

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 8, 2005
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Marilyn Upah-Bant, Jim Ward
MEMBERS EXCUSED: Laurie Goscha, Bernadine Stake, Don White
STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Secretary
OTHERS PRESENT: Bjorg Holte, Mary Kent, Scott Kunkel, Susan Taylor

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. Ward moved to approve the minutes from the November 10, 2005 Plan Commission meeting as presented. Ms. Burris seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

-  Revised List of Conditions for Plan Case No. 1967-SU-05
-  Exhibit P: Site Photos for Plan Case No. 1967-SU-05
-  Petition for Special Use Permit for Plan Case No. 1967-SU-05

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 1967-SU-05: Request for a Special Use Permit to establish a Warehouse, Self-Storage Facility at 2006 South Philo Road in the B-3, General Business Zoning District.

Paul Lindahl, Planner I, presented the staff report for the proposed special use permit case to the Plan Commission. He began with a brief description of the proposed site and its surrounding properties noting their current zoning designations and land uses. He showed the site plan and recent photos of the proposed site. He talked about the purpose for the special use permit, screening and lighting, access and paving, and parking for the proposed property. He summarized staff findings. Robert Myers, Planning Manager, presented and reviewed staff's revised recommendation, which was as follows:

City staff recommended approval of the proposed case with the following conditions:

- 1. This facility shall comply with all applicable laws and regulations including building, zoning, fire safety, and site development requirements.*
- 2. The petitioners shall provide adequate on site storm water management as determined by the City of Urbana Engineering Department.*
- 3. The development shall be in general conformance to the plan submitted. Any significant deviation from the site plan (as determined by the City of Urbana Zoning Administrator) will require the project be resubmitted to the Plan Commission for reevaluation of the Special Use. The Zoning Administrator shall have the authority to administratively approve minor site plan changes in order for the project to comply with City regulations, including Building, Fire, Public Works, and Site Development Codes, or due to a reduction in the number of storage units.*
- 4. A solid opaque fence at least six feet in height shall be constructed and maintained to screen all storage units other than those within the existing building. For the purposes of screening, the existing wood fence located along the east property line on the adjoining property shall be considered a sufficient screen. The petitioner agrees to initially replace any worn, damaged, or missing boards in cooperation with the adjacent property owners. Should this fence be removed or modified such that it no longer serves as an effective visual screen, the petitioner shall construct a solid*

opaque fence at least six feet in height on the subject property to match the rest of the fence on the property. No chain link, barbed wire, or razor wire shall be used for the fence.

5. *The existing gate, currently aligned with the building facade, shall be relocated eastward at least one-third the depth of the building.*
6. *Site lighting shall be directed downward and shielded away from adjacent properties.*
7. *Existing site landscaping, including the row of evergreen trees along the south property line shall be retained. Additionally, the applicant shall submit a landscape plan showing any additional landscaping between the building/gate and Philo Road.*

Mr. Ward pointed out that if the petitioner moved the existing gate eastward to at least 1/3 of the depth of the building, then a significant number of the proposed new storage units would have to be outside of the fenced in area. Would this be acceptable or would the petitioner need to reduce the number of outside storage units? Mr. Myers stated that the petitioner would either have to relocate these storage units inside the fenced in area or reduce the number of units.

Mr. Grosser inquired if comments were received primarily by property owners behind and/or to the east of the proposed site. Mr. Myers replied by saying that the comments had come from people who lived in the area, but not necessarily directly behind the proposed property. Overall, their concern was whether the facility would look like an industrial facility or more like other commercial businesses along the corridor. They also had expressed some concern about having a storage facility in the B-3 Zoning District. However, this was a separate matter, because a storage facility is currently allowed in the B-3 Zoning District with a special use permit.

Regarding Condition #4, Mr. Hopkins questioned whether the last sentence, “*No chain link, barbed wire, or razor wire shall be used for the fence*”, referred to all of the fencing around the entire perimeter. Mr. Myers said yes. There was also a question about the gate itself, because the gate was designed to move and be chain-linked. There was another question about whether the gate needed to be opened, so that the police could view through it for security purposes.

Mr. Pollock asked if it was staff’s intent that the entire parcel be fenced. Mr. Myers explained that the intent was for the outdoor storage units to be screened from the view of adjacent property owners and from the right-of-way. Mr. Lindahl added that another purpose for fencing the entire perimeter would be to provide security as well.

Mr. Pollock questioned what type of material the petitioner could use if not chain-link. Mr. Lindahl replied that it would be up to the developer. Staff requested a solid, opaque fence. The petitioner could use vinyl, wood or some other type of material.

Scott Kunkel, with JSM Management, Inc., stated that they were in general agreement with the intent of the revised conditions. He had some ideas of how they could compromise and obtain these goals.

One of their principal concerns is the perception of the facility from Philo Road. They do not want to have an industrial type of character to the facility. Therefore, he proposed that they extend the front wall of the building to the south and construct a wall on the south side of the drive to match to provide a contiguous appearance, so that it would read more as a single building unit. It would serve as the screen from Philo Road.

He mentioned that they do want to maintain the chain-link gate. They believe it would be safer for people to be able to see if someone is coming or going through the gate.

He noted that there was a pretty heavy line of evergreen trees that do a pretty good job of screening the existing chain-linked fence. He suggested that they construct an opaque fence from the end of the tree line to the back of the property along the south property line. They would use the same type of fencing along the north property line.

Mr. Pollock clarified that there currently was a chain-linked fence along the tree line that the petitioner would like to keep. Mr. Kunkel said yes. Mr. Pollock asked if the chain-linked gate was hinged on the ends and opened inward in the middle. Mr. Kunkel responded by saying that it was a rolling or sliding gate that rolls laterally to the north towards the building.

Mr. Ward understood why there was some concern about the fencing. He also understood the need to have open fencing for security purposes. Has the petitioner considered something like an iron picket fence that would be able to move like the chain-link fence? The chain-link fence gives the property a look that was not pleasant to see. There were other kinds of open fencing that would aesthetically have a great deal more appeal than the chain-link fence.

Mr. Pollock asked if Condition # 5 were to be approved, would there be room for the petitioner to relocate the storage units that appeared would be outside of the fenced in area. Mr. Kunkel said no. He was hoping that the Plan Commission, City Staff and the City Council would go with idea of extending the front building facade rather than requiring them to relocate the gate.

Mr. Hopkins wondered if the gate would be left opened throughout the day. Mr. Kunkel remarked that the intent would be for the gate to be closed. Mr. Pollock questioned how people would get to their storage units. Mr. Kunkel explained that there would be a small pedestal where people, who rented a storage unit, would be able to wave a key fob, which would activate the gate to open.

Mr. Hopkins inquired about how people who come to rent a storage unit would enter the gate and park. Mr. Kunkel noted that there would not be an on-site management office. People would rent a storage space either over the web or the telephone. Someone from their staff would meet them at the site to finalize the arrangement.

Ms. Burris questioned where people would park when they came to get in their storage unit. Mr. Kunkel explained customers with outdoor storage units would drive up beside their unit and either load or unload their wares. Inside storage clients would park in one of the designated parking spaces provided on the south side of the building and enter through the door. Their clients do not visit on a daily basis. Most people would only come a couple of times per month.

Mr. Pollock inquired whether the lanes between each of the buildings would be big enough for vehicles to move between and around all of the buildings. Mr. Kunkel said that was correct. In fact, the lanes would be sized to allow two vehicles to drive down.

Mr. Grosser stated that when looking at the third criteria from Section VII-6 of the Urbana Zoning Ordinance, which states "*That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of the district in which it shall be located.....*", he noticed that the question of preserving the essential character of the neighborhood had not been addressed in the written staff report. To him, this was an essential point. The City Council recently passed their goals, and #2 of their goals relates to improving the Philo Road area. One of the surveys in the Philo Road Business District Revitalization Action Plan, which was also adopted by the City Council, talks about what the local residents would like to see in the Philo Road area. The survey found that the types of businesses desired by shoppers for this area primarily included general merchandise, restaurants, clothing, grocery, drug, building, hardware, and shoe and book stores. Therefore, he did not feel that a self-storage facility would be preserving the essential character of the area. He was unhappy to see the self-storage facility go into the old Jewel building. He believed that it would attract the types of businesses that were not desirable for this area.

When you look at the site plan as designed and the fact that it would have a rolling gate, it would still have the appearance of a self-storage facility even with the suggestions made by the petitioner of extending the facade. This is not what he believes people are looking for to improve the area. At the same time, he understands that this is a vacant property, and it is next to a property that is not being used. However, what type of business goes into the proposed property would affect the type of use that would be attracted to the property next door. He does appreciate the fact that the petitioner intends to reuse the existing building. Overall, his primary concern is that a self-storage facility does not match the essential character of the neighborhood. There is a twenty million dollar multi-use development going in where the old K-Mart building was located. It is envisioned to be upscale, student apartments on the top levels with retail on the ground level.

Mr. Ward agreed with Mr. Grosser in terms of goals for the area. However, he has a somewhat contrary interpretation of the facts. The existing building on the proposed site has remained vacant for quite some time, and it is beginning to become an eyesore, as well as the rest of the property. The old Jerry's IGA building next door was in a state that if something does not happen to it fairly soon, then it would be a major crime and eyesore problem. The parking lot is deteriorating. He agreed with the survey of the local residents. He would love to see an upscale grocery store, a restaurant and a book store locate in the area. Although no one has the ability to look into the future, he strongly suspects that the likelihood of these types of uses relocating in this area in the near future was not very great. As Mr. Grosser pointed out, there was going to be a new development in the area that would contain a lot of residential property, which would be oriented towards students and others who may lead somewhat transient lives. This indicated to him a need for a self-storage facility.

