

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 6, 2024

TIME: 7:00 P.M.

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

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

MEMBERS ABSENT: None

MEMBERS EXCUSED: None

STAFF PRESENT: Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Mark Allen

A. CALL TO ORDER and ROLL CALL

Chair Allred called the meeting to order at 7:02 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 March 7, 2024, regular meeting were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Mr. Andresen seconded the motion. The minutes were approved as written by unanimous voice vote.

NOTE: Ms. Simms arrived at 7:04 pm.

D. COMMUNICATIONS

There were none.

E. CONTINUED PUBLIC HEARINGS

There were none.

F. OLD BUSINESS

There was none.

G. NEW PUBLIC HEARINGS

Plan Case No. 2490-M-23 – A request by Mark Allen to rezone a portion of 710 Cunningham Avenue from AG (Agriculture) to B-3 (General Business).

Chair Allred opened the public hearing for Plan Case No. 2490-M-23. Marcus Ricci, Planner II, presented the written staff report to the Plan Commission. He noted the applicant's reason for the rezoning request. He stated the zoning, future land use designation and existing land use of the subject property as well as for the adjacent properties. He showed photos and talked about the history of the subject property. He reviewed the criteria from the La Salle National Bank and from the Sinclair Pipe Line Company cases that the Plan Commission should consider when making a determination on what to recommend to City Council. He noted that the proposed rezoning meets all eight criteria. He reviewed staff's findings and presented City staff's recommendation that the Plan Commission forward the case to City Council with a recommendation for approval.

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

Mr. Fell asked why it was being handled this way when there is an easier way to achieve what the applicant wants. He said there is a u-shaped parcel that we are planning to cut a section off and rezone that section leaving the remainder of the parcel as an area that would be undevelopable on the south side. Would it not be more logical to rezone the entire u-shaped parcel and then let the two owners deal with trading ground? Mr. Ricci said that might be a more logical process but that is not what is before the Plan Commission. He noted that the u-shaped parcel is still the main access drive to the cemetery.

Mr. Fell stated that his main concern is that by sectioning off a strip of the parcel, it then makes the lot unusable. Mr. Ricci explained that the southern portion of the parcel slopes down to the creek thus making it already undevelopable. For this reason, staff finds the proposed rezoning and future expansion of the business as the best possible use of the land.

Mr. Hopkins asked if the proposed project requires a Creekway Permit. Mr. Ricci replied no. This creek is part of the Saline Creek, which is completely outside the Boneyard Creek district.

Chair Allred stated that there is a history of the City rezoning a property and then the property was not developed as planned. He asked if a Certificate of Exemption was normally considered after the rezoning was approved. Mr. Ricci said yes. He stated that many times the purchase of land is contingent on the land being rezoned. If the land is not rezoned, then the purchaser does not have a need to buy the land. With Conditional and Special Use Permits, conditions can be placed upon approval; however, there are not conditions for rezoning properties. The City cannot control what happens in the future, and in this case, since the existing SpeedLube lot is already zoned B-3, it will not hurt rezoning the 15-foot strip of land to the south.

Chair Allred stated that his concern is that if the City approves the proposed rezoning and the applicant does not purchase the strip of land to the south and follow through with the Certificate of Exemption, then the u-shaped parcel owned by the cemetery will have split zoning. Mr. Ricci said that is correct. There are many lots within the City that have multiple zoning districts.

Chair Allred stated that the Future Land Use Map in the Comprehensive Plan indicates a trail would be along the creek in the proposed area. Would granting the proposed rezoning foreclose

the possibility of a future trail in this area? Mr. Ricci stated that a trail here was not in the City's long range development plans. City staff is in the process of updating the Comprehensive Plan and in doing so they are planning to clean up anything that is not in the City's long range plans.

Mr. Hopkins asked how much land that will remain zoned AG and owned by the cemetery would be located next to the bank of the creek. Mr. Ricci replied that the bank of the creek starts right where the 15-foot strip is located. Steps to get an easement to construct a trail could be done with the new owner of the strip.

Mr. Hopkins asked who owns the land that the two billboards are located on. Mr. Ricci stated that the cemetery owns the property.

With there being no further questions for City staff, Chair Allred opened the hearing for public input. He invited proponents of the case to address the Plan Commission. The applicant, Mark Allen, stated that he had no additional input but was available to answer any questions. With there being no questions and no other audience, Chair Allred closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission forward Case No. 2490-M-24 to the City Council with a recommendation for approval based on the findings in the written staff report. Mr. Andresen seconded the motion.

Mr. Rose asked for clarification if the motion was made with enough specificity to meet staff's satisfaction. Mr. Ricci said yes. Chair Allred added that the Plan Commission Bylaws state that if the Commission approves a case, it is with the assumption that written staff report is the justification for approval.

Mr. Fell stated that this seems like the most complicated way to solve this problem. They could rezone the entire parcel or ask the cemetery to pave 10 feet of the parcel. Does City staff work with applicants to find the best way to process a need? Mr. Ricci said yes. The applicant would be the person to ask if they would consider using the strip of land by easement rather than by ownership.

Chair Allred asked if they would be allowed to use it as an easement without rezoning it. Mr. Ricci said no. The strip of land would still need to be rezoned because you cannot use a property for a use that is not allowed in the zoning district it is located in.

Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Mr. Ricci noted that the earliest this case would be forwarded to Committee of the Whole would be on June 17, 2024, and to City Council on June 24, 2024.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Ricci stated that Kevin Garcia, Principal Planner, has been working with property owners and neighbors to gather input for an upcoming text amendment regarding the B-3U Zoning District.

K. STUDY SESSION

There was none.

L. ADJOURNMENT OF MEETING

Mr. Hopkins noted that there were eight Plan Commission members present at this meeting. He asked if there was a 9th member. Chair Allred said no, there is one vacant seat on the Commission.

The meeting was adjourned at 7:30_p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Urbana Plan Commission