

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 10, 2015

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Maria Byndom, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Administrative Assistant II; William Gray, City Engineer

OTHERS PRESENT: Evan Alvarez, Brigitte Bradley, Marianne Fineberg, Cynthia Hoyle, Marcia Klopf, Gabrielle Mattingly, Lori Morgan, Rob Olshansky, Munguntuya Otgonjargal, Michael Schillinger

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

Chair Fitch called the meeting to order at 7:30 p.m. Roll call was taken and there was a quorum of the members present.

2. CHANGES TO THE AGENDA

Chair Fitch suggested at the recommendation by City staff to move the item, Active Transportation Class Presentations, under Staff Report to be heard before the items under New Business. The Plan Commission members agreed unanimously.

3. APPROVAL OF MINUTES

The minutes from the October 22, 2015, regular meeting were presented for approval. Ms. Byndom moved that the Plan Commission approve the minutes as presented. Mr. Trail seconded the motion.

Mr. Fell clarified that he attended the meeting; however, he did not attend as a Plan Commission member due to a conflict of interest with the case that was being reviewed and voted on.

Therefore, the minutes should reflect this and his name should not be listed under Members Present.

Mr. Stohr suggested adding language stating that he discouraged building near or in the floodplain during his discussion with Brad Bennett, Assistant City Engineer. Mr. Fitch pointed out in the minutes where the discussion was held and asked if he thought a stronger statement should be made. Mr. Stohr replied no and withdrew his suggestion.

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

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. STAFF REPORT

Active Transportation Class Presentations

Cynthia Hoyle, Adjunct Lecturer in Urban and Regional Planning at the University of Illinois, stated that she teaches a class, Active Transportation Planning. This semester the class project was to research and propose a hypothetical mixed-use multi-modal center for Downtown Urbana using the Historic Lincoln Hotel. There were three groups to present their proposals to the Plan Commission.

GROUP 1 – Evan Alvarez and Marcia Klopf URBANA TRANSIT CENTER PROPOSAL

- Project Goals
- Proposal
- Transit Center
- Changes to existing Infrastructure on Elm Street and Broadway Avenue
- Public Space
 - Pedestrian Project
 - Woonerf

- Additional Redevelopment
 - Apartment Building on Southwest Corner
 - Parking Garage
 - Hawk Signal at Green and Vine Streets
- Questions?

Mr. Ackerson felt it was very forward thinking and appreciated their concepts, especially the transit center. He particularly appreciated their focus on bicyclists and pedestrians as well as cars and buses. He asked if they would be proposing any changes to the City parking across the street in the parking garage. Mr. Alvarez and Ms. Klopf replied no.

GROUP 2 – Michael Schillinger, Gabrielle Mattingly, Brigitte Bradley
URBANA MIXED-USE TRANSIT CENTER

- New Transit Station
- Historic Preservation/Existing Building Re-Use
 - Hotel
 - Lincoln Square Mall
 - Downtown Parking Garage
- Mobility Enhancements
 - Transit Center
 - Complete Streets
 - Economic Development
- Transit Development
- Traffic Rerouting
- Increasing Pedestrian, Bicycle and Disability Access
 - Opening up Green Street and Broadway Avenue
 - Improvements of existing conditions
- Acclimation to Urbana
- Questions/Comments?

Mr. Stohr asked for more elaboration on the proposed transit center. He wondered if there would be other transportation modes available such as bicycle rental. Ms. Bradley showed where the bicycle parking would be located on the proposal. She stated that they could provide bicycle rental there as well.

Mr. Ackerson noticed that Group 1 and Group 2 provided bicycle parking across the street. He wondered what the rationale was for not locating it in the transit center. Ms. Bradley stated that both groups coincidentally picked the same spot to locate the bicycle parking.

GROUP 3 – Lori Morgan
Lincoln Center Multi-Use Transit Hub Proposal

- Project Goals
 - Mixed-Use
 - Commercial Space
 - Multi-Use Transit Hub
 - Public Space

- Proposed Circulation
 - Buses
 - Bicyclists
 - Pedestrians
- Phase 1
- Phase 2
- Phase 3
- Cases
 - Athens Clarke, GA
 - Uptown Normal
 - City of Englewood, CO
- Economic Development
- Why Follow This Proposal?
- Questions?

Ms. Byndom inquired where the retail from Lincoln Square Mall would be relocated once the mall was demolished as part of the proposal. Ms. Morgan stated that between the development of the retail space in the street frontages of the parking garage and on the first floor of the mixed-use space that would be created, there would be ample room to recover the retail businesses.

Mr. Ackerson mentioned that the transit center in Normal was located near a rail hub. Did the group factor in that they won't have the heavy Amtrak business? He expressed concern about the facility not only being for MTD buses. There are many different forms of transit. Ms. Morgan replied that was one reason for giving charter buses their own space. She stated that the bicycle facilities would be located on the first floor of the transit hub. They would provide office space on the first floor of the mixed-use space so that it would provide a multi-use for people to come to this area.

Mr. Otto questioned if they would be tearing down the historic apartment building located on the southwest portion of the proposed site. Ms. Morgan replied that may be an oversight in the drawing. The group had no intention of proposing to demolish the building.

Ms. Hoyle re-approached and thanked the Plan Commission for allowing the groups to present their proposals.

Mr. Trail commented that for a multi-modal transit hub project, it made the project harder to create being located further away from the railway. Ms. Hoyle explained that the railway is currently a spur line that only occasionally has industrial rail traffic on it. To have the proposed location for a transit hub located next to the railway would be basing it on a much farther-fetched calculation. They chose the Lincoln Square Mall site because there is a project that will be improving Green Street. They wanted to use Green Street to provide a corridor from the University of Illinois campus to the proposed site to pull people and give them a destination to Downtown Urbana.

Rail was not mentioned in the intergovernmental agreement between the City of Urbana and MTD. The agreement was based on bus transit. The class was using the agreement as a template for the proposed project.

9. NEW BUSINESS

Plan Case No. 2267-S-15 – A request by the Zoning Administrator for a waiver of Section 21-37 of the Urbana Subdivision and Land Development Code regarding sidewalk installation requirements for Oakbrook Circle in the Birchcrest III Subdivision (Part of Yankee Ridge).

Chair Fitch opened this item on the agenda. Lorrie Pearson, Planning Manager, presented this case to the Plan Commission members. Using Exhibit A, the Location Map, she showed where Oakbrook Circle is located. She explained the history of sidewalk installation in Birchcrest III Subdivision, noting that there were portions of the sidewalk missing on Oakbrook Circle and a short section designed to connect the South Vine Street cul-de-sac to Meadowbrook Park. There are four properties owned by three people on Oakbrook Circle. Two of the three property owners have voiced that they do not want the missing sidewalks constructed due to mature landscaping and basically do not feel that installing the missing portions of sidewalk was necessary. The third property owner had not voiced his preference; however, since the third property owner was also the developer of the subdivision and did not install the sidewalks when the subdivision was developed, City staff did not believe that he would be opposed to the waiver.

Mr. Fell asked if the right-of-way at the north end of Vine Street that was vacated was split between the property owners of 408 Oakbrook Circle and 3302 South Vine Street. Ms. Pearson replied yes. She pointed out that the proposed area is in the County, so the Township issued the vacation of the right-of-way.

Ms. Pearson reviewed the criteria from Section 21-7 of the Urbana Subdivision and Land Development Code for a subdivision waiver. She read the options of the Plan Commission and presented City staff's recommendation for this case.

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

Mr. Stohr wondered if the waiver was denied, would the sidewalk be constructed at some point in the future. Bill Gray, City Engineer, stated that normally a bond is required from the developer of a subdivision to ensure that infrastructure is constructed. For this subdivision, the developer posted Lot 24 as security instead. In 2003, the developer wanted to install the sidewalks so he could sell Lot 24, but the two property owners that currently oppose the sidewalks were against them back then. Since then, Lot 24 was sold during a tax sale and now the City of Urbana has no collateral for ensuring the sidewalks will be built. The developer could install the sidewalks but it would be a legal matter. The City could install them, but it would be at the City's expense. The residents living on Oakbrook Circle do not want the sidewalks installed. The sidewalk has been missing since the subdivision was developed over 30 years ago. City staff would like to put an end to the issue.

Mr. Stohr asked if this would set a precedent. Mr. Gray replied that is a good question. City staff does not like to set a bad precedent, but knowing that this is an unusual and long term situation, they think there are enough caveats to this particular recommendation that it would not set a bad precedent. The City of Urbana is a walkable community, and pedestrian access is highly important.

Mr. Stohr questioned why the City needs to finalize action. Couldn't we just leave it open. Ms. Pearson explained that some residents have expressed interest in removing small sections of the sidewalk that are not linked. To make this possible the proposed waiver would need to be approved. Mr. Gray added that if the City does not act on the proposed subdivision waiver, then we should take the appropriate actions to follow through with getting the sidewalk installed.

Mr. Trail asked for elaboration on where the sidewalks were missing. Using Exhibit B, Lot Ownership and Addresses, Ms. Pearson showed the Plan Commission where the sidewalk was missing in the cul-de-sac and at the end of South Vine Street.

Ms. Byndom wondered if the reason the residents did not want the sidewalk was to make the cul-de-sac look more consistent. Ms. Pearson stated that would be a question for the resident who was in the audience.

Mr. Otto noticed that there were other sidewalks missing in the subdivision along Sherwin Drive between Persimmon Circle and Sherwin Circle. Mr. Gray stated that this section of the subdivision was developed prior to the creation of the Urbana Subdivision and Land Development Ordinance.

Mr. Otto wondered why this is on the City's agenda since the subdivision is located in County limits. Ms. Pearson explained that the subdivision lies within the City's mile-and-a-half extra-territorial jurisdiction area, so any subdivision needs to be processed through the City.

Mr. Fell questioned whether City staff anticipates ever wanting a path from Meadowbrook Park down to the Birchcrest Subdivision any time in the future. Mr. Gray responded that this would be more of a neighborhood/Urbana Park District issue than a City issue. If the subdivision was annexed into the City, then City staff and the Urbana Park District could talk about that.

Mr. Fell asked if the end of Vine Street was legally vacated. Mr. Gray said yes. Urbana Township Road Commissioner was advised that the City would like an easement; however, the Urbana Township Road Commissioner vacated the entire right-of-way without acquiring an easement.

Mr. Fell asked if any of the property owners were not the original owners of their lots. The original owners might have expected sidewalks to be installed; however, if the owners are not original owners, then they might not have the expectation that the sidewalks would be connected. Mr. Gray replied that would be a question for the resident to answer. He explained that at the time when the developer developed the subdivision, the developer wanted to build the houses and then install sidewalks. This is not the process the City follows now. We require streets and sidewalks to be installed at the same time prior to the building of homes on individual lots.

Mr. Hopkins stated that there appeared to be a well-worn path for access from Meadowbrook Park to the subdivision, which the Urbana Park District does not acknowledge for financial, political, liability, jurisdictional and taxation reasons. The residents are clearly the people who use the path. Mr. Gray explained that the path cuts through vacant Lot 24.

Mr. Hopkins stated that there was a set of related issues that can be discussed at another time. There was something regarding connection that ought to be dealt with at some point, but it

cannot be part of the proposed subdivision waivers. Mr. Gray added that this story gets broader and wider as questions were raised. Lot 24 was being considered to be gifted to the Urbana Park District; however, that is no longer being pursued. Mr. Hopkins commented that the proposed subdivision waiver was the way to clean this up and be done with it. If the City of Urbana is going to spend money and effort on sidewalks, then there are much more important and valuable places for the City to focus on. Mr. Gray agreed.

Mr. Trail understood that Lot 24 had already been gifted to the Urbana Park District. Mr. Gray replied that is not true.

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

Marianne Fineberg, property owner for 407 and 408 Oakbrook Circle, said that the existing partial sidewalk looks unfinished and is an eyesore. It leads to nothing. It would be easier to remove the partial sidewalk than to remove the mature landscaping.

Mr. Ackerson asked if the case came about not because the property owners want to complete the sidewalk but because they want to remove the existing partial sidewalk because it is not really used and does not fit with the current use of the properties in the cul-de-sac.

Mr. Fell asked if the proposed subdivision waiver is granted, then she would remove the sidewalk along her property, but would still have 60 feet of sidewalk in front of an empty lot. Ms. Fineberg stated that they would like to remove the entire sidewalk. Mr. Fell asked if City staff would be okay with the Finebergs removing sidewalk in the right-of-way in front of someone else's property. Mr. Gray replied that it is not the City's jurisdiction.

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

Mr. Fell wondered if the Finebergs remove the sidewalk in front of someone else's property, then it would be acceptable to the City staff. Mr. Gray replied that he hadn't discussed this with the Urbana Township Road Commissioner. He would recommend that the Finebergs not remove the existing partial sidewalk; however, it is not the City of Urbana's responsibility or jurisdiction. He believed that if the City was opposed to the removal of the existing partial sidewalk, then the Urbana Township Road Commissioner would agree.

Mr. Gray went on to say that if the City approves the proposed waiver to install the rest of the sidewalk, then we are making a statement to the Urbana Township that we do not care that this particular street for the reasons mentioned does not have a sidewalk. The proposed waiver only deals with the lots on Oakbrook Circle.

Mr. Trail believed that they have to think beyond the current owners. The purpose for the ETJ area is because the property will probably be annexed someday. The Urbana Park District probably does not want to talk about the path on Lot 24 because they do not officially serve this subdivision, but upon annexation, the street will become an important access point into the park. So, giving up pedestrian facilities that already partially exist or should be installed does not seem like a good idea to him. Mr. Fell pointed out that it cannot become a pathway to the park

because someone owns it. Mr. Trail stated that he overheard a conversation during an Urbana Park District event that gifting of Lot 24 to the Park District was happening.

Mr. Hopkins stated that the access to Meadowbrook Park, if and when it gets created, will not be off the sidewalk in Oakbrook Circle. It will be off the sidewalk along South Vine Street, and that sidewalk fully exists. While he thought it might be plausible for the connection to happen, he did not feel it would affect the specific thing that is being proposed. The proposed waiver only refers to the sidewalks in Oakbrook Circle, which is a cul-de-sac of four properties. Two of these properties are on the corners of Oakbrook Circle and South Vine Street, so there are only two lots that would not be served by having a sidewalk. From an impervious surface point of view, it would make more sense to NOT have sidewalks around the cul-de-sac under the circumstances, especially since at the present time those two lots are vacant.

Mr. Otto expressed concern about the looseness of the language. He moved that the Plan Commission forward Case No. 2267-S-15 to the City Council with a recommendation for approval of the requested waiver for sidewalk requirements of Sections 21-37 of the Urbana Subdivision and Land Development Code along the Oakbrook Circle frontages of 406, 407, 408 and 409 Oakbrook Circle (P.I.N. # 30-21-29-426-018, 30-21-29-426-017, 30-21-29-426-019, and 30-21-29-426-016, respectively). Mr. Hopkins seconded the motion.

Ms. Byndom commented that having sidewalks are important, but this situation is very unusual and very specific and that two property owners do not want them. Therefore, she was in favor of the motion.

Mr. Trail did not see the public purpose served by giving up the right to demand the sidewalks be installed. He doesn't see what the City would gain by waiving the sidewalk requirements now. Mr. Otto stated that the request was to remove the orphan sidewalk, but the larger question is who would have the obligation to install the sidewalks and how could that be enforced. Mr. Trail responded that this was a separate issue to him. Someone should be responsible for installing the sidewalks. The fact that no one can decide who that someone should be doesn't mean that the City should waive the right to require the sidewalks, especially for the future owners of 406 and 407 Oakbrook Circle.

Mr. Stohr wondered if the property owners would be required to contribute all or some of the cost for the installation of sidewalks, curbs, and/or gutters in an area where they do not currently exist. Mr. Gray explained that there a special assessment or a special service or tax district could be established. The City may contribute a percentage towards the improvement, and the benefitting property owners would contribute a percentage of the improvement. With new subdivisions, the City now requires infrastructure such as sidewalks, curbs and gutters, storm sewers and streets in place up front. This is either done before we record the final plat or the developer provides a subdivision bond to the City to guarantee that it will happen.

Mr. Stohr asked if the property owners would have to construct the sidewalks if they were missing. Mr. Gray responded that if the City waives the sidewalk requirements, then no the property owners would not have to install the missing sidewalk. If the City does not grant the proposed waiver and the Finebergs want to build another home on the second lot they own, then

the County could require them to install the sidewalk before issuing building permits. This would be a question for Champaign County Planning and Zoning.

He mentioned that if the waiver is granted, then the City could release their encumbrance on Lot 24. However, this should not guide the Plan Commission in making a decision.

Mr. Otto wondered if the easement would still be in place if they grant the waiver. Mr. Gray said yes, the right-of-way would remain right-of-way.

Mr. Fell questioned since the subject area is not in City limits and if the City did not grant the waiver request, if the Finebergs removed the existing partial sidewalk, would the City have any legal or other recourse against them. Would any other body? Mr. Gray replied that the Urbana Township would have a say whether the Finebergs can remove the existing partial sidewalk or not. Absent a waiver, the Urbana Township Road Commissioner would not approve the removal of the sidewalk.

Mr. Trail asked for a reiteration of the motion. Ms. Andel read back the motion. Roll call on the motion was as follows:

Ms. Byndom	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	No	Mr. Ackerson	-	Yes

The motion was approved by a vote of 7-1. Ms. Pearson stated that this case would go to a special meeting of the Urbana City Council on Monday, December 14, 2015.

CCZBA-817-AM-15 – A request by Farm Lake, Inc. to rezone 2502 North Cunningham Avenue from County R-4, Multiple Family Residential, to County AG-2, Agriculture Zoning District.

Chair Fitch opened this item on the agenda. Jeff Engstrom, Planner II, presented this case to the Plan Commission members. He explained the reason for the rezoning request. He gave a brief description of the site and showed where the proposed site is located in relation to the City of Urbana. He noted the zoning and current land uses of the proposed site and of the adjacent properties. He discussed the R-4 and AG-2 County Zoning Districts. He talked about how the proposed rezoning compares to the City’s 2005 Comprehensive Plan’s designations, goals and objectives. He noted that if the subject site were ever annexed it would convert to the City’s AG, Agriculture Zoning District, and the existing uses would be compatible. He read the options of the Plan Commission and presented City staff’s recommendation to defeat a resolution of protest.

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

Mr. Trail asked if there was a reason why the CRE (Conservation-Recreation-Education) Zoning District would not be more appropriate. It appeared that there was some underlying reason to rezone to AG-2. Mr. Engstrom replied that event uses would not be allowed in the County CRE.

With no further questions for City staff and with no audience input, Chair Fitch closed the public hearing for Plan Commission discussion and/or motion(s).

Mr. Ackerson asked for explanation of defeating a resolution of protest versus protesting. Chair Fitch stated that City Council could pass a resolution of protest, which would force the Champaign County Board to have a three-quarter majority to approve the proposed rezoning. Therefore, the Plan Commission can recommend Council approve a resolution of protest or to not approve a resolution of protest. The recommendation from City staff was to not recommend or defeat a resolution of protest.

Mr. Ackerson moved that the Plan Commission forward a recommendation to City Council to defeat a resolution of protest as suggested by City staff. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	No
Mr. Ackerson	-	Yes	Ms. Byndom	-	Yes

The motion was passed by a vote of 7-1. Mr. Engstrom noted that this case would be forwarded to City Council on Monday, December 14, 2015.

10. AUDIENCE PARTICIPATION

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission