we have in the City of Urbana. Many people with children have taken advantage of the mountain. It provides a very interesting focus in the winter. From what he had read in the redevelopment plan, the mountain would be obliterated.

The third concern he had was that according to the consultant's plan, green space would be minimized. The amount of green space was the reason why he moved to this area. He also believed that the graduate housing was the façade in which Orchard Downs was based on. He thought the graduate housing performed an important function in that it provides housing for a very large number of international students.

Amy Young, of 106 West Mumford Drive, was glad that the City was optimistic about working with the University of Illinois. She was more cynical, because there were many times that she had tried to communicate with the upper administration, and she had not gotten any response at all. So much of the upper administration was interim at this point. They were losing deans, chancellor, president and vice-president. This would create an added challenge for the City in working with the University of Illinois.

Amy Aidman, of 201 East Mumford Drive, mentioned that she had written a letter to the editor of the News-Gazette after having looked over the consultant's report. What struck her was that she could not tell from the report whether graduate students would still be living in Orchard Downs.

A small grocery store or a pharmacy would be desirable for the student tenants who live in Orchard Downs, but only with access from Windsor Road. She believed that the City of Urbana with the University of Illinois, they had what it took to create a model for ideal graduate student housing. A different plan needed to be set in motion that took in and built on the intelligence and expertise at the University of Illinois and in the City of Urbana. The area had already been enhanced with the Arboretum, the Japan House, the ponds, the community gardens, and with the Meadowbrook Park. It would be a tragedy to spoil this.

Julia Kellman, of 114 West Florida Avenue, shared everyone else's concerns. She was also concerned that in the midst of their very lovely, residential area, a spreading melanoma would be developed. It might start out looking alright, but then might deteriorate over time. She expressed her concern that future business uses in the Orchard Downs area might not be uses that enhance life.

Phil Miller, of 114 West Florida Avenue, commended the City for drawing up a plan. The only thing that he suggested the City do regarding Orchard Downs was to make some kind of density of housing in relationship to business. He had not heard anything addressed along this line. He suggested that the City give it some thought.

Rumi Shammin, of 2104 Orchard Street, noted that he was a graduate student at the University of Illinois and lived in the Orchard Downs area. He had studied and researched the Comprehensive Plan process and had worked with the City staff quite a lot. He mentioned that he had already given his professional comments to them regarding the plan.

He personally wanted to express his concerns about the redevelopment of Orchard Downs. Although he was not against the redevelopment of the Orchard Downs area, he felt that when people were planning for the future, they sometimes forget the beautiful things already in place. Some of these beautiful things included the following: 1) an ideal community for children; 2)

bike friendly and walkability; 3) lots of open space; yet it did not compromise density; and a 4) tremendous sense of community. He urged the City to remember that some of these values already exist in the Orchard Downs area when working with the University of Illinois in redeveloping the area. Make decisions that do not lose or compromise some of these amenities.

Germaine Light, of 2402 North High Cross Road, mentioned that she moved to this area because there were lots of trees and the Saline Branch. She thought it was the prettiest area just outside of the City of Urbana. She was very concerned about making a new access road from High Cross Road over to the University Avenue and Interstate 74 junction between Anthony Drive and Perkins Road. She was also concerned about Olympian Drive being extended east from where it is now to Route 45 and beyond possibly to High Cross Road. There would be a loop road situation that might enhance business and development, but that was not what the people who lived in the area want to see. High Cross Road was very narrow. People walk and ride their bicycles on High Cross Road. If the City allowed any loop road situation to be developed, then it would only increase traffic and possibilities of development. It would be dangerous. There was wildlife and traffic that already did not mix real well. People hit deer in this area when driving down the road. The area was not setup for the loop road situation that some people seem to have in mind. The planned Walmart would bring more traffic to the area as well. It would be really important for the City of Urbana to think to the future about this area and how it could negatively impact the area.

Boyd Rayward, of 304 East Mumford Drive, was curious if there had been a cost benefit analysis performed on the redevelopment of Orchard Downs. If the redevelopment of Orchard Downs was not entirely being driven by the University of Illinois, then what particular benefits would be gained by the sort of development described in the 2005 Comprehensive Plan? It seemed to him that the amount of business that could be put in the Orchard Downs area would be relatively small. Since the plan proposed mixed housing, then there would not be a lot of single-family housing developed. So, he wondered what actually drove the proposed concept and what would be the cost benefits to the counsel of the development. Mr. Pollock clarified that at this point the Plan Commission was not aware of any changes being proposed at all. The Comprehensive Plan was a future land use-planning document. Therefore, they were not talking about zoning changes or a development agreement. He stated that he had not seen the consultant's report and did not know what was in it. It had not come before the Plan Commission, so he did not have any answers for Mr. Rayward.

William Monroe, of 17 Montclair Road, asked if the redevelopment of Orchard Downs was likely to be a piece-meal development. Mr. Pollock answered by saying that Mr. Kowalski meant that if the Orchard Downs area were going to be redeveloped, then the City would like to be able to deal with the University of Illinois on a plan for the entire area rather than have development happen in one area of Orchard Downs and not the other areas.

Mr. Monroe commented that he missed language regarding recreational space and community space. He wanted to reiterate some comments that had been made already about the Orchard Downs area. The winter community space with the mountain was very important in the region. It would be a terrific loss to lose that. There were currently many play spaces for children. There was a strong community feel that stretched beyond to the surrounding neighborhood. It

would be really nice if community space would be built into any kind of planning for the redevelopment of Orchard Downs.

Peg Steffensen, of 2102 South Race Street, mentioned that her family lived in the middle of the tsunami that was coming from the University of Illinois in redeveloping Orchard Downs. It seemed that the plan, which the City of Urbana had created was one that the residents could live with. However, it also seemed that the City of Urbana was working on a redevelopment plan for Orchard Downs, and the amount of control that the City had over the University of Illinois was minimal.

She mentioned that there were many houses on Race Street that had been turned into rental properties, because the property owners had not been able to sell them. There were other people, who were talking about moving because of the thought of what the University of Illinois might do to Orchard Downs.

She believed that the situation was much worse than described in the Comprehensive Plan. She hoped that the City would be able to mobilize the community, so they could stand up against the University of Illinois. She felt that the University of Illinois had very little concern for the City of Urbana.

Dan Sostheim, of 2016 Burlison Drive, compared the redevelopment of Orchard Downs to the Post Office and the City of Urbana saying that they did not have rapport with the federal government. Now, the City of Urbana was saying that about the University of Illinois. He hoped that the City could open channels up and do something that would benefit everyone and not use the lack of communication as a way out of accountability.

John Ison, of 103 West Holmes, asked the Plan Commission to please pay attention to the people had spoke at this meeting. The number of people who shown up to the meeting and the number of people who had spoken was indicative of a tremendous amount of interest of what would happen to Orchard Downs. They probably all realized that the City of Urbana had no direct authority over the University of Illinois; however, they were certainly a the position to have some impact and to put some pressure on the University to do what was right. He believed that the Plan Commission should read the consultant's report.

Steve Vaughn, of 2003 Burlison Drive, stated that he would like to see the bike path from Orchard Downs be continued along Race Street and connect Crystal Lake Park to Meadowbrook Park. It seemed like a natural thoroughfare that could be made bike friendly.

Related to the Orchard Downs plan as the Comprehensive Plan addresses it, which granted was minimal, showed him that ground had been given from the beginning by designating it as mixed-residential. He was not certain why land that was bordered on two sides by residential areas, a third side by the Arboretum, and the fourth side by agriculture would need to be designated as such. There were a lot of empty retail spaces already in the City of Urbana.

The benefits of the Orchard Downs area do not just stay within that area. Everyone benefits from the influence of having an international population located in Urbana. Orchard Downs, as

it is, is an asset for the community. The one thing that Orchard Downs needs is better housing for the people who live there.