Mr. Ward stated that he had mentioned most of his concerns regarding the gate, etc. earlier. Another concern of his is that the line of trees on the south side of the property is mature. Mature enough, in fact, that the lower branches of the trees were high enough to not provide much screening. He would like to see the issue of providing some adequate screening be

discussed more. Otherwise, he believed that the proposal met the criteria setup for the area and met the criteria for a special use permit in the B-3 Zoning District. He felt that this would be a good addition to the neighborhood given the kinds of choices that they have at this point. He was really concerned about the deterioration of the neighborhood if a business does not use the proposed property.

Ms. Upah-Bant agreed with Mr. Ward. She believed it would be an upscale storage facility from what Mr. Kunkel had described. She believed it would be a good use, especially with the multi-use development going up on the old K-Mart site. The plan calls for bookstores, shoe stores and coffee shops. However, hoping for it will not make it happen. The longer the property remains vacant, the more likely we would not get anything in there. She would rather see the proposed property used as a self-storage facility than to see it remain vacant. She felt that this was a good alternative.

Ms. Burris understood both sides of the issue. Like Mr. Grosser, she would prefer not to see another storage unit facility along Philo Road. She would like to see it develop into a coffee shop, etc., but that may not be realistic at the moment. The proposed use seems like a good use. However, she suggested that the petitioner make the outside fit into the aesthetic character of the neighborhood.

Mr. Hopkins moved that the Plan Commission forward the special use permit request to the City Council with a recommendation for approval with conditions. He felt that the Plan Commission needed to work on the conditions before voting on the motion. He wanted to incorporate language regarding the proposed use fitting the visual character of the neighborhood, which would mean that that the building look like a commercial facility from the front, and that they not use a chain-link fence in a visible way.

Mr. Pollock thought the proposed facility would be appropriate for the area at this point. The City cannot force property owners to put certain uses in a commercial area. JSM Management, Inc. is a developer that builds and maintains properties very well. He recommended that the Plan Commission decide what the commercial look should be and building it specifically into the special use permit. Maybe by doing this, they would alleviate any confusion or misinterpretation.

Mr. Hopkins stated that his intent was actually the opposite. They have a local developer who has begun the negotiation process. He did not feel that there was enough time during the meeting to design the site. Mr. Pollock then suggested that staff should continue their negotiations with the petitioner, and that the Plan Commission make clear what would be acceptable and what would not be acceptable. Mr. Hopkins commented that they could give staff guidance and ask them to bring the case back to the Plan Commission at the next meeting.

Mr. Pollock asked Mr. Kunkel what the planned timetable was for the proposed development. Would waiting two more weeks make a difference? Mr. Kunkel remarked that they would like to move forward, because due to the Council meetings being cancelled at the end of December and early January, it would turn into a four to six week delay. He appreciated Mr. Hopkins approach. However, he pointed out that the company has been in the community for a long time. They developed the East Campus Commercial Center, which is a good example of the type of

quality of development that they do. They want to be proud of the buildings they develop. They also have a good track record of working with the City staff in both Urbana and Champaign.

The kinds of things that have been discussed tonight were not contrary to the kinds of improvements that JSM Management, Inc. would want to do. They would be willing to provide an opaque fence and extend the front facade.

Mr. Kunkel also mentioned that they have owned the property for about a year, and they have actively marketed the building during this time. They flat struck out and have not received any interest from other businesses. One of the things that prompted them to develop a self-storage facility was the fact that there is a real demand for storage facilities and the new multi-use development that was mentioned earlier.

Mr. Hopkins recommended the following changes to the Conditions revised by City Staff:

1. Condition #1 should include language directly from the Zoning Ordinance that requires that the proposed use comply with preserving the essential character of the neighborhood.
2. Edit the language at the end of the revised Condition #4 to read as follows, *“No chain link, barbed wire, or razor wire shall be visible from outside the enclosed storage area or property.”*
3. Reword Condition #5 to read as such, *“The existing gate, currently aligned with the building facade, shall be screened from the street, so that the gate is only visible when closed. Everything else must be shielded from view. The gate, itself, cannot be chain-link and must appear appropriate to a commercial business, not an industrial business.”*
4. Change the last sentence of Condition #7 to read as follows, *“Additionally, the applicant shall submit a landscape plan showing additional landscaping for approval by the City Arborist. The applicant is responsible for maintaining any landscaping that is necessary to meet screening requirements.”*

Mr. Pollock inquired about the intent of Condition #7. Mr. Lindahl stated that the intent for Condition #7 was that the City of Urbana approves any and all landscaping prior to being done. He mentioned that the Zoning Administrator thought maybe some type of evergreen might be used to hide the parts of the gate that do not roll. Mr. Myers added that another intent of Condition # 7 was a requirement that existing landscaping be maintained and replaced when dead or damaged.

Mr. Pollock questioned whether the petitioner would have to replace the trees along the south side if something should happen to one or all of them. Mr. Myers responded by saying that it would be the responsibility of the property owner to do so, so long as it was a requirement in the special use permit.

Mr. Ward seconded the motion. Roll call was taken and was as follows:

Mr. Grosser	-	No	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Ms. Burris	-	Yes

The motion was passed by a vote of 5-1, and the case would go before the City Council on December 19, 2005.

8. NEW BUSINESS

CCZBA-521-AT-05: Request by Champaign County Zoning Administrator to adopt the interim Zoning Ordinance provisions to revise exemptions for development within Rural Residential Overlay zoning districts.

Mr. Myers presented this case to the Plan Commission. He explained the purpose for the proposed text amendment to the Champaign County Zoning Ordinance. In years past, Champaign County did not necessarily have stringent requirements for development in the unincorporated areas. Eventually, the County realized that a lot of prime farmland and other sensitive land areas and land uses were being used up. Prime farmland is a finite resource, and once it is used up it is essentially gone. We have some of the richest farmland in the world.

With this realization, the County realized that they needed to change their land use controls in order to help preserve farmland. So, they enacted a Rural Residential Overlay zoning requirement to help do this. The intent is to discourage and even prevent very large lot-size residential subdivisions from being built in the County. These residential developments are very low density and use up a tremendous amount of space.

As part of the process the County adopted some very stringent criteria, whereby they would judge any development proposal. A developer would need to meet stringent criteria in order to develop residential in unincorporated areas. Champaign County found that there were a few loopholes in the requirements that developers were using to essentially develop residential subdivisions on 10-acre lots.

Now, Champaign County would like to close those loopholes on a permanent basis. They have approved provisions to close these loopholes on an interim basis, but would like to do so on a permanent basis.

Mr. Myers also mentioned that Champaign County was going through some major revisions to their Zoning Ordinance. Essentially, the County was going to rewrite their entire Ordinance over a number of years beginning January, 2006. The first section of the County Ordinance that they are working on is the Rural Residential Overlay Zoning District.

He pointed out that by adopting this case, CCZBA-521-AT-05, it would not adopt cases CCZBA-414-AT-03 and CCZBA-415-AT-03. These would be reviewed and changed during the rewriting of the County Ordinance. Champaign County was not trying to quietly sneak through this big zoning change by adoption of Case No. CCZBA-521-AT-05. They are only trying to adopt on a permanent basis what is already being carried out.

Mr. Pollock stated that it would increase the size of lots exempt from the overlay requirements. How would this save farmland? Mr. Myers responded by saying that because of the economics of it, if there was a minimum required 35-acre lot size, then this would be beyond what residential

subdivision would bear. Developers are willing to build residential subdivisions on 10 acres, but not on 35 acres minimum lot size.

Mr. Pollock commented that there might be a developer that thinks he has a hot market and a great product and that he can build a subdivision on 35 acres, and then it eats up 3-1/2 times more land. Mr. Myers said that was correct. However, Champaign County has already adopted this change on an interim basis, and it has been effective.

Mr. Pollock inquired as to what the interim provisions changed originally. Mr. Myers recalled that Champaign County changed it two years ago from 5 lots to 4 lots on parcels sized 25-50 acres. It is a complicated formula that was used in order to achieve this. Mr. Lindahl added that rather than it being 10 acres or less, development exempt from the Rural Residential requirements would have a minimum lot size of 35 acres. Therefore, the number of lots that would be changed from Agriculture to Estate House would be fewer.

Mr. Ward moved that the Plan Commission forward the case to the City Council with a recommendation to defeat a resolution of protest. Ms. Burris seconded the motion.

Mr. Hopkins remarked that Champaign County needs to create an explanation of the draft proposal. Their staff reports are extremely difficult to sort out.

Mr. Ward reminded the Plan Commission members that Champaign County was not making any changes. They were simply making permanent what already exists on a tentative basis.

Roll call was as follows:

Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Ms. Burris	-	Yes	Mr. Grosser	-	Yes

The motion was passed by unanimous vote, and the case will go before City Council on Monday, December 19, 2005.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:46 p.m.

December 8, 2005

Respectfully submitted,

Robert Myers, Secretary
Urbana Plan Commission