

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 5, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Dustin Allred, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Jonah Weisskopf, Chenxi Yu

STAFF PRESENT: Kevin Garcia, Planner II; Marcus Ricci, Planner II

OTHERS PRESENT: Jahnisi A., Karen Fresco, Carlin Hastings, Rolf Hudall, Malik Jackson, Michael Kilcullen, Andrew Koteris, Samantha Lenocho, Michael Mirrs, Nicole Mormando, Alice Novak, Maximo Pita, Charley Rasmussen, Eric Ziegler

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

Chair Fitch called the meeting to order at 7:00 p.m. Roll call was taken, and there was a quorum present with all members in attendance.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

The minutes of the November 21, 2019 regular Plan Commission meeting were presented for approval. Mr. Fell moved that the Plan Commission approve the minutes as written. Mr. Hopkins seconded the motion. The minutes were approved by unanimous vote as written.

4. COMMUNICATIONS

- Email from Susan Burgstrom regarding the splitting of CCZBA-947-AT-19 into two cases, CCZBA-947-AT-19 and CCZBA-971-AT-19.

5. CONTINUED PUBLIC HEARINGS

Annexation Case No. 2018-A-03 and Plan Case No. 2360-M-18 – A proposed annexation agreement between the City of Urbana and Henri Merkelo, including rezoning from County R-5, Manufactured Home Park, to City R-1, Single Family Residential, for a 1.01-acre parcel located at 2218 East University Avenue, Urbana, Illinois 61802.

Chair Fitch continued these two cases to the April 23, 2020 regular meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

CCZBA-945-AT-19 and CCZBA-946-AT-19 – A request by the Champaign County Zoning Administrator to amend the requirements in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance for a proposed photovoltaic (PV) solar farm located within one-and-one-half miles of a municipality.

CCZBA-947-AT-19 - A request by the Champaign County Zoning Administrator to amend the requirements in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance that requires a 0.5 mile separation between a proposed PV solar farm and the CR (Conservation Recreation) Zoning District.

CCZBA-971-AT-19 – A request by the Champaign County Zoning Administrator to amend the requirements in Section 6.1.5 Q.(4)e. of the Champaign County Zoning Ordinance to add requirements for financial assurance provided by financial institutions headquartered in Champaign County.

Chair Fitch opened these cases simultaneously. Marcus Ricci, Planner II, presented the staff report to the Plan Commission for Case Nos. CCZBA-945-AT-19 and CCZBA-946-AT-19. He began by explaining the purpose for each text amendment. He said City staff did not feel that either of the text amendments would negatively impact the City's ability to plan or manage growth. The difference between the two cases is that CCBA-946-AT-19 would increase the distance that a solar farm could site from the City's Corporate limits, unless the developer receives a waiver from the Champaign County Zoning Board of Appeals for the buffer distance.

Chair Fitch asked if any members of the Plan Commission had questions for City staff regarding CCZBA-945-AT-19 and CCZBA-946-AT-19.

Mr. Fell asked if the City of Urbana could add a regulation stating that we are okay with a half-mile separation. It seemed counter-productive for municipalities to agree to the mile-and-a-half separation requirement, but then Champaign County can overrule it and allow a half-mile separation. Mr. Ricci replied that the City has no zoning authority outside of the Corporate limits. Therefore, the City cannot regulate the separation distance.

Mr. Ackerson wondered if Champaign County wanted the City to choose which distance would be acceptable or if they wanted the City to approve both options. Mr. Ricci responded that the City could recommend defeating a resolution of protest for one case and protesting the other case; however, if the City does not have strong feelings either way for the separation distance, then it could defeat a resolution of protest for both cases. Mr. Ackerson commented that CCZBA-946-AT-19 seemed redundant to CCZBA-945-AT-19.

Mr. Hopkins stated that from the perspective of the City of Urbana, he could imagine that we would want solar farms within zero distance from our boundary. While there may be other reasons, the most obvious reason would be to increase our tax base. The City's only option would be to persuade Champaign County to allow a solar farm or to annex the property. Mr. Ricci stated that one thing mentioned when they were reviewing the City's regulations on solar farms was that the City would like solar farms to be located in certain places, avoiding areas where infrastructure had already been installed and causing the infrastructure to be underused.

Mr. Ricci continued his staff presentation by discussing Case Nos. CCZBA-947-AT-19 and CCZBA-971-AT-19. He explained the purpose for each of the two cases.

Chair Fitch asked if any members of the Plan Commission had questions for City staff regarding CCZBA-947-AT-19 and CCZBA-971-AT-19. City staff did not feel that either of the text amendments would negatively impact the ability of a solar farm siting next to the City.

Mr. Hopkins asked for clarification for the purpose of CCZBA-971-AT-19. Mr. Ricci understood that the one institution that would be able to financially back a solar farm does not have a "S&P" or Moody's credit rating. Champaign County wanted to establish a comparable credit rating in a different system.

Chair Fitch opened the cases for public input. There was none, so Chair Fitch closed the public input portion and opened the cases for Plan Commission discussion and/or motion(s). He reviewed the options of the Plan Commission for Case Nos. CCZBA-945-AT-19 and CCZBA-946-AT-19.

Mr. Hopkins stated that he was inclined to defeat a resolution for both cases because municipalities in Champaign County have asked for the separation distance. If the City of Urbana wants a solar farm closer to Corporate limits, we have the resources to accomplish this through the development and annexation points of view and by expecting behavior from Champaign County. Some of the small municipalities may not have the resources and find a solar farm near to them too late in the game.

Mr. Ackerson moved that the Plan Commission forward Case Nos. CCZBA-945-AT-19 and CCZBA-946-AT-19 to the City Council with a recommendation to defeat a resolution of protest for each case. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes
Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes

The motion passed by unanimous vote.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-947-AT-19 to the City Council with a recommendation to defeat a resolution of protest. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes

The motion passed by unanimous vote.

Mr. Fell moved that the Plan Commission forward Case No. CCZBA-971-AT-19 to the City Council with a recommendation to defeat a resolution of protest. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Allred	-	Yes	Mr. Ackerson	-	Yes
Ms. Yu	-	Yes	Mr. Weisskopf	-	Yes
Mr. Hopkins	-	Yes	Mr. Fitch	-	Yes
Mr. Fell	-	Yes	Ms. Billman	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that these four cases would be forwarded to the City Council on December 16, 2019.

CCZBA-948-AT-19 – A request by the Champaign County Zoning Administrator to amend Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

Chair Fitch opened this case. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He explained the reason for the proposed text amendment.

Mr. Fell stated that most property owners discover that their property is non-conforming after something happens and they want to rebuild. Mr. Ricci replied that the language is written for when a non-conformity is identified when the owner applies for other variances.

Mr. Hopkins commented that there is no language in the proposed text amendment prohibiting a property owner from proactively seeking a variance in the event something should happen to their property. He could see a property owner asking for this type of variance to be able to pay a lower insurance premium because the variance would allow the non-conformity to continue should it need to rebuild. Mr. Ricci said that was correct.

Mr. Weisskopf asked if there was another way of solving the problem...maybe by amending the percentage of damage to a property to allow them to rebuild. Mr. Ricci said that Champaign County could amend the percentage, but then there would be some property that is damaged just above the new percentage and the owner would need to request a variance to rebuild.

Mr. Weisskopf asked for clarification that more than 50% of the properties in West Urbana have non-conforming structures. Mr. Ricci said that was correct. He pointed out that the proposed text amendment does not cover non-conforming uses; only non-conforming structures.

Chair Fitch opened the case for public input.

Michael Kilcullen approached the Plan Commission to speak. He asked if there would be a time limit on a variance for this nature. Can the variance be sold or transferred with the property? The unintended consequences have not been thought of yet so he encouraged the Plan Commission members to think about them before making a decision about this case.

Another issue is that part of the idea of allowing variances for non-conforming structures to be rebuilt becomes a non-conformity due to change of laws or standards. We want new structures to conform to the new laws and rules over time, so giving a preemptive variance could create many problems.

Whoever creates the non-conformity, such as the Illinois Department of Transportation using eminent domain to acquire land to widen the streets, should compensate or give the property owner money to use to rebuild should something ever happen to their property. It should not come from insurance or from the public or taxpayer.

He stated that he believed variances of this nature were not necessary because something that has become non-conforming may likely become conforming again in the future when the laws or regulations change. We should wait until the moment when the variance is needed.

Chair Fitch closed the public input portion and asked if any of the Plan Commission members had additional questions for City staff.

Mr. Ackerson asked if a variance of this nature could be passed down to future owners of a property. Mr. Ricci responded that he was not an expert in the language in the Champaign County Zoning Ordinance. He noted that the proposed type of variances would be granted by

the Champaign County Zoning Board of Appeals. Should a property be annexed into the City of Urbana, the City would not be required to honor the variance; however, the variance could be negotiated as part of an annexation agreement between the property owner and the City of Urbana.

Mr. Hopkins wondered what would happen if the City of Urbana annexes a property with a structure that was built while the property was located in Champaign County jurisdiction and the property does not meet the City’s regulations. Does the property annex into the City as a non-conforming property? Mr. Ricci said yes.

Mr. Hopkins asked if the City has the ability to grant variances with time limitations. Mr. Ricci said no.

Chair Fitch opened the case for Plan Commission discussion and/or motion(s).

Mr. Ackerson stated that if this was a City text amendment, then he would have more discussion and concerns. It gave him qualms to think that a variance could be granted for an indefinite period of time for something that is already non-conforming. Since it is a County text amendment, he did not see it directly affecting the City.

Mr. Ackerson moved that the Plan Commission forward Case No. CCZBA-948-AT-19 to the City Council with a recommendation to defeat a resolution of protest. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Ackerson	-	Yes	Mr. Allred	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Weisskopf	-	Yes	Ms. Yu	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to the City Council on December 16, 2019.

Review of Bylaws

Chair Fitch stated that the bylaws were not included in the packet and he continued the agenda item to a meeting in the future. Kevin Garcia, Planner II, noted that this was put on the agenda because the City Council recently switched the Council meeting dates with the Committee of the Whole meeting dates. City staff thought this might affect the Plan Commission’s Bylaws, but it turns out that the bylaws do not reference when the City Council meets. Therefore, the Plan Commission can review the bylaws at one of their January 2020 meetings.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia reported on the following:

- The special use permit request for a plasma center on North Lincoln Avenue was approved by the City Council on Monday, December 2, 2019.
- Mr. Ackerson is resigning from the Plan Commission effective December 31, 2019, so this was his last meeting. He thanked Mr. Ackerson for serving on the Commission and presented him with a Certificate of Appreciation.

11. STUDY SESSION

Student Presentations – Kickapoo Rail Trail Extension and Connection to Downtown

Cynthia Hoyle, Lecturer/Instructor on Land Use Planning, introduced the project on the proposed extension of the Kickapoo Rail Trail from where it currently ends now up to Lincoln Avenue. It would be a rail with trail for a portion of it because that portion is along an active rail line. She mentioned that trails have become known to be economic engines in communities. Her students looked at options for how to best extend the Kickapoo Rail Trail in terms of land use and design guidance. Three groups of her students then approached the Plan Commission. Each group of students introduced themselves and presented their project.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Kevin Garcia, Secretary
Urbana Plan Commission