Dave Monk, of 115 North Market Street in Champaign, applauded the efforts of the City staff and the Comprehensive Plan Steering Committee to include open space. He was concerned about the University of Illinois' blasé interest in the wetlands. He saw them being drained and as decent teaching situations as well as recreational and community setups. He hoped that the character of this area was not destroyed.

When talking about trails, he noticed some interesting bicycling trails on North Lincoln Avenue. He liked the innovative idea of a ring road.

Bjorg Holte, of 1001 North High Cross Road, referred to Appendix B, the Future Land Use Map. She called the Plan Commission's attention to the area designated as Rural Residential, just north of Interstate 74 and High Cross Road. She noted that this area was very befitting for a rural residential category. It has come to her attention that Champaign County was currently upgrading their zoning as well. Champaign County does not have a rural residential category. Since this area was under Champaign County's jurisdiction, she wanted to know if the City of Urbana had a formal agreement with Champaign County that would make rural residential legitimate and legal. Mr. Kowalski responded by saying that the areas that were in the mile and a half that were not in the corporate limits, the City has planning jurisdiction or the ability to plan for future land uses in these areas. Some of the areas may be annexed into the City, at which point the City would want to have a plan in place for what kind of development they would like to see in these areas.

The Comprehensive Plan, specifically in the mile and half jurisdiction, would also be used for when there were proposals for rezonings in the County. If there was a rezoning request in that mile and half outside of the corporate limits, then the City of Urbana has the legal ability to give official comment to the County Board. The City would use the Comprehensive Plan to determine what those comments would be.

It was true though, that areas not in the City were subject to County zoning. For many areas in the northeast, while they are not in the City, would only be able to subdivide and develop as to what the zoning district allows in the County. In most cases, the northeast area was zoned Agricultural.

Mr. Kowalski went on to say that the City did not envision annexing most of the area in the northeast, because there was limited sewer availability. The Comprehensive Plan did not indicate development desires in the northeast area that would make it desirable for annexation.

Mr. Pollock noted that although the City plans out beyond our borders, the fact was that what happens in those areas would be under the jurisdiction of Champaign County. Ms. Tyler pointed out that the City of Urbana was asking for the County's zoning update to recognize the City's Comprehensive Plan.

Ms. Stake believed that when there was a rezoning in the mile and a half area, and the City objected to the rezoning, then it forced a super majority vote of the County Board. Mr. Kowalski stated it would require a 2/3 vote on the County Board. Mr. Pollock mentioned that although the County could override the City's decision, a 2/3 vote was not always easy to get.

Ms. Holte questioned what the problem would be with having a written agreement between the City of Urbana and Champaign County. Ms. Tyler replied that the rezonings for the County's zoning update would be brought before the City for review. The City would see the rezoning maps presented by the County and have an opportunity to provide municipal comment and protest, if necessary. If part of this comes to be an agreement, then so be it. She added that the number one thing that the City would look for when reviewing and forming comments would be consistency with the City's Comprehensive Plan.

Mr. Vaughn re-approached the Plan Commission. He urged the City, that when making more concrete plans, to do a study of what sort of tax dollars might be raised. Would the redevelopment of Orchard Downs be similar to Gregory Place, where the University of Illinois would continue to own it and there would be a lease relationship? Mr. Pollock stated that he was unable to answer this question since there was not a proposed plan before them. He could not imagine any circumstances, in which the University of Illinois would not keep ownership of the land. Mr. Vaughn mentioned that balancing off what tax dollars might be raised from whatever development might happen in Orchard Downs, the City needed to take into account the potential for declining property values in the neighborhood that was adjacent to it.

George Boyd, of 3705 East Airport Road, talked about the 1904 St. Louis World's Fair. There was an international playground and school for children from participating nations. It was a very successful program. It might be worthwhile for someone to go back and look at what was done and what was accomplished. Maybe the playground at Orchard Downs was really something worth keeping in the community and/or expanding.

He went on to talk about the proposed trumpet or extension road between Interstate 74 and University Avenue intersection and High Cross Road. As mentioned in the February 10, 2005 meeting, there would be no driving time savings in the proposed extension. The people who live in this area continue to object to the inclusion of the extension road of being no value as the existing state highway, IL Route 150, already provides more than adequate access with existing roadways. There was already full access south of IL Route 150 and High Cross Road. To continue to include this extension for a cost of millions of dollars to provide no real benefit would be fiscally irresponsible. The residents of northeast Urbana in the County do not need or want the proposed road. He urged the Plan Commission to remove the proposed roadway from the 2005 Comprehensive Plan before sending it on to the Urbana City Council.

Ricky Baldwin, of 301 East California, believed that there were some good ideas in the proposed 2005 Comprehensive Plan. Unfortunately some of these ideas were contradicted by the proposed trumpet interchange. He was concerned about the impact that the proposed trumpet interchange would have on the downtown area. The Downtown Strategic Plan for the downtown area was really nice, and he would like to see it emphasized. He was concerned that if the City encouraged development by building roads in the fringe area before they completed some of the

infill development in the downtown area and on Philo Road, then they would be sort of shooting themselves in the foot.

Mr. Monroe re-approached the Plan Commission to inquire about what the Plan Commission would do with the public comments now. People in the northeast area asked the Plan Commission to remove a proposed roadway from the plan. Would the Plan Commission remove it or were they just being polite by listening to them? Many people asked the Plan Commission to initiate something with the University of Illinois regarding Orchard Downs. Would the Plan Commission do it or were they just being polite? Mr. Pollock explained that the Plan Commission would not sit down with the Chancellor or President of the University of Illinois and try to work out the problems between the City and the University, because the City had a mayor, a City Council, and a Plan Commission that looked at what was brought to them in terms of annexations, rezonings, and planning future land use. The Plan Commission would leave the public hearing part of the proposed case open, and they will come back on March 17, 2005 in a special meeting to take more public input. When they have heard what everyone has had to say, the Plan Commission will discuss the 2005 Comprehensive Plan and consider all the information presented by both the public and City staff. The Plan Commission would tune up the 2005 Comprehensive Plan based on what they had heard and forward a recommendation to the City Council. The City Council will take the Plan Commission's recommendation and more public input, and then they will decide whether to approve or make amendments to the plan. The final result would be a comprehensive plan that would serve as the planning document, which the Plan Commission and the City Council would rely on as they make zoning decisions and others.

Ms. Silverman re-approached the Plan Commission to say that she believed that it was really important for City staff to put another notice in the News-Gazette stating that this meeting was continued. Neighbors who left this meeting should know that they would have an opportunity to speak to the Plan Commission. Mr. Pollock pointed out that the March 17, 2005 meeting would be a special meeting. The only thing on the agenda would be discussion of the 2005 Comprehensive Plan.

Mr. Monk re-approached the Plan Commission to say that he felt it was very helpful to get a little bit of feedback. He believed that there had been some very good interactions between the public, City staff and the Plan Commission in this meeting.

Mr. White stated that the problem was that the Plan Commission did not really have anything that they could do with Orchard Downs. There was no proposed redevelopment plan before them; therefore, it was not in their jurisdiction to do anything.

Ms. Tyler mentioned that she was taken aback by the notice, which was handed out about the Orchard Downs Redevelopment Project. She believed that Orchard Downs was another area that probably should have been addressed in more detail by the Comprehensive Plan Steering Committee, but the issue had not arisen yet. If the consultant's report had been available, then the Comprehensive Plan Steering Committee would have spent more time discussing Orchard Downs. She thought the study had been almost like a discredited consultant's report, which was why it appeared to be suppressed. It was dated September of 2004. She noted that staff would make copies for each of the Plan Commission members. Mr. Kangas pointed out that nothing

regarding the consultant's study had been presented to the University of Illinois Board of Trustees. So, there had not been anything presented to a decision making body to review or discuss Orchard Downs. Ms. Upah-Bant commented that the University of Illinois could have thrown the study away.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler gave a staff report on the following:

- **The Prairie Winds Subdivision** was approved by the City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission