

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: September 4, 2014

TIME: 7:30 P.M.

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

MEMBER PRESENT: Maria Byndom, Andrew Fell, Tyler Fitch, Dannie Otto

MEMBERS EXCUSED: Lew Hopkins, Bernadine Stake

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

OTHERS PRESENT: Steve & Nancy Cox, Charlotte Golden, Carol McKusick, Ross & Leslie McNeil, Mark Nilges, Rhonda Phinisee

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

Chair Fitch called the meeting to order at 7:30 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 July 24, 2014 meeting was presented to the Plan Commission for approval. Mr. Fell moved to approve the minutes. Ms. Byndom seconded the motion.

Chair Fitch had one change, which was as follows:

- On Page 3, Paragraph 4, Line 3 – “Additions will ~~will~~ be built according to the

The minutes were then approved by unanimous voice vote as amended.

4. COMMUNICATIONS

- Flyer for the 2014 APA Illinois Chapter Conference in Evanston, Illinois

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

NOTE: Chair Fitch reviewed the procedure for a public hearing.

7. NEW PUBLIC HEARINGS

Plan Case No. 2239-M-14: A request by the Urbana Zoning Administrator to adjust the boundaries of the Boneyard Creek District based on the recently adopted Federal Emergency Management Agency (FEMA) flood maps.

Chair Fitch opened this public hearing. Kevin Garcia, Planner II, presented this case to the Plan Commission. He began by giving a background and introduction on the history of the Boneyard Creek Boundary. He reviewed the development regulations in the Boneyard Creek District. He talked about the bonus provisions available to the owners of properties in the district and explained the proposed changes to the district. He stated that the proposed request comes from the City Council and Mayor Goals 2014-2017 and how the 2005 Comprehensive Plan relates to the request. He mentioned that City staff reached out to the public by holding an open house on August 12, 2014. He read the options of the Plan Commission and presented City staff's recommendation for approval.

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

Mr. Otto expressed his astonishment that the floodplain map shrunk rather than expand. He wondered if this is due to the detention ponds. How does the Federal Emergency Management Agency (FEMA) figure the calculations? Mr. Garcia replied that they probably use some advanced models. He knows that they look at the elevations, permeable surfaces and detention basins. Mr. Engstrom added that he believed the reduction is mostly due to the upstream additional flood capacity and the detention basins because there were not very many topographic changes within the University of Illinois campus. Mr. Otto commented that it is very dramatic in that there is such a clear line west of Lincoln Avenue and then when you get beyond Lincoln Avenue to the east, then all of a sudden it starts resembling more of the historic floodplain. How properties are affected is of interest to the City because there are pretty severe restrictions on what can be done within the floodplain. It seems like the University of Illinois and the land owners west of the U of I have free reign along the Boneyard Creekway.

Chair Fitch questioned whether the study was done prior to the improvements being done on Urbana's side of the Boneyard Creekway. Will the improvements have any impact on the floodplain? Mr. Engstrom replied that the FEMA maps were done prior to the improvements that were done in Downtown Urbana. Perhaps down the road, if FEMA redoes the maps there may be an impact.

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

Ross McNeil approached the Plan Commission and stated that the corner of his property is touched by the floodplain, so he was surprised to see that his property was being included in the group of houses that have many restrictions. He understood that there are bonus revisions to go with being part of the Boneyard Creek District; but as an owner-occupied single-family residence, the bonus revisions do not interest him. Therefore, he does not see any benefit but he does see potential harm from the restrictions. He was curious why his property was included when the potential flooding has moved away from his house.

He commented that in the past the street was a little low. However, when the Urbana Park District made improvements to the Thornburn Center, the parking lot was designed with drainage in mind. It does a wonderful job of retaining water. The general area has had no water problems in years. Mr. Engstrom responded that there are some properties that are similar to Mr. McNeil's property in that they are barely touched by the floodplain. Basically, the reason for the district is to make sure that any development on properties near the floodplain does not impact the floodplain. Even though you might just have a sliver of the floodplain on your property, it could be possible that redevelopment (regrading of the property) could have an impact. This is something that the City just wants to be aware of and make sure there are no negative impacts. Mr. Ross understood this.

He mentioned that the three houses there including his are part of the Urbana Park District's long term plan, so this is one more reason for his property to not be included because at some point in the future it will probably be open park space.

Mark Nilges approached the Plan Commission to express curiosity about why his property was added to the floodplain as well. Mr. Engstrom replied that it is probably due to better modeling with software and better data on what the topography is. Mr. Nilges commented that his house is built up high and the backyard slopes down. Being included in the district will only devalue his property and raise his insurance.

Steve Cox approached the Plan Commission and stated that he had his lot surveyed in 2004 and found that only a small portion of the backyard was in the floodplain. Due to the survey, he received a refund for the flood insurance that the mortgage company required him to purchase in 2003. Mr. Engstrom explained that the Boneyard Creek District is only a zoning overlay district. It does not have anything to do with the actual FEMA Floodplain Insurance requirements. He understood the requirements to only apply if the floodplain touched the house or if the land owner builds into the floodplain. So, the overlay district will not affect the flood insurance requirements or lack thereof.

Mr. Cox inquired about the bonus revisions with regards to the extra lot size. Mr. Garcia explained that in terms of building calculations, the City could take the distance from the edge of the his property line to the middle of the Boneyard Creek into account when calculating the maximum square footage for buildable area.

Mr. Garcia went on to say that the provisions were first put into place in 1979 when the City first developed the Boneyard Creek District. Current City staff has found some issues with interpreting how the bonus provisions would work, so they have been discussing how to make the bonus provisions clearer or to rework them to make them more usable.

There was no further input from the audience, so 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. Otto stated that FEMA has restrictions on what can be built within the floodplain. FEMA is not concerned as long as the building does not touch the floodplain; however, the City flags the whole property even if only a corner of the property is inside the floodplain. This requires a landowner in the district to apply for a permit for what? Mr. Engstrom said mostly to check for changes in grading to make sure there would be no additional drainage into the floodplain area.

Mr. Otto asked if the building permit could possibly be approved by the Zoning Administrator without having a hearing if the proposed development did not change the topography back within the floodplain area. Mr. Engstrom said that is correct.

Ms. Byndom questioned if the value of a property would decrease because of being added to the floodplain area. Mr. Engstrom said probably not unless the potential buyer intended to develop the entire lot including the part of the lot that is located in the floodplain. In general, he did not think it would decrease the property values. In fact, there are the bonus provisions that would be beneficial to landowners who want to develop or redevelop their lots in the district.

Ms. Byndom asked if the landowner would need to publish that the property is located in the Boneyard Creek District when they go to sell the property. Chair Fitch answered that it would be published that the property is in the district, and it could have an impact on the sale depending on what a prospective buyer wants to do with the property. Mr. Otto added that lenders want to know if the building is in the floodplain, not so much the entire property. Floodplain maps are estimates of the topography, but there are actual publications that show the base flood elevation. A surveyor can establish that your house is above the base flood elevation, and then you will not need any floodplain insurance.

Chair Fitch asked if all the newly added properties are residential. Mr. Engstrom stated that they are primarily residential.

Chair Fitch stated that he would like to have more information about the properties that are only partially in the floodplain. Mr. Garcia showed a map indicating the old boundary (red), the new boundary (blue) and unchanged areas (purple).

Chair Fitch asked what the gain is to the City of Urbana of bringing these properties into the protection of the Creekway District. Mr. Engstrom replied that is just ensuring that any potential developments do not have a negative impact on the floodplain. Mr. Fitch asked if it would be possible to look at a provision that says we flag these as possible future Creekway extensions if there is a significant redevelopment. Mr. Engstrom said yes, but with the way that the proposed zoning map amendment was being presented it would be something that would require a future text amendment to the Zoning Ordinance. Mr. Garcia added that if the potential redevelopment would be something major, then the Plan Commission would have a public hearing. A minor development would be administratively reviewed.

Mr. Otto explained that the City does not have any control over the floodplain. FEMA determines the floodplain. If you look at the actual FEMA maps, they have foot-by-foot what the grade is as it goes downstream. A homeowner can pay a surveyor to determine if they are in

or out of the floodplain. The proposed request is only adding and removing properties from the City's Boneyard Creek District, which flags property for review and consultation of future development plans. It does not change the FEMA Floodplain maps.

Mr. Otto stated that it makes sense to remove the properties that FEMA has determined to no longer be inside the floodplain. The question is should the City continue to use the old principle that if the corner of the property is within the floodplain to list the entire property. He sees it as being straight forward and not that onerous on the owners. It is not changing anything dramatically and is consistent with the way it was conceived 30 years ago.

Mr. Otto moved that the Plan Commission forward Plan Case No. 2239-M-14 to the Urbana City Council with a recommendation for approval as presented herein. Mr. Fell seconded the motion. Roll call was as follows:

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|----------|---|-----|------------|---|-----|
| Mr. Fell | - | Yes | Mr. Fitch | - | No |
| Mr. Otto | - | Yes | Ms. Byndom | - | Yes |

The motion passed by a vote of 3-1.

Mr. Engstrom stated that this case would be forwarded to the City Council on September 15, 2014.

Plan Case No. 2240-SU-14: A request by Henson Disposal, Inc. for a Special Use Permit to establish a construction and demolition debris recycling center at 910 West Saline Court in the IN-2, Heavy Industrial Zoning District.

Chair Fitch opened this case and continued it to the next regular meeting of the Plan Commission at the request of the petitioner.

Plan Case No. 2241-SU-14: A request by Southwind RAS, LLC for a modification of an approved Special Use Permit for a recycling center at 910 and 1000 West Saline Court in the IN-2, Heavy Industrial Zoning District.

Chair Fitch opened this case and continued it to the next regular meeting of the Plan Commission at the request of the petitioner.

Mr. Engstrom explained that Plan Case No. 2240-SU-14 and Plan Case no. 2241-SU-14 are interrelated and the petitioner is requesting that they be heard together. The owner of Henson Disposal had a conflicting public hearing for an existing property in McLean County, which is why he asked for a continuance.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Carol McKusick talked about the following:

- The way City staff facilitates cases and business that is not considered a case, such as the By-Laws.
- Distribution and Timeliness of the distribution of materials. She felt that the ability for applicants to switch out materials up to the time of the meeting would be an advantage for the applicants. One would think that when a case is opened that there would be materials provided for the Plan Commission members and members of the audience to begin reviewing.
- By-Laws – Article V.4: The Plan Commission can add something to the agenda by unanimous vote. Should also have a provision for electronic meetings. This would allow people to conference in electronically to make a quorum.
- By-Laws – Article VI.17: Presentation of evidence. Chair Fitch stated that if the Plan Commission did not take evidence from a petitioner or an opponent, then it would open the City up to litigation. It would seriously damage any decision made by the Plan Commission. They also take evidence through the end of the public hearing to be able to make the best decision possible. Ms. McKusick talked about the permanent filing of evidence and materials in the corresponding case files. Chair Fitch explained about the packets. Other evidence received late after the packet has been distributed should be copied and made available on the back table prior to the start of a meeting.
- Quorum – She changed her opinion about holding meetings without a quorum present. Any commission has to make decisions, and decisions have to be made by a quorum, so no meeting should be held without a quorum.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- Plan Case No. 2235-SU-14 regarding the Kingdom Hall Church expansion was approved by the City Council.
- Plan Case No. 2234-T-14 regarding the text amendment proposing the addition of medical cannabis dispensaries and cultivation centers was approved by City Council.
- 2014 Illinois APA Conference in Evanston, Illinois. He encouraged the Plan Commission members to attend if they are able.

Chair Fitch asked if there are any area businesses who have applied for either a cultivation center or a dispensary. Mr. Engstrom replied that there are multiple parties that are going to apply for dispensaries. Mr. Garcia noted that there is one group interested in opening a cultivation center. The group is interested but having difficulties in locating a site for the center.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Jeff Engstrom, Secretary
Urbana Plan Commission