

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** July 24, 2014

**TIME:** 7:30 P.M.

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

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**MEMBER PRESENT:** Maria Byndom, Andrew Fell, Tyler Fitch, Lew Hopkins,  
Bernadine Stake

**MEMBERS EXCUSED:** Dannie Otto

**STAFF PRESENT:** Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner  
II; Max Mahalek, Planning Intern; Teri Andel, Planning  
Administrative Assistant

**OTHERS PRESENT:** Ronald Barcus, Bill Brown, Miles Burgess, Marvin Folker,  
Bradley Kelm, Damon McFall, Carol McKusick, Rodney A.  
Meikamp, Janice Mouschovias, Nancy Nash, Forman Pursley,  
Kelly Sanner, Anthony Tate, Susan Taylor, Dave Waline, Jay  
Warendorff

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

Chair Fitch called the meeting to order at 7:31 p.m. The roll was called, and he declared that there was a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

The minutes of the May 8, 2014, May 22, 2014, May 29, 2014 and June 26, 2014 meetings were presented to the Plan Commission for approval. Mr. Hopkins moved to approve all four sets of minutes simultaneously. Ms. Stake seconded the motion.

Chair Fitch had two changes. They were as follows:

- 05-22-2014 Minutes – On page two, please note that after opening the public hearing, Chair Fitch announced there was not a quorum of the members present so no motion or vote would be made.
- 06-26-2014 Minutes – On page six, note that Ms. Black replied to Chair Fitch’s questions about the next steps in the process by saying that the plan would come back before all three commissions again.

All four sets of minutes were then approved by unanimous voice vote.

#### **4. COMMUNICATIONS**

- Email from Kathy Marquardt regarding Plan Case No. 2235-SU-14
- Emails dated 06-13-2014 and 07-22-2014 from Carol McKusick

#### **5. CONTINUED PUBLIC HEARINGS**

There were none.

#### **6. OLD BUSINESS**

There was none.

#### **7. NEW PUBLIC HEARINGS**

**Plan Case No. 2235-SU-14: A request by Kingdom Hall of Jehovah’s Witnesses Church for a Special Use Permit to complete additions to the building at 1407 East Scovill Street in the R-3, Single and Two-Family Residential Zoning District.**

Chair Fitch opened this public hearing. Max Mahalek, Planning Intern, began by giving a brief history of the proposed site and explanation for the proposed special use permit, which is to expand and make improvements to the existing structure. He noted the location, existing land use, zoning and future land use designation of the subject property and of the surrounding properties. He discussed the proposed addition, external renovations, landscaping and parking modifications and signage. He reviewed the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff’s recommendation for approval with the condition that the additions be built according to the plans provided by the applicant.

Mr. Fitch asked if the Plan Commission had any questions for City staff. There were none. After reviewing the procedures for a public hearing, Chair Fitch opened the hearing for public input.

Kelly Sanner, architect for the proposed project, stated his appreciation for the Plan Commission’s consideration. He mentioned that the church had tried to sell the building for many years. After being unsuccessful, they have taken the proposed approach, especially since it is time to upgrade the facility.

Janice Mouschovias, of 1303 Scovill, said she was speaking on behalf of almost everyone in the neighborhood. The neighborhood wants the church to be able to make whatever improvements they want. The church is a great neighbor, and the residents do not want the church to move. When the church was trying to sell the property in the previous years, the neighborhood was concerned about a new owner wanting to rezone the property which would drastically change their neighborhood.

Ms. Stake wondered if they didn't want a large church building on the proposed site. Ms. Mouschovias stated that the existing building is extremely modest for a church use. Anything that the church would want to do to expand would be met with the approval of the neighbors.

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

Mr. Fell moved that the Plan Commission forward Plan Case No. 2235-SU-14 to the City Council with a recommendation for approval including the condition recommended by City staff and modified by the Plan Commission to read as such, "Additions will be built according to the plans provided by the applicant. The Zoning Administrator may approve minor changes to the site and building plans as needed to comply with the Urbana Zoning Ordinance." Mr. Hopkins and Ms. Stake seconded the motion simultaneously.

Ms. Stake commented that it is wonderful for the neighbors to be in agreement to the church's plans.

Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Ms. Stake	-	Yes
Ms. Byndom	-	Yes			

The motion was approved by unanimous vote. Mr. Mahalek announced that this case would go before the City Council on August 4, 2014.

**Plan Case No. 2223-CP-14: A request by the Urbana Zoning Administrator to adopt the Active Choices: Champaign County Greenways & Trails Plan as an amendment to the 2005 Urbana Comprehensive Plan.**

Chair Fitch opened this case. Jeff Engstrom, Interim Planning Manager, presented this case to the Plan Commission. He gave an overview of the proposed plan and discussed the planning process, the literature review section, goals & objectives and Future Conditions Maps and project lists. He presented City staff's recommendation for approval.

Chair Fitch asked if the Plan Commission had any questions for City staff.

Mr. Hopkins wondered what the significant differences are in the proposed plan from what the City has already adopted. Mr. Engstrom replied that the main difference is Appendix C, the Greenways and Trails Official Plan.

Mr. Hopkins asked where he could find the amended Comprehensive Plan. Mr. Engstrom stated that City staff has realized that they need to update the publication of the Urbana Comprehensive Plan. However, the Planning Division has been short staffed.

Ms. Stake questioned how the Champaign County staff figured out where to place the trails. Are there both pedestrian trails and bike trails? Mr. Engstrom responded that the majority of the bike trails are on-street so they are not shared. However, the majority of the off-street trails are shared-use trails where pedestrians and bicyclists would both be using them. All of the shared-use trails are put together with recommendations from the Regional Planning Commission on proper widths to make them safe for both modes.

Mr. Fitch wondered if the proposed plans are currently in Public Works' Capital Improvement Plan (CIP). Mr. Engstrom answered that the proposed plan does not have timeframes listed for each project. One would have to go to each individual plans to see the timeframes and priorities for the projects. Although not all of the projects are included in the CIP, Public Works is aware of every project.

Mr. Fitch asked if the Lincoln Avenue extension side paths are part of the \$7.9 million that the City just received. Mr. Engstrom said yes.

With no further questions for City staff, Chair Fitch opened the case up for public input.

Susan Taylor, of 606 West Michigan Avenue, talked about the trail going east to Danville. This road is being widened to provide for the trail. There has been a mass movement of soil, which is some of the richest soil. She expressed concern that they also are not taking into consideration the drainage issues in this area. Mr. Engstrom stated that he would pass her concerns along to Bill Gray, City Engineer.

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

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2223-CP-14 to the City Council with a recommendation for approval. Ms. Byndom seconded the motion.

Ms. Stake commented that not many people understand how important the soil is. There is a difference in the soil from one area to the next. We have the richest soil in the world. We should be careful and take care of the land.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Stake	-	Yes	Ms. Byndom	-	Yes
Mr. Fell	-	Yes			

The motion was passed unanimously. Mr. Engstrom stated that this case would go before the City Council on August 4, 2014.

**Plan Case No. 2234-T-14: A request by the Urbana Zoning Administrator to amend Article II and Article V of the Urbana Zoning Ordinance to add definitions and to establish use provisions for “Medical Cannabis Dispensaries” and “Medical Cannabis Cultivation Facilities”.**

Chair Fitch opened the public hearing. Kevin Garcia, Planner II, presented this case to the Plan Commission. He began by stating the purpose of the proposed text amendment and how the request came about. He talked about the State of Illinois’ Compassionate Use of Medical Cannabis Pilot Program Act and the minimum requirements for locating medical cannabis facilities to minimize the impact on certain types of areas. He discussed Table V-1, Table of Uses, and how it currently does not have any equivalent uses to medical cannabis cultivation centers and medical cannabis dispensaries. The Zoning Administrator proposes to allow medical cannabis cultivation centers as permitted uses in the IN-2, Heavy Industrial Zoning District, as a special use in the IN-1, Light Industrial/Office Zoning District, and as a conditional use in the AG, Agriculture Zoning District. He explained how Goal 17.0, Goal 28.0 and Goal 29.0 of the 2005 Comprehensive Plan specifically relate to the proposed text amendment. He reviewed the proposed changes to Section II-3. Definitions, Section V-13. Regulation of Medical Cannabis Uses and Table V-1. Table of Uses of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff’s recommendation for approval.

Chair Fitch asked if the Plan Commission had any questions for City staff.

Mr. Hopkins stated that the Section 105 requirements on Page 3 read differently than on Pages 6-7 under Section V-13.B.1. Mr. Garcia stated that the wording on Page 3 is accurate. Mr. Fitch recommended taking out the word “on” in the language on Page 7, so that it reads as such, “*No Medical cannabis cultivation center shall be located or established in a building or structure within 2,500 feet of the property line of a pre-existing public or private preschool or elementary school or secondary school or day care center, day care home, group day care home, part day child care facility, or ~~on~~ any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District.*” Mr. Hopkins agreed.

Regarding “*Medical Cannabis Cultivation Center*”, Mr. Fell wondered if there was a property that was half in and half out of the permitted area, would the property owner be able to put a cultivation center anywhere on that lot or would he only be able to construct a cultivation center in the permitted “green” area. Mr. Garcia responded that the measurements would be taken from the property line of the sensitive use to the building line of the medical cannabis facility. As long as the facility is located outside of the required distance, it would be permissible.

Ms. Byndom asked for clarification on how many cultivation centers there could be. Mr. Garcia replied that in each state police district there can be only be one cultivation center. The dispensaries are based on the population of the police district. There could be two dispensaries in the entire nine county area.

Ms. Byndom questioned whether a cultivation center could only supply product for the district they are located in or could they supply for other districts as well. Mr. Garcia understood that a cultivation center could sell product to other districts.

Ms. Byndom inquired as to whether there was any information about the type of security that would need to be provided. Mr. Garcia stated that security is contained in the state law, and it is pretty restrictive. Dispensaries cannot have windows and cannot have product viewable from the outside. Mr. Engstrom added that they must be hard wired in to the police with an alarm system.

Mr. Fitch commented that the Dispensary Map shows that a dispensary could be located in the area where Carle is located. However, the MIC, Medical Institutional Campus Zoning District, and the B-4E, Central Business – Expansion Zoning District, were not on the list of zoning districts where a dispensary could be located. Mr. Engstrom replied that the State law completely separates medical cannabis centers from the medical system. Medical doctors will not be authorized to prescribe medical cannabis. It will all be handled at the dispensaries by qualified experts.

Mr. Fitch wondered why it is being proposed as a conditional use in the AG Zoning District. Mr. Garcia replied that although most people think of cannabis cultivation as an agricultural activity, it is actually more closely related to pharmaceutical drug manufacturing.

Mr. Fitch asked what the role of a cultivation center is. Mr. Garcia answered that dispensaries only receive the product and to provide information and the product to registered patients. The cultivation centers are completely self-enclosed that grow and process the product. They then send it out to the dispensaries.

With no further questions for City staff, Chair Fitch opened the hearing up public input.

Carol McKusick, of 1907 North Cunningham Avenue, stated that if this approved it would become another pamphlet of the use change. She wondered if it would be another argument for web republishing the entire Zoning Ordinance to include all of the approved text amendments.

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

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2234-T-14 to the City Council with a recommendation for approval with the change in the deletion of the word “on” in Section 5-13.B.1. Ms. Byndom and Ms. Stake seconded the motion simultaneously.

Mr. Fell inquired if there is a business that City staff is trying to lure in. Mr. Engstrom replied that City staff has received a few inquiries and believes it to be compatible with the City, helpful with our standing as a regional medical center and be good for the taxes.

Mr. Fitch asked how big is the police district. Mr. Engstrom replied that it is nine counties. Mr. Fitch commented that if we get the cultivation center and both dispensaries, then the City of Urbana could corner the market. Mr. Fell asked if it is first come, first served? Mr. Garcia stated that there will be a competitive bidding process, and there will be a certain criteria that the State of Illinois will be ranking proposals on. Mr. Mahalek added that the deadline for submitting proposals is September 1, 2014.

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

Mr. Hopkins	-	Yes	Ms. Stake	-	Yes
Ms. Byndom	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes			

The motion passed by unanimous vote. Mr. Engstrom stated that this case would be forwarded to the City Council on August 4, 2014.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

Carol McKusick, of 1907 North Cunningham Avenue, stated the following:

- She did not feel that there was enough language in the by-laws about communications. She referred to Article V.4 of the by-laws. Chair Fitch stated that Communications is an item on the Agenda. When they got to the Communications item, he announced both emails that were received – one from Kathy Marquardt regarding Plan Case No. 2235-SU-14 and the emails received from Ms. McKusick. Therefore, his actions were consistent with both the Plan Commission by-laws and the Open Meetings Act. Ms. McKusick stated that the communication was not made available to the audience.
- The schedule does not use the word “regular”. According to the Open Meetings Act, it refers to the “Annual Schedule of Regular Meetings”. She believes it is a violation of the Open Meetings Act.

## **10. STAFF REPORT**

There was none.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

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Jeff Engstrom, Secretary  
Urbana Plan Commission