

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: April 23, 2009

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock,
Bernadine Stake, Don White

MEMBERS EXCUSED: Ben Grosser, Marilyn Upah-Bant

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

OTHERS PRESENT: Michael Kinate, Gary Olsen, Anthony Pelihan, David Shier, Susan
Taylor, Joshua Vouk

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

City staff requested that Plan Case No. 2104-T-09 be continued until the next regularly scheduled meeting.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the April 9, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

 2009 Official Zoning Map. Official approved copies of the 2009 Zoning Map were distributed.

5. CONTINUED PUBLIC HEARINGS

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.

The Chair forwarded this case to the next regularly scheduled Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2105-PUD-09: A request by Nabor House Fraternity for approval of a Final Development Plan for a Planned Unit Development (PUD) located at 1002 South Lincoln Avenue and 805 West Iowa Street in the City's R-7 (University Residential) and R-3 (Single and Two-Family Residential) Zoning Districts.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. The proposed planned unit development (PUD) for a new fraternity house recently came before the Plan Commission as a preliminary plan. Since the petitioner has not made any changes to the approved preliminary PUD, she stated that she would be giving an abbreviated staff report.

She explained the reason for the proposed request. She noted the zoning and current land use of the proposed site. She discussed the minimum development standards and reviewed the criteria according to Section XII-3 of the Urbana Zoning Ordinance to be used in making a decision to approve or deny the proposed request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Based on the analysis and findings 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 Final Development Plan for the Nabor House Fraternity PUD with the following conditions:

- 1. Construction be in conformance with the approved plans.*
- 2. The development be completed in full conformity with the conditions approved by the Design Review Board on April 16, 2009.*

Mr. White commented that this is a great project. The petitioner and architect did everything right on it.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing to public comments and/or questions.

Gary Olsen, architect, and Michael Kinate, Vice-President of the Nabor House Fraternity, approached the Plan Commission to answer any questions they may have.

Mr. Olsen noted that their experience has been very positive in working with the neighborhood association and with the Design Review Board. Shirley Stillinger, who serves on the Design Review Board, is a neighbor immediately east of the proposed site. She has been at most of the neighborhood meetings and spoke highly in favor of the proposed plans.

He mentioned that the proposed PUD would be the first under the new regulations for PUDs. This project is also the first to be reviewed by the new Design Review Board for the Lincoln-Busey Corridor. He stated that they are positive about the “first” challenges that they have had. The only challenge that is left is if the Plan Commission does not approve the proposed final PUD, then they would be going against their previous decision and nothing has changed.

Ms. Stake inquired as to when they plan to have the project finished. Mr. Olsen explained that the Nabor House Fraternity really wants to do this project, but they were hesitant to raise the money until the plans were approved by the City. Mr. Kinate added that they anticipate a 3-5 year time frame at the maximum. They will spend a year or two raising funds and then build. The 75th Anniversary of the Nabor House Fraternity will be in 2013-2014, so they have a goal to have the new fraternity house completed by then.

Mr. Olsen pointed out that he is encouraging the Nabor House Fraternity to move on this faster because contractors and suppliers are quite hungry right now. Business is down, and to compete contractors and suppliers are willing to give much better bids on projects. The Nabor House Fraternity will start building as soon as they raise the money.

Mr. Kinate stated that the Nabor House Fraternity’s alumni base is very excited about the project. He tries to keep them informed on what is going on. When they purchased the property at 805 West Iowa Street, they were able to pay off the mortgage within two years using donations that the alumni had donated, so they are very hopeful to get a lot of support from the alumni in donations to move forward on the proposed project. Mr. Olsen pointed out that interest rates are much lower right now than they were three years ago when they started the proposed project.

Mr. Kinate stated that they appreciate the City staff’s help in presenting the proposed PUD plan to the Plan Commission. There have been no changes since they received approval for the preliminary plans, so he asked for the Plan Commission’s approval of the final plans based on the City staff’s recommendation.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2105-PUD-09 to the City Council with a recommendation for approval along with the conditions as recommended by City staff. Mr. White seconded the motion.

Mr. Hopkins commented that when the Nabor House Fraternity started making plans for the proposed project, they had already been through a couple of rounds with the Plan Commission and City Council. He thanked the petitioner and the architect for carrying out the plans as they have. One of the testaments is that none of the West Urbana Neighborhood Association

members are present at this meeting. They were present during the first two rounds to speak in opposition, but not this time.

He pointed out that the only reason they are meeting this time to review and make a recommendation on the final PUD proposal is because of the City Council. When City staff presented changes to the PUD ordinance, the Plan Commission recommended that the preliminary and final plans be a one step process. However, City Council rejected that idea. He just wanted to go on record as this being another case to support the Plan Commission's recommendation and to say that they were right.

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

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes

The motion was passed by unanimous vote.

Ms. Karcher stated that this case would go before the City Council on May 4, 2009.

8. NEW BUSINESS

CCZBA-634-AT-08: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning wind turbine developments (wind farms).

Lisa Karcher, Planner II, presented this case to the Plan Commission. She began by giving background information on the proposed County text amendment and the process of review. She discussed how wind turbine developments relate to the goals and objectives of the City's 2005 Comprehensive Plan. She also talked about the zoning impact and the issues of concern that result from wind turbine developments. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

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

Mr. Hopkins stated that he does not understand having the overlay district which gives the City the right to protest, because the City can only protest within the Extra-Territorial Jurisdictional (ETJ) Area. Wind turbine developments are not allowed in the ETJ area, so it seems like it does not make any difference to the City. Ms. Karcher said that is correct.

Mr. Hopkins asked if there is someone else that gets protest rights through the overlay district other than through the ETJ. Mr. White said that it refers to land owners in the County that might object to a wind turbine farm being developed next door. However, they will not get the right to protest now that it is a special use permit.

Mr. Hopkins questioned where and when the state legislation that prevents the County from regulating wind turbine farms in the ETJ came about. He is tempted to suggest that the County make explicit that the proposed amendment does not apply to the ETJ. Ms. Karcher responded by saying that it is already specifically stated in the County text amendment itself. So, we do not have to rely on state legislation to enforce this.

Ms. Stake asked for clarification regarding wind farms not being allowed in the ETJ area. Ms. Karcher explained that the state law gives the municipality (the City of Urbana) the right to regulate wind farms or wind generating devices in the ETJ area and takes away the ability by the County. Typically, the City of Urbana has subdivision authority in the ETJ and the County has zoning authority. Wind farms are special circumstances. The City has the right to regulate wind farms if we want to. Because of this, City staff intends to put regulations in place to review future wind farm developments in the ETJ area.

Ms. Stake wondered why we would not want people to be able to protest. She feels that the City needs to adopt a resolution so people can protest. Ms. Karcher said that people have a right to come to the City meetings and speak at public hearings. The difference is that a protest would give the people the right to invoke a super majority vote at the County Board level. Ms. Stake commented that it sounds like the City should be concerned about the people in the County not having a right to protest. They are the ones who would be most likely to have a wind turbine constructed next to their homes. Ms. Karcher pointed out that the City is concerned about how wind turbines would affect the City. We are not looking at whether the people in the County should have a right to protest or not.

Ms. Stake inquired as to what the process would be for someone who wants to construct a wind turbine farm. Ms. Karcher noted that currently an application is only reviewed by the Champaign County Zoning Board of Appeals. According to the proposed text amendment, the state law has changed and states that decisions regarding wind turbine farms should be made by the County Board.

Mr. Fitch asked if the proposed text amendment could still be changed by another group. Ms. Karcher said that it is possible. John Hall, the County Zoning Administrator and Director of Planning and Zoning, told her that it is possible that there will be changes made to the proposed text amendment at the Environment and Land Use Committee (ELUC) meeting. The reason the Plan Commission is reviewing it now is so there will be enough time for the City Council to review it and make a decision before it goes to the County Board on May 21. If it does change at the ELUC meeting, the Plan Commission would still be able to submit something prior to the County Board meeting.

Mr. Fitch commented that he would be interested in having some kind of protection, but he is not sure how to make this happen. Ms. Karcher replied that it would be difficult because it could even change on the County Board floor. If there is something of concern in what is being proposed, the Plan Commission could say that if it changes, then they change their opinion. Mr. Fitch said that he did not have any particular concerns in mind. Chair Pollock remarked that the best way the City can protect themselves is to draw up a text amendment regulating what happens in the ETJ.

Mr. Hopkins inquired if there was a significant change made either at the ELUC meeting or at the County Board meeting, then it would need to come back for public hearings, right? Ms. Karcher said she did not have a definitive answer but that Mr. Hall had indicated to her during their conversations that the City could submit additional comments/protest until the County Board meeting on May 21st.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input. There was none, so Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Burris commented that since wind turbine developments are not allowed in the ETJ, then they will not impact the City residents. Because the City residents will not be affected by it, the Plan Commission and City Council does not need to protest on behalf of City residents. The County has already decided to not give the County residents a right to protest. It is the County's jurisdiction and right to do so. Therefore, it seems like an unnecessary element for the Plan Commission to consider. Ms. Karcher added that if the City protests the proposed text amendment, they would not be protesting the protest rights. It only means that the County Board would have to have a super majority vote to approve the proposed text amendment. It would not impact the right to protest.

Mr. White stated that the only thing he does not like about wind turbine farms is that they destroy bat populations. When the blade goes through the air, it creates a difference in air pressure, which is basically like a vacuum. The air in bats' lungs rapidly expands and so their lungs explode. He likes bats because they eat their body weight in mosquitoes every night. However, just about anything one does to create energy will create a problem on something.

Ms. Stake wondered if there are any other environmental problems that wind turbine farms create. Mr. Fitch mentioned noise. Champaign County is suggesting the setback to be over a football field in length.

Ms. Stake commented that they use up a lot of agricultural farm land as well. Mr. White replied that farmers can farm around the wind turbine farms. Ms. Karcher pointed out that these types of concerns are addressed in the County staff report, such noise, flicker, wildlife impact on birds and bats, etc.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-634-AT-08 to the City Council with a recommendation to defeat a resolution of protest. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes	Mr. Fitch	-	Yes

The motion was passed by unanimous vote.


Ms. Karcher noted that this case would go before the City Council on May 4, 2009.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

 Happ Rezoning and the Follmer Rezoning were approved by the City Council on April 20, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission