

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 8, 2024

TIME: 7:00 P.M.

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

MEMBERS ATTENDING: Dustin Allred, Will Andresen, Andrew Fell, Lew Hopkins, Bill Rose, Karen Simms, Chenxi Yu

MEMBERS EXCUSED: Debarah McFarland

STAFF PRESENT: Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Geoffrey Bant, Brad Bennett, Joanne Budde, Christy Donovan, Stan Friese, Deb Hissong, Rich Hissong, Richard Lampman, Adam Martinsek, Lori Martinsek, Christina Penna, Scott Roher, Tony Trad, Vicki Trimble, Jim Tucker, Marla Tucker

A. CALL TO ORDER and ROLL CALL

Chair Allred called the meeting to order at 7:01 p.m. Roll call was taken, and there was a quorum of the members present.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the December 7, 2023, regular meetings were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Mr. Rose seconded the motion. The minutes were approved by unanimous voice vote as written.

D. COMMUNICATIONS

Communications received regarding Plan Case No. 2483-M-23:

- 1) Packet of Emails received Post Packet
 - Andrea and Ted Turner
 - John and Silda Andrick
 - Christy Donovan

- Eric and Kelly Kuchefski
 - Scott Glassman
 - Jim and Marla Tucker
 - Joanne Budde
 - Kent and Lori Choquette
 - Dr. Richard Lampman
 - Randy Roberts
 - Bob Withers
- 2) Notice of Request for Postponement and Layover of Public Hearing from Carol A. Lockwood, of Hinshaw & Culbertson LLP
 - 3) Letter from Carol A. Lockwood, Esq., of Hinshaw & Culbertson LLP
 - 4) Letter from Josh Markiewicz

E. CONTINUED PUBLIC HEARINGS

There were none.

F. OLD BUSINESS

Review of Plan Commission Bylaws – Changes to Plan Commission Meeting Schedule for 2024

Chair Allred re-opened this item on the agenda. Kevin Garcia, Principal Planner, presented a brief update on the proposed changes. He stated the options of the Plan Commission.

Mr. Hopkins asked if the Plan Commission could act on the item during this meeting. Mr. Garcia replied yes, because it was originally proposed in November, 2023.

Mr. Hopkins stated that he was not interested in having one meeting a month for reasons he mentioned at the previous meeting on November 9, 2023. He believed there was a reason for scheduling the Plan Commission meetings on the first and third Thursday after the first Monday. He asked if the reason was still valid. Mr. Garcia stated that he was unsure of the original reasoning. He explained that if the Plan Commission switched to the first and third Thursday of every month it would give staff an additional week in some months to prepare for Committee of the Whole. It is also easier to understand. Mr. Hopkins was agreeable to switching to holding meetings on the first and third Thursdays of each month.

Mr. Allred asked how many meetings are not held due to lack of a quorum. Mr. Garcia replied that in looking at a two-year period, there were 49 scheduled meetings, and only 18 meetings were held. Twenty-seven meetings were cancelled due to lack of agenda items, three meetings were cancelled due to lack of a quorum and one meeting was cancelled due to inclement weather.

Mr. Rose asked if it would be burdensome to applicants to only hold one meeting a month rather than two each month. Mr. Fell commented that as someone who presents cases to the Plan Commission, it is better to have the option of two meetings a month. There are times when it is

financially critical for deadlines and components to have to wait. He stated that the prep time and the lead time to submit materials for the packet might be an issue with only one meeting a month.

Mr. Hopkins moved that the Plan Commission amend the bylaws to make the meetings to occur on the first and third Thursdays of each month (Option #1). Ms. Simms seconded the motion. Roll call on the motion was as follows:

Mr. Andresen	-	Yes	Mr. Fell	-	Yes
Mr. Hopkins	-	Yes	Mr. Rose	-	Yes
Ms. Simms	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes			

The motion passed unanimously.

G. NEW PUBLIC HEARINGS

Plan Case No. 2482-M-23 – A request by Brad Bennett, on behalf of the Urbana-Champaign Sanitary District, to rezone Lots 1 and 2 of the Urbana Champaign Sanitary District Subdivision No. 1 from R-3 (Single and Two-Family Residential) to CRE (Conservation-Recreation-Education).

Chair Allred opened Plan Case No. 2482-M-23. Kevin Garcia, Principal Planner, presented the written staff report to the Plan Commission. He briefly summarized the details and facts of the case.

Chair Allred asked if any members of the Plan Commission had questions for Mr. Garcia.

Mr. Hopkins expressed concern about the existing solar farm. Mr. Garcia explained that the solar farm was built before the City passed a text amendment regulating solar use. Prior to the text amendment, the City treated solar of any kind as a mechanical system. Solar farms are not allowed in the R-3 (Single and Two-Family Residential) Zoning District, so the proposed rezoning would bring the existing solar farm more into conformity. Mr. Hopkins stated that it needs to be in the record that the City considers the solar farm to be conforming and have approval of a special use permit to operate.

Mr. Fell asked if the City owns the two lots. Ms. Garcia replied that the Urbana-Champaign Sanitary District owns both lots.

With no further questions for the applicant, Chair Allred opened the hearing for discussion by the Plan Commission. He reviewed the procedure for a public hearing. There was no public input, so Chair Allred opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission forward Case No. 2482-M-23 to the City Council with a recommendation for approval and recognition that the current solar farm is a conforming use based on an implied special use permit. Mr. Rose seconded the motion.

Mr. Fell asked if the Plan Commission could blanketly issue a special use permit this way. Mr. Hopkins stated that the solar farm was approved under a different ordinance, which made the solar

farm become a conforming use. He doesn't want the use to become non-conforming due to the proposed rezoning.

Chair Allred stated that since the Plan Commission cannot grant a special use permit in this case without proper noticing, he suggested that City staff research the best way to move forward without creating a non-conformity. If the City approves the proposed rezoning, the solar farm would become legally non-conforming and would not create the impression that another proposed solar farm would not require a Special Use Permit. Mr. Garcia added that when the City adopted the solar energy text amendment, they essentially made any existing solar farm non-conforming.

Mr. Rose asked if there is currently a special use permit for the existing solar farm. Mr. Garcia said no because it was constructed prior to the City having regulations on solar farms. They were considered mechanical systems then.

Ms. Simms asked if there is a grandfather statement that the Plan Commission can make about the existing solar farm. Mr. Garcia said that is what the entire non-conforming section in the Zoning Ordinance is about.

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

Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Mr. Andresen	-	Yes			

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to Committee of the Whole on February 19, 2024.

Plan Case No. 2483-M-23 – A request by the Urbana Zoning Administrator, on behalf of the Urbana City Council, to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business).

Chair Allred opened the public hearing for Plan Case No. 2483-M-23. He stated that the attorney for the property owner submitted a request to continue this case to the February 22, 2024 meeting of the Plan Commission based on their inability to prepare for this public hearing due to the short notice of this meeting.

Mr. Fell moved that the Plan Commission continue Case No. 2483-M-23 to the February 22, 2024 meeting. Ms. Simms seconded the motion.

Mr. Hopkins asked the representatives of OSF if they still want to continue the case. Mr. Garcia said yes. It was made clear to him that OSF wants to continue the case and the representatives from OSF that are in the audience are not the legal representation that OSF would like to have at the public hearing.

Roll call on the motion was as follows:

Mr. Hopkins	-	No	Mr. Rose	-	Yes
Ms. Simms	-	Yes	Ms. Yu	-	No
Mr. Allred	-	Yes	Mr. Andresen	-	Yes
Mr. Fell	-	Yes			

The motion passed by a vote of 5-2.

Plan Case No. 2484-T-24 – A request by the Urbana Zoning Administrator to amend Table V-1 of the Zoning Ordinance to remove “Self-Storage Facility” from the B-3 (General Business) Zoning District as a Conditional Use.

Chair Allred opened the public hearing for Case No. 2484-T-24.

Mr. Hopkins stated that having read the legal brief, part of the contention is that making the current contractual proposal a non-conforming use is part of the contest from the legal point of view. Therefore, dealing with this case, which would also make [a self-storage facility] a non-conforming use, should also be continued to the same meeting as Case No. 2483-M-24. Mr. Garcia stated that this would be appropriate.

Mr. Hopkins moved that the Plan Commission forward Case No. 2484-T-24 to the February 22, 2024 Plan Commission meeting. Mr. Rose seconded the motion.

Mr. Fell asked for clarification on the reason for the motion. Mr. Hopkins replied that both Case No. 2483-M-23 and 2484-T-24 are in effect attempts to make a proposed development, which has already been given a conditional use permit, a non-conforming use. That would be the effect of approval of each case. Arguably that cannot affect the existing approved use. However, as the legal document that has been submitted for Case No. 2483-M-23 requesting the continuation of that case states that OSF still currently owns the property. The contract to sell it to the approved developer has not actually been consummated. The approved developer in that sales contract is identified as being concerned about it becoming a non-conforming use. Since both of the cases would yield that effect, he felt it would be inappropriate to consider them separately given the legal question involved.

Mr. Fell asked for clarification on the intent of the proposed text amendment in Case No. 2484-T-24. By removing the self-storage use from the B-3 (General Business) Zoning District as a conditional use permit, would it become a permitted use or not allowed at all in the B-3 District? Mr. Garcia replied that staff's intent is to remove the self-storage use from the B-3 District entirely.

Chair Allred agreed with Mr. Hopkins; however, the reasons in the written staff report relates to concerns about the proliferation of self-storage units on properties zoned B-3 city-wide, so he does not know that it would be necessary to not address this case in light of the specific proposal for the property located at 205 North High Cross Road.

Roll call on the motion was as follows:

Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Mr. Andresen	-	Yes	Mr. Fell	-	Yes
Mr. Hopkins	-	Yes			

The motion was passed by unanimous vote.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

Chair Allred invited members of the audience to approach the Plan Commission to speak.

Vicki Trimble approached the Plan Commission to speak. She stated that she had submitted an email which was not relayed to the Plan Commission. She wondered how many other emails were not relayed. She said that the residents of Beringer Commons have had trouble getting their voices heard by the Zoning Board of Appeals. They were hopeful that the Plan Commission would be able to help them.

Joanne Budde approached the Plan Commission to speak. She stated that she was just outside the Council Chambers speaking with fellow residents of Beringer Commons who also had submitted comments via email that were not included in the packet. She said that she had sent two comments and only saw one of them in the packet.

Mr. Garcia stated that any communications received after the packet of information for the meeting was emailed out on Friday, February 2, 2024 were packaged up and shared with the Plan Commission members earlier in the day. Staff will be sure to include Ms. Trimble’s email in the packet for the February 22, 2024 meeting.

Mr. Rose suggested sending copies of all submitted public comments to anyone who had submitted comments. Mr. Garcia stated that he would do so, and would also inform them of the continued cases. Ms. Simms suggested that staff check with IT to see if any comments were marked as spam.

With no further public input, Chair Allred closed this section of the agenda.

J. STAFF REPORT

Mr. Garcia noted that Hope Village Planned Unit Development and Preliminary/Final Plat were both approved by City Council.


K. STUDY SESSION

There was none.

L. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Garcia", is written over a horizontal line.

Kevin Garcia, Secretary
Urbana Plan Commission