

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 10, 2009

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Andrew Fell, Lew Hopkins, Dannie Otto, Michael Pollock,
Bernadine Stake

MEMBERS EXCUSED: Jane Burris, Tyler Fitch, Ben Grosser, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri
Andel, Planning Secretary

OTHERS PRESENT: Scott Plunk, Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 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. Otto moved to approve the minutes as presented. Mr. Fell seconded the motion. The minutes of the November 5, 2009 regular meeting were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09: Annexation Agreement and request to rezone upon annexation a 1.6-acre tract of property at 2209 East Perkins Road from Champaign County CR, Conservation-Recreation District to City, R-1, Single-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented these two cases together to the Plan Commission. He gave a brief background and description of the proposed site. He noted the zoning and future land use of the proposed property and of the surrounding properties. He reviewed the LaSalle National Bank criteria as they pertain to the proposed annexation rezoning. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Staff recommends that the Plan Commission forward these two cases to the City Council with a recommendation for approval of the proposed annexation agreement as presented.

With no questions at this time for City staff, Chair Pollock opened the hearing up for public input. There were no comments or questions from the public. Chair Pollock, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood that the Plan Commission was only considering the rezoning request and not the variance request that is part of the annexation agreement. In making sense of the zoning decision, the construction of a building in a residential zone that has 3,200 square feet of storage and 800 square feet of residence does not make sense as a long-term activity in a residential zoning district. Therefore, he is trying to figure out how much of this the Plan Commission should be dealing with or whether they should just ignore this. Chair Pollock commented that it would be up to each individual member to decide if these concerns of what might happen on the proposed property is reason enough to deny the rezoning request.

Robert Myers, Planning Manager, pointed out that it would be residential storage and not business storage. He recalled the Reynolds annexation where the property owner had a lot of personal storage. This is not such an unusual activity in rural areas. The Comprehensive Plan shows Rural Residential for the future land use. If the property was converted from County CRE to City CRE zoning, then the residential use would not be allowed. The lowest intensity residential district would be R-1, Single-Family Residential.

Mr. Hopkins wondered what it is about the particular expectation of this building that actually requires the proposed variance. Is there a limit on how big a garage can be relative to the other space in a house in the R-1 Zoning District? Mr. Fell responded that he knows through his work that a detached accessory structure can be no more than 750 square feet. Mr. Hopkins pointed out that this is not a detached accessory structure, because the storage area and the residential area will be all one structure.

Mr. Myers noted that the petitioner wants to protect his right to build prior to purchasing the land. The Zoning Ordinance states that residential storage is typically an accessory use. He wants some assurances that the City is okay with the proposed structure before he agrees to annex the property. The annexation agreement is a way of spelling out the rules.

Mr. Fell wondered if the proposed site is annexed, will there be any City responsibility or obligation for City services? Mr. Myers said yes. Chair Pollock stated that police and fire would respond upon annexation of the property. Mr. Myers added that City staff has looked at utility service extensively in terms of sewer. Staff knows what all the steps will be and when the sewer system will be required to be extended to this property.

Chair Pollock asked how far the property is located from an existing sewer line. Mr. Myers replied that the nearest point is basically across the street.

Mr. Otto had City staff to specify what would be required to extend the City services in terms of the sewer system. Mr. Engstrom responded that in terms of sewer service, there is an existing septic system that the Urbana-Champaign Sanitary District (UCSD) will allow the petitioner to reconnect to. When the septic system fails, then the petitioner will be required to hook up the UCSD public sewer, and it will be at the petitioner's cost.

Ms. Stake stated that she did not feel that the rezoning request should be passed. After looking at the variance request in the annexation agreement, she did not feel that she would want the proposed structure next door to her. She feels the rezoning request should be denied because of the variance request. The 3,200 square foot storage area goes against what the Comprehensive Plan shows for the area. She feels that something else would fit much better in this area.

Mr. Hopkins moved that the Plan Commission forward both Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09 to the City Council with a recommendation for approval. Mr. Fell seconded the motion.

Mr. Hopkins commented that he has the same concerns that Ms. Stake raised. However, what helps him think the proposed rezoning and variance are reasonable is the aerial photo (Exhibit B). Other properties that are adjacent to the proposed site are rural residential. He thinks that the City tries to articulate in the Comprehensive Plan the idea that the kind of residential in northeast Urbana is appropriately different and a particular kind of opportunity. A 4,000 square foot building is a big house, but compared to the layouts of some of the adjacent properties, it would be a step in the right direction and maybe an appropriate part of the mix on this road.

The final point is that it is not the Plan Commission's task to consider the details of the specific request for the variance. Therefore, he did not feel that they could get into that aspect of it.

Chair Pollock noticed that the red line, which outlines the subject property on Exhibit B, do not match the black lines, which represent the property lines. He pointed out that the property line goes right through the middle of where the proposed structure would be built. He asked City staff to address this. Mr. Myers explained that a subdivision of the property being completed along with the annexation. The subdivision request will clear up ambiguous property boundaries. Mr. Engstrom added that the property that is shown is from a previous subdivision

plat that was done without permission. The property as outlined in the exhibit is shown as following approval of the subdivision plat.

Ms. Stake does not feel that the rezoning request should be approved. Rural residential does not mean that residents are not bothered by bad development. If she lived in rural residential, she would not want a huge building built next to her property. She feels the proposed structure would be making more of a mess and that by approving this would be a disservice to the other property owners in the area.

Scott Plunk, petitioner, asked permission to speak. With no objection from the Plan Commission, he approached the dais. He mentioned that the existing house is in terrible condition and is uninhabitable. The property was subdivided in 2004. At the time, the owner decided he wanted to take 50 feet off the west side of it and add it to his own residential property. This made the proposed site 153 feet wide. This was not in compliance with Champaign County zoning. So, in coming up with a deal with James Tull, the current owner, to purchase the subject property, he requested 28 feet of that 50 feet to become part of the subject property again. The red line should represent what the proposed property will be after the property is re-platted.

Mr. Plunk talked about the proposed building. He explained that he has a backhoe and plans to use it to clean up the property. He is a single person, so 800 square feet of residential is enough for him. He would like to clean the dead vegetation up this coming winter and construct the new building in the spring.

Mr. Otto inquired as to what the proposed building would look like. Mr. Plunk answered that it would be a pole-type building. It will have a concrete foundation. The façade will have windows, awnings and an overhang.

Mr. Otto asked about the setback from the front property line. Will it be similar to the adjacent properties? Mr. Plunk said that it would be at least 75 feet from Perkins Road. He does not want to be close to the road.

Mr. Otto wondered if it would be similar to the Township building across the street. Mr. Plunk said no. It would not be nearly as tall and he only wants to have one ten foot door. The other doors would be much smaller.

Mr. Otto asked City staff if the adjacent properties had been sent a legal notice about the proposed request. Mr. Engstrom said yes.

Ms. Stake wondered what the plans were for this area being zoned County CR. Chair Pollock pointed out that CR is a zoning designation not a plan. Mr. Myers said that County CR favors open spaces rather than intensive uses of a lot.

Mr. Otto inquired as to whether the petitioner asked the County for a rezoning of the property. Mr. Plunk said that since it is adjacent to the city boundary, it could be annexed. If it remains County CR, then he would not be allowed to build anything on this property. Mr. Engstrom noted that single-family residential is allowed in County CR; however, for this property it would

not be conforming to the minimum lot width of the CR district. This is the reason why it is going forward as an annexation with rezoning to allow for the proposed development in the City.

Mr. Plunk noted that he does not plan to operate a business on the lot. He does not want the headaches. The main reason he has a backhoe is to clean the place up. He does not plan to drive it off the property every day.

Mr. Fell commented that he drives by this property at least twice a day. The property itself is an eyesore. The existing house is uninhabitable. He does not feel that a 4,000 square foot building would be out of place with what is in character of the rest of the neighborhood. One neighbor has 12-bay detached garage. Another neighbor has at least a 4,000 square foot pole barn right beside his house.

Chair Pollock stated that the Plan Commission is not here to pass judgment on what the structure will look like. They are only to decide if the requested zoning district is the highest and best use of the land. This is a rural area. It is a rural residence that is being proposed. Although it might not be what some of them choose to build to live in, this is not the issue. The Comprehensive Plan calls for maintaining this area as a significant wooded area. The proposed plans do not interfere with that and he supports the motion.

Roll call on the motion was as follows:

Chair Pollock	-	Yes	Mr. Otto	-	Yes
Mr. Hopkins	-	Yes	Mr. Fell	-	Yes
Ms. Stake	-	No			

The motion was approved by a vote of 4-1.

Mr. Myers noted that these two cases would go before the City Council on December 21, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✚ Long Range Transportation Plan: CUUATS staff made a presentation to the City Council on the draft Long Range Transportation Plan 2035. CUUATS requests that the Urbana City Council endorse the plan, and the City Council is still considering the plan. The Council will further discuss the Long Range Transportation Plan at their December 21, 2009 Council meeting.

- ✦ 2010 Census: The next census will be April 1, 2010. City staff is helping with the census by trying to help clear up discrepancies with addresses. It is really important for everyone to be counted as census results are used for purposes like apportioning Federal and State political representation, and they also help determine how more than \$400 billion in federal funding is provided each year to local communities and states. Census results also help the states determine how to portion revenues such as motor fuel taxes and income taxes.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission