

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 18, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Dustin Allred, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Ouedraogo, Jonah Weisskopf

MEMBERS EXCUSED: Barry Ackerson, Chenxi Yu

STAFF PRESENT: Lorrie Pearson, Deputy Director of Community Development Services Department/Planning Manager; Lily Wilcock, Planner I

OTHERS PRESENT: Karen Fresca

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 of the members present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

The minutes of the April 4, 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. Chair Fitch noted a change on Page 4, 3rd Paragraph, 3rd Line to read as such, *“representative from the University of Illinois Foundation, who had attended the meeting, approached him”*. The minutes were approved by unanimous as amended.

The minutes of the June 6, 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 as written.

4. COMMUNICATIONS

- Email from Deborah Katz-Downie regarding Case No. 2377-T-19

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2359-T-18 – An application by the Urbana Zoning Administrator to amend the Zoning Ordinance with changes to Article II (Definitions), Article V (Use Regulations), Article VI (Development Regulations) and other relevant section, to facilitate solar energy system installation.

Chair Fitch continued this case to the September 5, 2019 regular meeting of the Plan Commission.

Plan Case Nos. 2377-T-19 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article II (Definitions), Article V (Use Regulations), Article VI (Development Regulations), Article VII (Standards and Procedures for Conditional and Special Uses), Article VIII (Parking and Access), Article IX (Signs and OASS Regulations), Article XI (Administration, Enforcement, Amendments and Fees), Article XII (Historic Preservation), Article XIII (Special Development Provisions), and to make any other changes that are deemed necessary to provide clarity and ease of administration.

Chair Fitch re-opened the public hearing for this case. Lily Wilcock, Planner I, presented an update of the staff report to the Plan Commission. She discussed the following:

1. Section V-2.C.5.b will read as such: “b) In the R-3 zoning district, no more than two principal structures are allowed. No lot will have more than two dwelling units.”
There was concern that someone might get the impression that they could have two duplex units on the same lot.
2. Comment on the communication received from Deborah Katz-Downie:
Whether via the existing Zoning Ordinance or via one of the proposed text amendments, no one would be able to diverge from the Zoning Ordinance for development regulations without coming before the Zoning Board of Appeals and asking for a variance.
3. Section V-2.C.4 – using “may” or “shall”
City staff had discussed several scenarios. Recording a covenant would only be necessary if a lot could not be legally subdivided. It might cause confusion and unnecessary expense by requiring the recording of a covenant running with the land stating that the property could not be subdivided when in fact, it could legally do so.

She summarized staff findings and read the options of the Plan Commission. She presented staff's recommendation for approval to the Urbana City Council.

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

Mr. Hopkins asked what the point of changing the term “parcel” to “property” is in the Historic Preservation section. Ms. Wilcock explained that the City's Legal staff pointed out there are four

different definitions of “owner” in the Historic Preservation article. Planning staff worked with them to choose one definition using the City Code’s definition for “property owner”. A property owner and a parcel owner will have similar roles for historic preservation cases.

Mr. Hopkins inquired if a property owner and a parcel owner would ever be two different people. If so, this could affect the percentage of people required to submit an objection for a historic district. Lorrie Pearson, Deputy Director of Community Development Services/Planning Manager, explained that to submit a protest, it is based on a percentage of the number of properties. The number of people and owners are irrelevant.

Mr. Hopkins asked how we decide what a property is. Deeds are given for parcels, not properties. There is a Parcel Identification Number (PIN) assigned to each parcel. Ms. Ouedraogo noted that different entities use both “parcel” and “property”. Ms. Wilcock added that when the Zoning Ordinance refers to property in the Zoning Ordinance, it refers to the land. Generally, there is private property and real property. Parcels are distinguished by parcel lines. For historic preservation cases specifically, we refer to the property. Legal staff wanted to make the language consistent and simpler by using “property” in the proposed text amendments.

Chair Fitch opened the hearing for public input. There was none, so he closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood the current language in the Zoning Ordinance to require a conditional use permit to allow two principal structures for all zoning districts except multifamily residential of three or more units. The focus on garage conversions is ironic because we are proposing to change the whole set of categories about multiple structures without any discussion of the affect or reason for it. Therefore, he did not understand why they were making this change. In his research, it appeared to him that these garage conversions amount to the conversion of an accessory use under 750 square feet, which can be within 18 inches of a property line into a principal use, which has to meet principal use setback requirements (10-foot rear yard setback and 5-foot side-yard setback in the R-3 Zoning District). This leads him to believe that most garage conversions of the type they are talking about would have to go before the Zoning Board of Appeals anyway because they would need a variance. Ms. Pearson replied that some would require variances. New construction might not require variances because it could be constructed to meet the setback requirements. The proposed change would address both conversions or new construction. There is a long-term goal to look at this issue more holistically, but the proposed change is a way to get closer and perhaps recognize that this is a historic use of property and perhaps should be considered as an acceptable way when the density is not changing.

Mr. Hopkins stated that the wording implies that there could be more than one use on a parcel. All the reasons that have been given for changing this text are duplexes and two buildings in the R-3 Zoning Districts. This could not be done in R-1 or R-2 Zoning Districts, and it would not be needed for R-4 and higher residential zoning districts because there is already a specific exception in the Zoning Ordinance that multi-family dwellings can be in multiple structures on one lot.

Mr. Fell doubted that there was any garage in the City that could be converted into a living space without a building permit and probably without demolishing it and rebuilding because garages do not have the structure required under the Building Code to hold up a residential use. Garages

usually do not have footings or foundations and a person cannot build on top of them. So, they would need to be torn down and rebuilt, which would require the property owner to meet the current setbacks or ask for a variance. Therefore, he felt comfortable with the proposed text language. Because it would be converted to a living space, the owner would be required to obtain a building permit.

Mr. Hopkins asked if each of the four cases, where homeowners sought approval of a conditional use permit to allow a second dwelling unit on their property, already had a second floor in their garages. Ms. Wilcock briefly noted details for each case.

Mr. Hopkins inquired if a person seeks a conditional use permit and a variance, would it be considered one case or two. Ms. Pearson replied that it would require two fees. Each approval is recorded individually with separate fees. City staff would do an analysis on each because there are different set of criteria for each. So, there is a significant amount of work involved and significant cost even though it would be presented to the Zoning Board of Appeals on the same night. In addition, there is the cost for the legal ad publication, so fees do add up.

Mr. Hopkins felt that they could make the proposed text more concise for the purpose they are trying to achieve. Because he had no idea of what the implications might be for all other zoning districts, he was inclined not to make it apply to all zoning districts and then create exceptions. He recommended leaving it that conditional use permits are required as the current Zoning Ordinance states except in the R-3 Zoning District. Duplexes would be permitted by right in two buildings. This proposed language would handle everything that the City staff is trying to accomplish without worrying about any unintended consequences.

Mr. Hopkins went on to discuss Section V-3. Table of Permitted Uses, by District in that two different uses being allowed if the uses are permitted by right. Ms. Pearson noted that they had not focused on this because the discussion by the Plan Commission at the previous meeting and a question by one of the Council members was about the duplex issue. City staff focused on the duplex issue so that people would understand what the proposed language would do. The proposed change in Section V-3 is to clarify current practice. She believed that the language was previously changed unintentionally because that is not how it is practiced.

Mr. Hopkins wondered why it is somewhere else in the Zoning Ordinance allowing multiple structures on one lot in multi-family residential zoned areas. Ms. Pearson explained that this is covered under Section V-3.C.3. City staff intended to clarify to say that if the use is allowed on a site, then it can be in more than one structure with the exception of R-1, R-2 and more specific with R-3 Zoning Districts. As the Zoning Ordinance is currently written, there are so many areas where this regulation did not make sense and could never have been applied that way. It was already addressed with multi-family residential because it is normal to have a complex of apartment buildings. With the exception of the R-1, R-2 and R-3 Zoning Districts, we do not need to worry about the residential neighborhood. So, then what we are really looking at the CRE, the commercial and the industrial lots, which often have multiple structures. City staff could not think of an instance where it would create an issue in where it is not often done. Ms. Wilcock added that in the R-3, duplexes are allowed by right. A property owner could tear their house down and build a duplex by right.

Mr. Hopkins commented that there is the inductive side and the logical side. The inductive side is if they want to do garage conversions and add another building to a lot, which does have an effect on the character of things. However, it is also true that if you attach your garage to your house and built a second dwelling unit on top of the garage, you would not need a conditional use permit because it would be considered one structure.

Mr. Fell asked if City staff was okay with two separate structures being built right next to each other or build two separate structures in one building. He understands what a separate structure is according to the Building Code, but he wanted to know what zoning considers a separate structure to be. Ms. Pearson replied that she did not know if “separate structure” was defined in the Zoning Ordinance. If not, then they would refer to the Building Code. Zoning is looking for impact to surrounding properties.

Mr. Weisskopf asked Mr. Hopkins what he was worried about happening. Mr. Hopkins replied that initially there had been no discussion about the proposed text language being applied to all zoning districts. He was now comfortable that the default is there can be multiple structures. Another concern was with the exceptions for R-1, R-2 and R-3, but he believes the exceptions are acceptable.

Ms. Ouedraogo wondered if Mr. Weisskopf had any potential problems with the proposed text language. Mr. Weisskopf stated that his understanding is that the proposed text language streamlines a process that there are already layers of protection for. Mr. Hopkins was saying that there are these unforeseen consequences of approving the proposed text amendment that we do not yet know what they are but that they are of such an extent that the Plan Commission should consider them. He is a less is more type of person and as for the time it takes to do things and the level of administration that is piled on to a process just means more time and energy.

Mr. Fitch stated that he had more of a concern about neighborhood business having two principal structures. Ms. Wilcock noted that there are 27 properties zoned B-1, Neighborhood Business, and 81% of them are non-conforming already. It is fairly difficult to establish one use on these lots, they would need variances to be able to establish a second principal use if they had enough space.

Mr. Hopkins suggested the following changes to the proposed text amendment language:

- Section V-2.C Principal and Accessory Uses to read as such, *“In any zoning district, more than one principal structure per lot may be allowed as follows:”*
- Section V-2.C.4 – Add an explanation similar to Lily’s for why it states “may” rather than “shall”
- Section V-2.C.5.b – Strike *“No lot will have more than two dwelling units.”* because it is undermining the logic of the Zoning Ordinance. Ms. Pearson suggested the following language, *“In the R-3 zoning district, no more than two principal structures and no more than two dwelling units are allowed per lot.”*

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2377-T-19 to the Urbana City Council with a recommendation for approval including his suggestions for Section V-2.C

and V-2.C.4 and Ms. Pearson’s suggested change for Section V-2.C.5.b. Mr. Fell 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	Ms. Ouedraogo	-	Yes
Mr. Weisskopf	-	Yes			

The motion passed by unanimous vote.

Ms. Pearson noted that this case would be forwarded to City Council on August 5, 2019.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2384-T-19 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article IV (Districts and Boundaries), Article V (Use Regulations), Article X (Nonconformities), Article XI (Administration, Enforcement, Amendments, and Fees), Article XIII (Special Development Provisions), and to make any other changes that are deemed necessary to provide clarity and ease of administration.

Chair Fitch opened the public hearing for this case. Lily Wilcock, Planner I, presented this case to the Plan Commission. She reviewed the proposed changes to the Urbana Zoning Ordinance and summarized staff findings. She read the options of the Plan Commission and presented City staff’s recommendation for approval to the Urbana City Council.

Chair Fitch asked if any members of the Plan Commission had questions for City staff. There was none. There was no public input from the audience. Chair Fitch opened the hearing for Plan Commission discussion and/or motion(s).

There was a question regarding Section XI-2.B.2. What constitutes a quorum? Is it based on the majority of the number of people to be appointed to the Plan Commission? Ms. Pearson stated that Planning staff would check and revise the language to clarify in time for Council consideration.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2384-T-19 to the Urbana City Council with a recommendation for approval including the change in language in Section XI-2.B.1 by striking “*All meetings of the Plan Commission shall be held at the call of the Chairman, at such times and places within the City of Urbana as the Plan Commission may determine. In no case shall a period of more than three months elapse between meetings of the Plan Commission.*” and replacing it with “All meetings shall conform to the requirements of the Open Meetings Act. All meetings shall be held in a public place designated by the Chair, and be open to the public, except as allowed by law. Any interested person may appear at any open meeting”

and be heard either in person or by an authorized agent or attorney.”. 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	Ms. Ouedraogo	-	Yes
Mr. Weisskopf	-	Yes			

The motion passed by unanimous vote.

Ms. Pearson noted that this case would be forwarded to City Council on August 5, 2019.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Pearson reported on the following:

- Plan Case Nos. 2373-PUD-19 and 2374-PUD-19 regarding 1007 West University Avenue were approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission