

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 19, 2009

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Tyler Fitch

STAFF PRESENT: Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary



OTHERS PRESENT: Liila Bagby, Brian Craine, Justin Gholson, Andrew Fulton, Victor Johnson, Michael Kinate, Georgia Morgan, Phillip Newmark, Danielle Ross, Steve Ross, Bob Stewart, Susan Taylor, Janet Torres, Joshua Vonk, Jack Washington, Trars Wilkinson

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

City staff requested the following:

-  Continue Plan Case No. 2081-T-08 to the next Plan Commission meeting scheduled for March 5, 2009.
-  Move Plan Case No. 2100-PUD-09 under New Public Hearings to be heard first.

The Plan Commission agreed to the changes.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the February 5, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ✚ Letter from William Gray regarding Plan Case No. 2100-PUD-09
- ✚ Comments from Dannie Otto regarding Plan Case No. 2097-T-09 (Garage Setback) and Plan Case No. 2098-T-09 (MOR Design Review)

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

This case was continued to the next meeting scheduled for March 5, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2100-PUD-09: A request by the Nabor House Fraternity for approval of a Preliminary Development Plan for the Nabor House Fraternity Planned Unit Development (PUD) located at 1002 South Lincoln Avenue, zoned R-7 – University Residential, and 805 West Iowa Street, zoned R-3 – Single and Two-Family Residential.

Lisa Karcher, Planner II, gave the staff report on this case to the Plan Commission. She gave a description of the proposed site as well as for the surrounding adjacent properties noting their current zoning and land uses. She discussed the applicability of the proposed planned unit development (PUD) to Section XIII-3 of the Urbana Zoning Ordinance, which outlines the requirements for a PUD. Referring to Exhibits D and E, she talked about the existing structure and what the Nabor House Fraternity is proposing to develop. She pointed out that the two existing driveways would be removed and a new curb cut is being proposed further from Lincoln Avenue into the proposed new parking lot. She mentioned that there is a letter from William Gray, City Engineer, concerning traffic safety along Iowa Street, which was handed out prior to the start of the meeting.

Ms. Karcher talked about the goals outlined in Section XIII-3.C of the Urbana Zoning Ordinance and how the proposed PUD is generally consistent with the 2005 Comprehensive Plan. She stated the permitted uses that are listed in Section XIII-3.M of the Urbana Zoning Ordinance and talked about the minimum developments standards and noted the recommended design features. She summarized staffs' findings and read the options of the Plan Commission. She presented staffs' recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan commission recommend approval of the proposed Preliminary Development Plan to the City Council with the approval of the following waivers:

1. *Maximum height of 37 feet for a principal structure.*
2. *Floor area ratio of 0.66.*

Mr. Grosser asked for clarification regarding whether or not a dormitory would be allowed to be built at 805 West Iowa Street without the PUD classification. Ms. Karcher said no, it would not be allowed.

Ms. Stake wondered if 805 West Iowa Street was still zoned R-3, Single and Two-Family Residential. Ms. Karcher said yes. The underlying zoning will remain R-3. The PUD will just cover the development of the proposed site.

With no further questions from the Plan Commission members for City staff, Chair Pollock opened the hearing up for public input.

Bob Stewart and Michael Kinate, President and Vice-President, respectively, of the Nabor House Fraternity Board, approached the Plan Commission to present their plans and to answer any questions and/or address any concerns. Mr. Stewart talked about the fraternity, which is a cooperative fraternity where the tenants manage the house and perform all of the cooking and cleaning jobs themselves. He, then, gave a brief background on the history of the fraternity and the house.

Mr. Kinate continued the presentation by talking about the history of the fraternity for the past ten years. In 2005, the Board hired Gary Olsen to perform a study of the house to see if it would be feasible to remodel the existing fraternity house. The bottom line of the study is that there are over \$500,000 worth of upgrades that would be needed just to bring it up to building code. Based on this study, the Board felt the best course would be to demolish the house that was located at 805 West Iowa Street and the existing fraternity house at 1002 South Lincoln Avenue and build a new fraternity facility that meets all of the current building codes and is energy efficient.

He explained that they need to use part of the 805 West Iowa Street property in order to construct a facility equal in size to the existing fraternity house. The current house is about 8,600 square feet. If they only built on 1002 South Lincoln Avenue, current City codes would only allow them to build a new facility up to 5,400 square feet.

Some of the advantages of building a new facility would be to have lower maintenance costs. They budget around \$12,000 annually for maintenance, and he stated that they meet or exceed the budget amount each year. He listed the recent renovations that they have made to the existing facility. These include new carpeting (\$10,000) in the main areas of the house and repairing a boiler unit (\$4,000 - \$5,000). They are looking into using geothermal heating and cooling systems, energy efficient appliances and green building materials in the new facility.

Ms. Upah-Bant wondered if the fraternity was planning to increase their number of residents once the new facility is built since they are planning to build enough rooms to house 48 people. Mr. Kinate replied that there has been some internal discussion about increasing the size of the house. The Board wants to make a small increase in the size of the proposed house from what

they currently have and maybe increase their membership by 2 or 3 people. They decided to ask for what the guidelines would allow and may actually build something smaller.

Ms. Upah-Bant wondered if they had a waiting list. Mr. Stewart responded that it is actually hard to find the type of people who live at the house. They are an agriculture-based fraternity which houses only men. There are more women going into Agriculture and fewer men. They are hoping with a better house, they will be able to fill it.

Ms. Stake asked if the Nabor House Fraternity had spoken with the neighbors. Mr. Kinate said yes. First, they met with their Council member, Charlie Smyth. Then, they met with the neighbors to show them the building plans and address any concerns they may have. The neighbors actually asked for the rain garden to help buffer the parking lot from the single-family neighborhood.

Ms. Stake asked if they would want to change the plans in the future once this is approved. Mr. Kinate explained that they want to have green space where the residents could throw a football around, etc. They really like the layout with the parking closer to the proposed fraternity house. Mr. Stewart understood that they would not be able to change the plans once they are approved without seeking further approval.

Ms. Stake commented that she will be sad to see the existing fraternity house demolished. Mr. Kinate replied that they hope to build another beautiful house to replace it. The existing structure is a great looking house, but it is an older facility that has been expanded over the years. There are a lot of mechanical issues and does not meet the current building codes.

Chair Pollock asked City staff if the petitioner would be able to make any changes if the proposed PUD was approved without further review. Ms. Karcher explained that they would not be able to make any major changes without further review. They would be allowed to make minor changes, but they would not be able to significantly reduce the approved open space setback, off-street parking, loading, etc.

Gary Olsen, architect for the proposed project, showed a slide show of the street front of every property along Lincoln Avenue from Green Street to Florida Avenue, of the proposed site, and of the properties that surround the existing Nabor House Fraternity. He talked about the proposed new facility. He talked about the types of materials and architectural style that would be used to construct the new facility.

He mentioned that they have been studying this project for almost three years and have met with the neighborhood three times after initially meeting with Councilmember Smyth. The Nabor House Fraternity incorporated all of the suggestions made by the neighbors and Mr. Smyth. They spoke with City staff in the Engineering Division to get input about the placement of the parking lot and driveway.

He stated that they plan to go with the larger building for now, but may come back in the final plans asking for a slightly smaller building. Initially the basement would be used for mechanical equipment, storage and laundromat for the residents. Over time, they would like to have some

social equipment, such as a large screen TV perhaps in the basement. They would not use the basement for bedroom space though.

Ms. Stake thanked Mr. Olsen for his presentation. Mr. Grosser thanked the Nabor House representatives for their extensive legwork of talking to the neighbors and to Mr. Smyth.

Mr. Grosser questioned whether they would be over the required Floor Area Ratio (FAR) if the basement was not counted. Mr. Olsen said no, they would not be over.

Mr. Grosser stated that it appears that the chimney encroaches into the setback, is this correct? Ms. Karcher explained that chimneys are allowed to encroach to a certain point. The roof overhang is allowed to encroach as well.

Mr. Olsen added that there are two frontages – one on Lincoln Avenue and the other on Iowa Street. So under the Zoning Ordinance they this project would typically have two front-yard setbacks. They want the new house to be set back the same as the existing house, so it will have a 25-foot setback off of Lincoln Avenue. Chimneys can encroach into setback anyway.

Mr. Kinate noted that they have been planning the new facility for about ten years. They have about 600 alumni. The alumnus has really supported them in this mission. They have been able to raise the money to purchase the property at 805 West Iowa Street and to pay off the mortgage of the property at 1002 South Lincoln Avenue. They currently are debt free. He stated that until they get the development plans approved and know that they can build, it is hard to ask the alumni to raise the substantial funds it will take to build a multi structure that will probably cost \$2 million or more. They are hoping once they get approval from the City to start raising the funds and finalize the plans so they can start building in the next four years.

Chair Pollock wondered what would happen to the residents while this project is being built. Mr. Kinate said that the Board has talked about leasing another property for one year to house the current members. He recently spoke with Susan Frobish, who purchased an old fraternity house and remodeled it. Ms. Frobish has offered to rent it to the Nabor House Fraternity if the house is available.

Mr. Olsen talked about the timing of the project. He mentioned that demolition would take place after school would be over and the residents moved out. The project will take about 15 months from start to finish.

Robert Myers, Planning Manager, asked how many people currently sleep in one room. Mr. Kinate explained that there are two dorms. One dorm has 10 to 12 beds, and the other dorm has 24 to 26 beds. Mr. Myers stated that the only reason he asked is because a retroactive building code requirement to install sprinklers in all Urbana dormitories, fraternities and sororities currently lacking them. This is a cost that figured in renovating the existing facility. Mr. Stewart added that none of the mechanical equipment really works either. None of the existing facility is handicap accessible. The new fraternity house would have a full elevator that would be accessible from the basement to the third floor. It would be a fully ADA compliant fraternity house.

Mr. Myers pointed out another positive aspect of the plan, from City staff's perspective, is that two driveways would be combined into one. The new driveway would also be moved further away from the intersection at Lincoln Avenue and Iowa Street.

Ms. Stake wondered about the letter from Mr. Gray. Mr. Stewart stated that the letter confirms exactly what they have done. City staff now agrees with the location and safety of the driveway and parking lot.

With no further questions or comments from the audience, the public input portion of the hearing was closed. Chair Pollock opened the hearing up for Plan Commission debate and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2100-PUD-09 to the City Council with a recommendation for approval along with the two waivers as suggested by City staff. Ms. Stake seconded the motion.

Chair Pollock commented that this is a picture perfect way of going about a project like this, especially when there is a lot of neighborhood interest. The Nabor House Fraternity has done a great job, which makes the Plan Commission's job much easier.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was approved. Mr. Myers noted that this case would go before City Council on March 2, 2009.

Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.

Rebecca Bird, Planner I, presented the staff report for the proposed text amendment. She explained that the proposed text amendment came from a previous variance case to allow the construction of a replacement garage to be less than 18 inches from the side-yard property line, which is the minimum required for a side-yard setback in the R-2, Single-Family, Zoning District. The variance was denied by the Zoning Board of Appeals. She mentioned two other variance cases similar to the first that were approved by the Urbana City Council.

Ms. Bird discussed how the proposed Zoning Ordinance text amendment relates to the goals and objectives of the 2005 Comprehensive Plan. She talked about the proposed text amendment and explained what it would allow. She referred to the two photos on the bottom of page 4 of the written staff report to show how garages have traditionally been constructed very near or on the property lines in three example blocks in different areas of the City. She pointed out some of the disadvantages that can occur (such as loss of usable yard space and the creation of an angle that

is difficult to maneuver between the existing driveway and the new garage) under the current standards.

She read the options of the Plan Commission and 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 during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the City Council.

Ms. Stake inquired if a homeowner who currently has a single-car garage would be able to replace it with a two-car garage under the proposed changes. Ms. Bird responded that the justification for the proposed text amendment is to respect the traditional neighborhood pattern. So allowing a single-car garage to be replaced with a two-car garage wouldn't conform with that. In this case, the homeowner could still build a two-car garage, but they would need to construct it 18 inches from the property line.

Mr. White wondered if the proposed 6-inch setback for replacement garages would include the gutters. Ms. Bird said no, but it would include the overhang.

Mr. White asked if there would be an easement on the neighboring property to allow a person to perform maintenance on their garage. Ms. Bird replied that there would not be a formal easement, but in essence, this is what they do now. If a person has a garage on the property line, he or she has to maintain that side of the garage by being on their neighbor's property.

Ms. Upah-Bant questioned whether a property owner who does not currently have a garage would be allowed to have the same privilege of encroaching into the required side-yard setback. Ms. Bird explained that this addresses replacement garages because those were the cases that had come before the Zoning Board of Appeals. City staff did not discuss new garages on narrower lots.

Mr. Grosser asked for clarification in that the proposed text amendment does not require an existing garage to be six inches from the property line. Ms. Bird said that is correct. Mr. Grosser commented that it appears that some of the justification is due to the alignment of existing driveways. It would be costly to move the driveway over to align correctly with the new garage. However, if the existing garage is currently 18 inches from the property line, then everything would be aligned with the 18 inches. Ms. Bird clarified that City staff was thinking about a garage that is currently on the property line, then the property owner would have to move it away to 6 inches.

Mr. Grosser wondered if City staff thought about a case where an adjacent garage is 18 inches from the property line, and a neighboring property wants to build a new garage 6 inches from the property line. Ms. Bird explained that there would always be a minimum of two feet between the two buildings.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Phil Newmark, of 706 West Iowa Street, stated that the impetus for this Zoning Ordinance amendment was a variance application to rebuild his garage. His application did not get a super-majority vote from the Zoning Board of Appeals, which was required to pass his variance request. He appreciates the Plan Commission and City staff taking the time to look into the proposed text amendment. Because there are so many old garages placed on property lines, this really is an issue that City Council needs to deal with. He mentioned that he certainly is in favor of the proposed text amendment.

Georgia Morgan, of 804 West Nevada Street, stated that the walls of her garage and her neighbor's garage are only far enough apart that an opossum can fit, but not a human. If the wind knocked down the neighbor's garage, does the proposed text amendment mean that her neighbor would need to move their garage over? There is only one driveway. Ms. Bird answered by saying that the two garages would need to be two feet apart for building safety and fire reasons.

With no further questions or comments from the public, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins suggested that City staff consider allowing zero lot line garages with a firewall. This would solve some problems that currently exist. Also, two feet between garages is not a good idea for maintenance reasons or for fighting a fire. It is basically a waste of space.

He also suggested that City staff add a condition that says this only applies to garages that are already less than 18 inches from the property line. The reason to do this is because there were three similar cases that the Zoning Board of Appeals treated inconsistently. Inconsistency is a reason to revise the Zoning Ordinance.

He questioned the language about the required two feet between garages. Ms. Bird explained that this has been rewritten a number of times and the word "existing" (garage) had been inadvertently removed. But the intent is that a property owner cannot rebuild an existing garage that is five feet from the property line to be 6 inches from the property line. That can easily be corrected.

Chair Pollock suggested that the Plan Commission continue this case to the next scheduled meeting so City staff can make wording changes and corrections. Mr. Hopkins suggested that City staff also look into the firewall solution and the concept about allowing zero-lot line common wall garages.

Chair Pollock summarized comments from Danny Otto. He then continued the case to the March 5th Plan Commission meeting.

Plan Case No. 2098-T-09: A request by the Zoning Administrator to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the MOR, Mixed-Office Residential Zoning District.

Rebecca Bird, Planner I, presented the proposed text amendment to the Plan Commission. She explained that the proposed text amendment was requested by both the Zoning Board of Appeals and the Mayor following administrative approvals of a project in the MOR, Mixed-Office Residential Zoning District last spring. She reviewed the proposed changes to Section V-8.B and Section V-8.C of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation, which is as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Urbana Zoning Ordinance.

Mr. Grosser asked for clarification on Section V-8.B.3 regarding installing or enlarging a parking lot. This is only considered in the case of a change in the principle structure on the lot, correct? Ms. Bird said yes.

Ms. Stake is concerned that there is not a definition for "minor" or "major" work. Ms. Bird stated that the existing criteria to determine whether or not a project goes to the Zoning Administrator or to the Board for review is whether or not the project would substantially change the building's appearance and/or scale. This is being clarified by adding three concrete criteria, any one of which would trigger design review by the MOR DRB. For the fourth (current) criteria, staff added in language that the Chair of the Board and the Zoning Administrator together will make the determination as to whether there would be a substantial change or not.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing to listen to public input.

Georgia Morgan, 804 West Nevada Street, urged the Plan Commission to strengthen the Zoning Ordinance by approving the proposed text amendment.

Steve Ross, 609 West Green Street, felt the proposed changes are definite improvements in making projects more quantitative rather than qualitative. The criteria listed in Section V-8.B.1-3 would have caught the project at 601 West Green Street and will catch most of the future adaptive reuse projects.

Chair Pollock summarized comments provided in writing by Danny Otto.

With no further questions or comments from members of the audience, Chair Pollock closed the public input portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Stake commented that she still does not feel that the proposed text amendment will do the job that they want to achieve. We still need definitions for "major" and "minor". Also, the

proposed text amendment does not say how many variances a property owner could have. It is not written as clearly as it should be. She asked if the neighbors would be notified when a redevelopment case goes before the MOR Development Review Board. Ms. Bird said yes. Any public hearing has to follow the notification process, so any case that goes before the MOR Development Review Board will be required to notify the neighbors.

Ms. Stake inquired as to whether there would be conditions included in the proposed text amendment that requires shade tree planting. Ms. Bird explained that the language in Section VIII-3. Design and Specifications of Off-Street Parking already exists and that City staff is not proposing any changes to it.

Robert Myers, Planning Manager, noted that under the current ordinance, the Zoning Administrator is allowed to grant some minor variances. Under the proposed ordinance, the Zoning Administrator could no longer do this. Only the MOR Development Review Board could do so. That's a major difference between the existing and proposed ordinances.

Ms. Stake wondered if there were a maximum number of variances. Mr. Myers replied that, for example, there are no limits on the maximum number of variances for projects going before the Zoning Board of Appeals. A petitioner has to justify approval of any variance requests.

Mr. Myers commented that everyone says they want infill development, but actually it can be quite difficult. There are layers of rules and approvals needed. The idea behind allowing the MOR Development Review Board to review variance requests pertaining to infill development is to combine the two processes into one and to prevent a petitioner from having to go before both the Zoning Board of Appeals for small variances and before the MOR Development Review Board for design review approval. The City is trying to strike a balance between assurances for what will be built and being so burdensome that we drive infill development away. Ms. Stake stated that she is mainly concerned with the preservation of neighborhoods. One of the problems we have is with the neighbors. The City is not considering the neighborhoods in some of the developments that are being proposed.

Mr. Hopkins asked for clarification about who can grant variances. Ms. Bird explained that the MOR Development Review Board will be able to grant variances pertaining to future developments in the MOR Zoning District. The Zoning Administrator will no longer be permitted to grant variances if the proposed text amendment is approved. Mr. Myers pointed out that the triggers in Section V-8.B. are really about who determines if a redevelopment plan meets the design review standards. Both the Zoning Administrator and the MOR Development Review Board will use the same design guidelines to review projects.

Ms. Burris expressed her concern about what would constitute a maintenance repair that would need to be brought before the Board versus what the Zoning Administrator would review. It currently sounds like everything would go before the Board. As a result she is trying to understand what the Zoning Administrator's responsibility would be. Ms. Bird gave the example of someone wanting to replace a window. If the repair required a building permit, then the Zoning Administrator would determine whether under any of the criteria listed in Section V-8.B. the MOR Board would need to review the application. Just a replacement window would probably only need to be reviewed by the Zoning Administrator. Actually if no structural

changes were made in a repair, then a building permit would not be required and there would be no review process.

Ms. Stake inquired about the difference between the MOR Development Review Board and the Design Review Board. Ms. Bird explained that the Design Review Board reviews designs of development in the Lincoln-Busey Corridor and perhaps other future overlay districts. The MOR Development Review Board reviews designs of development only in the MOR Zoning District.

Mr. White moved that the Plan Commission forward Plan Case No. 2098-T-09 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

Mr. Grosser remarked that he appreciates the changes and the work that City staff has done on this. In some cases, it is a little treacherous territory to try to create conditions based on a single case, but he feels the addition of the fourth criteria will serve as a catch-all.

Ms. Upah-Bant wondered whether the ordinance shouldn't just state outright that the Zoning Administrator doesn't have the power grant variances. Why does the language need to be so oblique? Ms. Bird responded that the Zoning Administrator was only able to grant variances because of a special permission allowed by the Zoning Ordinance. By removing that language, the Zoning Administrator will no longer have that authority.

Chair Pollock noted that there was a comment made that in looking at the proposed text amendment, they are not considering the well being of the neighborhoods. He feels this comment is completely wrong. In fact, they are considering the neighborhoods first and foremost because there was a case where things did not go as the City thought they would have because there were holes in what the City had created. It had not been tested and never been used. City staff did a great job in identifying the problems with the previous text amendment and bringing forth another text amendment to fill those holes to make sure the neighborhoods are protected without being onerous in terms of homeowners do small jobs and maintenance on their homes. The proposed text amendment does substantially limit the ability of the Zoning Administrator to make some of these decisions.

Ms. Stake still felt concern about the ambiguity of the proposed text amendment. 15% is a rather big change. However, she will vote in favor of the proposed text amendment.

Roll call on the motion was taken and was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Hopkins	-	Yes	Mr. Grosser	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on March 2nd.

8. NEW BUSINESS

Case No. CCZBA-611-AM-08: A request by Casey's Retail Company to amend the Champaign County Zoning Map from R-5, Manufactured Home Park to B-4, General Business for a 1.04 acre tract of land located at 2218 East University Avenue.

Rebecca Bird, Planner I, presented this case to the Plan Commission. She began with a brief explanation for the rezoning request. She gave a description of the proposed site and of the surrounding properties noting their current zoning and existing land uses. She talked about the County R-5, Manufactured Home Park, and the County B-4, General Business, Zoning Districts. She discussed how the proposed rezoning would relate to the City of Urbana's 2005 Comprehensive Plan and how it pertains to the La Salle National Bank criteria. She reviewed the Plan Commission's options and presented staff's recommendation, which is as follows:

Based upon the findings in the written staff report, staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.

Ms. Stake questioned why the City is not annexing the property into Urbana's city limits. Ms. Bird answered that the proposed site is not contiguous to the City's boundaries.

Ms. Stake inquired about the issue with screening. Ms. Bird explained that the owners of the single-family house to the north went to the County Zoning Board of Appeals meeting and expressed their concern about screening and about the layout of store. Casey's Retail Company pointed out in that meeting that because this is just a rezoning case and they were not asking for site plan approval, they were just providing a standard site layout. They had not yet fit their standard layout to the proposed site.

With no further questions from the Plan Commission for City staff and with no comments or questions from the members of the audience, Chair Pollock opened the public hearing up for Plan Commission debate and/or motion(s).

Mr. White moved that the Plan Commission forward Case No. CCZBA-611-AM-08 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion.

Mr. Hopkins encouraged City staff to point out to the County Zoning Board of Appeals that they cannot consider a site plan when making a rezoning decision. Also, City staff should take advantage of the opportunities to demonstrate to the single-family homeowner to the north the benefits of annexation. For example, the City's buffering requirements will go into play because of the annexation agreement. There are benefits to having planning services by being part of the City of Urbana. This is an area we would like to annex, and he believes we should take every opportunity we can to advertise our benefits.

Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes
Mr. Grosser	-	Yes			


The motion was passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

 Judge Webber Park and Weaver Park Annexation Petitions will be reviewed by the City Council on Monday, February 23, 2009 at the Committee of the Whole meeting.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission