

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: April 9, 2009

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Jane Burris, Lew Hopkins

STAFF PRESENT: Lisa Karcher, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Abigail Berman, Julia Crowley, Clive Follmer, Steve Happ, Kahl Kelle, Terrence Scudieri, David Sorensen, Susan Taylor, Laurel Wilson

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

Chair Pollock called the meeting to order at 7:31 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the March 26, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2102-M-09: A request by Steve Happ to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She began by describing the proposed site and the surrounding adjacent properties noting their current zoning, as well as current and Comprehensive Plan land use designations. She discussed how the proposed rezoning relates to the goals and objectives of the 2005 Comprehensive Plan and to the goals and policies of the Philo Road Action Plan. She reviewed the LaSalle National Bank criteria that pertain to the rezoning request. 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 Plan Commission forward Plan Case No. 2102-M-09 to the Urbana City Council with a recommendation for approval.

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

Steve Happ, petitioner, stated that he does not have any particular uses in mind at the present time for the two properties. He only wants to make the properties more marketable to get his vacant property reused. Carle was a tenant for a long time, and they were a very good tenant. However, they moved out after constructing a new building of their own.

Chair Pollock wondered if this case and the next case are part of a land assembly program of any kind. Mr. Happ said no. Although the petitioner of the next case (Plan Case No. 2103-M-09) is in the same situation as him, their applications are separate. Ms. Karcher explained that Mr. Happ submitted his petition for rezoning. City staff previously had conversations with Clive Follmer, the petitioner of the next case, regarding what uses could be in his building. So, when Mr. Happ submitted his petition for rezoning, City staff contacted Mr. Follmer and asked if he would be interested in rezoning his properties at this time.

Ms. Upah-Bant mentioned that she has a problem with an adult bookstore use being allowed in this area. Is there anyway that they could take a zoning category and make an exception in it? Ms. Karcher said no. However, there are specific regulations that pertain to adult business uses.

They cannot be within 200 feet of any residential zoning district. So, adult business uses would not be allowed on these properties as they back up to a residential zoning district.

Chair Pollock suggested that the City change adult business uses to require special or conditional use permits. Since this issue comes up regularly, he felt this might be one way to give some additional protection. Ms. Karcher replied that this is possible. It would have to be a decision to change what is allowed in the zoning district. The Plan Condition could not do it as a condition of the approval of the rezoning request.

Mr. White wondered if the Urbana News Bookstore on Cunningham Avenue is allowed. Ms. Karcher responded that there was a recent inquiry about where such uses could be. City staff drew a radius around the Urbana News Bookstore, and they found that there are enough commercial uses around it that is within 200 feet that it is allowed in its current location.

Ms. Karcher reviewed the regulations about adult entertainment uses. Chair Pollock asked if there were any regulations restricting adult entertainment uses to be located near schools. Ms. Karcher said no. However, schools are typically located in the zoning districts that cannot be within 200 feet of adult entertainment uses.

Clive Follmer, petitioner of the next case, mentioned that he owns the property next door to the proposed sites. He talked about the history of the proposed locations and of his two properties next door. He can see anyone's apprehension about some poor uses, but he cannot imagine anyone in their right mind with property ownership at these locations that would want to get into adult entertainment uses. These types of uses do not usually go where there is first class office space.

He stated that the City has done a great job in their work on Philo Road. There are many wonderful developments in Southeast Urbana. He has done \$100,000 worth of improvements to his building on the corner of Philo Road and Colorado Avenue to get it ready for first class service. He has been involved in Urbana zoning and in promoting property development during all of his professional practice life in addition to being an attorney.

He believes that City staff has done a very good job in analyzing the issues for Mr. Happ and for himself. It makes sense for the proposed two properties to be zoned the same thing. A developer could very well come in and want to develop both properties as a single complex.

Mr. Follmer commented it is unrealistic to think that a B-3 use would be more of an aggravation to the apartment complexes behind the proposed two sites than what the apartment complexes are to any B-3 use that might lease the proposed two sites. The intensity and activities the apartments in this area makes things difficult. Therefore, he feels the area needs some first class development.

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

Mr. White moved that the Plan Commission forward Plan Case 2102-M-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

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

Ms. Karcher noted that this case would go before the City Council on Monday, April 20, 2009.

Plan Case No. 2103-M-09: A request by Clive Follmer to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business District to B-3, General Business District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. She explained the reason for the proposed rezoning request. She stated that most of the information is the same as the previous case (Plan Case 2102-M-09). The proposed rezoning is consistent with the 2005 Comprehensive Plan and with the zoning in the area. It is also consistent with the LaSalle National Bank criteria. City staff recommends the following:

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 forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval.

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

Clive Follmer, petitioner, mentioned that Carle Clinic had rented part of his building for a prescription drive up for about ten years. He worked with Carle Clinic to get them to expand their southeast clinic either in an individual building or on the proposed sites. He feels they finally made the right decision, and it has turned out wonderful.

In the B-1, Neighborhood Business, Zoning District, there is 3,500 square foot size limitation for permitted uses. Any use over 3,500 square feet has to get approval of a special or conditional use permit. His building is about 4,500 to 5,000 square feet. Therefore, any business that leased his building would require a special or conditional use permit under the current zoning designation. With the proposed rezoning, it would make the decision for someone that is interested in leasing the building much easier.

He believes it is important for the City to show faith and confidence in the business judgment of investors. The City of Urbana has done a great job in encouraging development in southeast Urbana, and he would like to continue the work.

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

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Chair Pollock commented that it was interesting to hear someone who had an experience in which a property owner did not develop their property because of the restrictive nature of the B-1 Zoning District. It is very clear to him that the B-1 Zoning District is much too restrictive in the commercial district along Philo Road. He supports the motion.

Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Ms. Karcher pointed out that this case will go before the City Council on April 20, 2009.

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

This case was continued by City staff to the next regularly scheduled meeting.

8. NEW BUSINESS



There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

-  Rezoning for 708 South Vine Street was denied by City Council.
-  Upcoming Cases – Nabor House Final PUD, Sign Text Amendment and a Champaign County Text Amendment regarding Wind Turbines and Wind Farms.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission