

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 20, 2017

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Christopher Stohr

MEMBERS EXCUSED: David Trail, Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT: David Borchers, Lynn Borchers, Gary Crawl, Allen Dial, Martina Dial, Ginny McCarrey, Dottie Norman, Chris Wasson

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

Chair Fitch called the meeting to order at 7:31 p.m. Roll call was taken and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the July 6, 2017 regular meeting were presented for approval. Mr. Fell moved to approve the minutes as presented. Mr. Hopkins seconded the motion. The minutes were then approved by unanimous voice vote as written.

4. COMMUNICATIONS

- Email from Nancy Kostro
- Letter from Daniel J. Bornt

5. CONTINUED PUBLIC HEARINGS

Plan Case Nos. 2307-M-17 and 2017-A-02: A proposed annexation agreement between the City of Urbana and David Borchers, including rezoning a property from County AG-2 (Agricultural) to City IN-1 (Light Industrial/Office), for an 11.47-acre parcel located west of Smith Road and north of Coachman Drive at 801 North Smith Road in Champaign County, Illinois 61802.

Chair Fitch re-opened these items on the agenda. Christopher Marx, Planner I, introduced the cases by presenting background information on the subject property and noting the purpose for rezoning the property to City IN-1 upon annexation. He noted the zoning, current land uses and future land use designations of the subject property and of the surrounding adjacent properties. He reviewed the General Area Plan and the LaSalle National Bank criteria as they pertain to the proposed rezoning case. He presented staff's recommendation for approval. He mentioned the two communications that were received and distributed prior to the start of the meeting. He stated that Planning staff consulted with the City Engineer about the state of Smith Road and was informed that the City's Public Works Department would be responsible for maintaining Smith Road upon annexation. Lorrie Pearson, Planning Manager, noted a correction that the zoning to the north was AG, Agriculture.

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

Mr. Hopkins asked if the City would only be responsible for the portion of Smith Road that fronts the subject property. Ms. Pearson said that was correct.

Mr. Hopkins inquired as to who owns the property to the west of the subject property. Mr. Marx replied that it is owned by Flex-N-Gate Corporation.

Mr. Hopkins asked if the City had a right-of-way planned for the extension of Guardian Drive to the north. Ms. Pearson stated that Guardian Drive has been platted to have a cul-de-sac at the north end; however, it has not been constructed. The City does have right-of-way for this.

Mr. Hopkins wondered if the cul-de-sac and the B-3, General Business, zoning of 602 North Guardian Drive was part of an annexation agreement. Mr. Marx stated that he would need to research it.

Mr. Stohr inquired about the zoning for 509 North Smith Road. Mr. Marx pointed out that it is currently zoned County R-4. Mr. Stohr asked if it was unusual to sandwich industrial zoning between residentially zoned parcels. Ms. Pearson answered saying that if 509 North Smith Road were to be developed, it would likely require connection to the sanitary sewer, which would trigger annexation into the City of Urbana. As a result, it would come before the Plan Commission as a rezoning case.

With no further questions for City staff, Chair Fitch opened the hearing for public input from the audience. He reviewed the process of a public hearing.

David Borchers, applicant, approached the Plan Commission to speak. He stated that he and his wife recently purchased the property and would like to build their construction business on the proposed site. He addressed the concerns expressed in Mr. Bornt's letter that was received by City staff. They would not be manufacturing any construction materials on the subject property. They would not have any dump trucks coming to and from the property after the business is constructed. There will be an occasional semi-truck delivering construction materials to the site; however, most of the time deliveries will be via Federal Express and United Parcel Services (UPS). Although they have a total of about 12 employees and while some employees may come to the subject property to pick up materials or drop off leftover materials from a job site, there will only be about three employees on the subject property on average most of the time. They plan to have approximately six parking spaces landscape the subject property as required. They also plan to farm the remainder of the property that would not be developed. The trucks they own are smaller than the trucks that the City's Arbor Division uses, so there would not be much impact on the existing roads. Some clients might drop off some blueprints, but there would not be much traffic. The hours they would be at the subject property would be from 6:00 a.m. to 6:00 p.m.

Mr. Ackerson questioned why he requested to rezone to industrial. Mr. Borchers replied that he requested the rezoning to be able to locate his construction business on the proposed site. He plans to construct a Morton building for his business. He found that he was required to get an annexation agreement because he wants to connect to the sanitary sewer line.

Mr. Fell noticed that the loading area would be on the rear of the building. He asked how much of the back section of the proposed site would be paved. Mr. Borchers explained that they would not have a loading dock. There would be a concrete pad in front of the overhead door.

Mr. Fitch wondered what kind of contracting their company did. Mr. Borchers explained that they do commercial and office buildings.

Mr. Fitch asked if they store materials outside or inside. Mr. Borchers answered it would mostly be ceiling tiles, drywall and metal studs. Some materials would be stored on a rack behind the building; however, most of the materials would be stored inside.

Mr. Fitch asked if they would be selling materials or supplies. Mr. Borchers replied no.

Mr. Stohr noticed that there were three other lots. Ms. Pearson explained that was a conceptual sketch that was created to help City staff understand what the potential development of the site could be. This was not a preliminary or final plat. Mr. Borchers clarified that he was not asking to subdivide the property.

Martina Dial approached the Plan Commission to speak. Her husband and she own the property directly to the east. She did not believe that it would be in the best interest of the neighborhood to rezone the subject property to industrial and allow the use of construction yard. This neighborhood is a small area serviced by a single frontage oil and chip road. She reviewed the history of the area noting a landfill was placed there in 1982 against the wishes of the residents in the area. Per the Hoseman Agreement, the City of Urbana is responsible for maintaining the frontage along Barr Avenue; however, this does not happen. Her husband and she have mowed

the right-of-way for 34 years. The road has only been resurfaced twice in the last decade. They continue to pay taxes to the township, but do not receive snow plow removal services. The City plows in front of the landfill but ends up plowing them in deeper. The Waste Reclamation Site installed a gate to allow big trucks to come and go via the small residential neighborhood rather than through the public access to University Avenue. She addressed Mr. Hopkins question about who maintains Barr Street. She stated that there was a dispute between the City and the township, and yet her husband ends up plowing from Smith Road to their house. A gun range has been constructed on top of the surface of the closed landfill. The sound of guns being fired impacts the nature with deer and coyotes. 602 North Guardian Drive and 509 North Smith Road are owned by Guardian West, and they do nothing to maintain either property. Semi drivers park on Guardian Drive waiting to pick up or deliver to Guardian West creating a blind intersection at University Avenue. In closing, she stated that the City of Urbana is lousy neighbors and do not maintain their properties.

Ginny McCarrey approached the Plan Commission to speak. She stated that she lives in Chief Illini Trailer Park. She knows the Borchers and confirmed that they have a small business. However, sometimes semis get lost trying to find Guardian West and end up driving through the mobile home park because they cannot get turned around. Therefore, she requested that if the Borchers have a semi delivering materials that they provide a large enough space for semis. She wondered if when the City plowed in front of the Borchers property if they planned to lift the blade so they wouldn't plow the rest of the road that was not annexed into the City. That would be odd.

Allen Dial approached the Plan Commission to speak. He expressed concern about the entire subject parcel being rezoned to industrial and only a small portion being used for the Borchers' construction building. Agreements mean nothing unless someone enforces them. Any light industrial uses could be constructed on the remainder of the property. Mr. Fitch read the list of uses that would be allowed if rezoned to industrial. Mr. Dial stated that some of the uses could increase traffic tremendously.

Chris Wasson approached the Plan Commission to speak. He mentioned that he is a manager for both Carriage Estates and Chief Illini Mobile Home Parks. He noted that most of their concerns were stated in the letter that was submitted by their legal services and is now part of the record. He agreed with Mr. Dial's concerns about other industrial uses being developed on the subject property later in the future. He expressed concern about the danger of semi drivers parking on Butzow Drive. It forces other traffic to go into oncoming lanes in order to exit the intersection.

Mr. Borchers re-approached the Plan Commission. He stated that the big concern seemed to be about semi traffic at the intersection of Guardian Drive and Butzow Drive, which he did not have any control over. They would not have many deliveries made by semis. If one does come to deliver materials to them, the semi drivers would have ample space to turn around.

He does not have any plans to develop more of the subject property. He only wants to construct an office/storage area for his business. His property would not be desirable for retail because there is no visible frontage.

Ms. Dial re-approached the Plan Commission to point out that Peter B's Automotive also has no frontage visibility, but it has been in business in the neighborhood for 20+ years. Visibility is not the issue. Also, she did not feel that the big concern was semis but rather the fact that the people who make agreements do not enforce them. The concern with semis is a perfect example of how an agreement is not being enforced. The Landfill rules were not enforced. Their concern is not with the Borchers' business, but with the list of other uses that could be developed on the subject property in the future.

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

Mr. Stohr expressed concern about having industrial zones located so close to residential. Even though the applicant claims to have a small business use, the remainder of the property would likely be developed fully.

Mr. Fell wondered if City Engineering staff had reviewed this to determine if storm water retention would be required. Ms. Pearson replied that both the City Engineer and the Assistant City Engineer have reviewed this case. It is always a requirement that if storm water management is needed, then it be part of the development plan. This is not required at this stage of the process.

Mr. Hopkins stated that he was not prepared to proceed with this case at this time. It is a classic case of a very messy transition from an accidental street pattern, ownership pattern, development pattern into a very different one. He hoped that they would be able to do a better job. Many of neighbors' concerns expressed during this hearing reinforces that there are road layout options that need to be considered, sewer layout options (some of which already exist) and the City implicitly already owns some of the right-of-way. There is another annexation agreement with zoning in place that is inconsistent with the City's Comprehensive Plan. There is a road platted in the agreement that does not solve the trucking issues. The implied plat in the proposed agreement would not solve the trucking problem. The Comprehensive Plan has designated the proposed property as industrial and the comments in the plan are consistent with notion that the area should be developed. He felt it could be done in a better way by focusing on street layout and organization of the plat; not the usage. The only consideration for the Plan Commission is the zoning change, but making the zoning change does not consider the use like a Zoning Board of Appeals discussion would do. To consider zoning, the Plan Commission needs to focus on access, street network layout and the way it works. The way it is currently presented does not work.

Mr. Ackerson stated that it is important to keep in mind that the request was to rezone the entire lot. He was sympathetic to the residents who live in the area; however, when looking at the larger picture, this area was clearly planned to be developed. He believed that Light Industrial zoning makes sense for the subject property. The issues that Mr. Hopkins raised have to do with how to make Light Industrial work, so he would need to hear more to understand it.

Mr. Fitch commented that he was in agreement. He has a question about the use because the range of possible uses that would be compatible with a property such as this that is stuck between

industrial and residential, there are not many zoning districts that would make the transition without a hard stop. This is why he asked the applicant if the use would be a construction yard. IN-1 (Light Industrial) is the lowest zone in which a construction yard is allowed, and that is only by a conditional use permit. He read the definition of *construction yard*.

Mr. Fell asked if the conditional use permit would apply to the entire lot even if it was subdivided at some point in the future or would the permit remain only with the lot which contains the Borchers' business. Ms. Pearson replied that Exhibit C – General Area Plan of the proposed annexation agreement indicates where the business would be located on the subject property, which is where the conditional use permit would only apply.

Mr. Ackerson mentioned that agriculture would not be allowed in a business zone and Mr. Borchers indicated in his testimony that he planned to continue to farm the remainder of the property. Ms. Pearson pointed out that the annexation agreement allows the City to add in uses or take out uses. So, if they had to pick a different zoning district that would allow what is intended and what would be amendable to the neighborhood, the City could include in the proposed annexation agreement that the agriculture use would be allowed. However, this would only be good for the term of the annexation agreement, which is 20 years maximum.

Ms. Billman expressed her concerns. They were as follows: 1) future land use by a new owner – what could happen then? 2) the impact on the current homeowners now and 3) the fact that there is only one road going in and out.

Mr. Hopkins asked about procedural strategies with regards to the annexation agreement. Ms. Pearson said that it was possible to continue the hearing to a future meeting. She noted the dates for this case to be heard by Committee of the Whole and to be considered by City Council.

Mr. Hopkins moved that the Plan Commission continue this case to the August 10th meeting. The issue of concern is infrastructure and the access not only to the proposed parcel but the organization of access to all of the parcels including, but not limited to, 509 North Smith Road, the mobile home parks, the subject property, 602 Guardian Drive, the Guardian Road agreement, access to the Landfill and the access to the City garage. Mr. Stohr seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Stohr	-	Yes	Mr. Ackerson	-	Yes

The motion was passed by unanimous vote.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission