

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 7, 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, David Trail, Dan Turner

MEMBERS EXCUSED: Nancy Esarey Ouedraogo

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Adam Rusch

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

Chair Fitch called the meeting to order at 7:32 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 October 5, 2017 regular meeting were presented for approval. Mr. Fell moved to approve the minutes as presented. Mr. Trail seconded the motion. The minutes were approved by unanimous voice vote as written.

The minutes from the October 12, 2017 special meeting were presented for approval. Mr. Ackerson moved to approve the minutes as presented. Mr. Fell seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

Email communications were received regarding Plan Case No. 2320-T-17 from the following people:

- Mary Beth Allen
- Paul Debevec
- Mary Pat McGuire
- Pierre Moulin
- Esther Patt
- Lois Steinberg

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2320-T-17 – 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 VIII (Parking and Access), Article IX (Signs), Article XI (Administration), Article XII (Historic Preservation) and Article XIII (Special Development Provisions).

Chair Fitch opened this item on the agenda. Kevin Garcia, Planner II, introduced this case to the Plan Commission. He reviewed the proposed changes to the Urbana Zoning Ordinance.

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

Chair Fitch questioned City staff whether the regulations for vehicle signs would apply to the Mass Transit District (MTD) buses. Mr. Garcia replied no because MTD's main purpose is to provide public transportation. So, the advertising on the buses would be considered secondary.

Mr. Ackerson asked for an example of when more than one principal use might be allowed. Mr. Garcia replied that if an owner of a building in the CCD (Campus Commercial) zoning district wanted to have a bakery and a coffee shop, the owner would be required to obtain approval of a conditional use permit. If both uses are allowed by right as principal uses, then why should they have to seek approval of a conditional use permit to allow both uses at the same time.

Mr. Fell understood the intent of the amended language for the MOR District to not apply to a new building. On page 5, Section V-8.C lists what could be administratively reviewed, but it does not mention that it applies to existing buildings. He suggested adding "existing" to the language. Lorrie Pearson, Planning Manager, felt this change would be acceptable to make the Zoning Ordinance clear on its intent.

Mr. Trail wondered at what point would a sizeable bumper sticker on a vehicle become a vehicle sign. Mr. Garcia responded that it would not be considered a vehicle sign.

Mr. Fell wondered how the City would enforce prohibiting vehicle signs. Mr. Garcia replied that the police could pull the driver over and tell them they are not allowed to drive the sign around in the City of Urbana. Ms. Pearson added that if a vehicle with a sign in it was parked at a location regularly, City staff could send the property owner a violation notice.

Mr. Ackerson questioned what the definition of a vehicle sign would be. Ms. Pearson replied that it is a vehicle with a sign and the driver drives around the City with the sole purpose to advertise. They are not delivering a product to a business or client. Mr. Hopkins recommended that they defer this topic to the discussion portion of the hearing.

With no further questions for City staff, Chair Fitch briefly reviewed the procedures for a public hearing. He opened the hearing up for public input.

Adam Rusch approached the Plan Commission to speak. He stated that vehicle signs are usually small trucks with a billboard on the back of the truck. The driver will drive around certain areas to advertise what is on the billboard. He did not know if the City would be able to regulate these vehicles driving on the streets; however, the City could determine whether or not to regulate these vehicles being parked in front of locations.

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

The Plan Commission members reviewed and discussed issues with some of the proposed changes that were expressed in the written communications received. The topics of concern are listed below.

VEHICLE SIGNS

Mr. Fell felt there should be more language clarifying on what a vehicle sign is. From the way the proposed language reads, they would not be able to have the Red Bull truck or the Oscar Meyer Weiner mobile at the Sweetcorn Festival. Mr. Garcia said that while they do advertise, he did not believe that was the sole purpose of the proposed text amendment prohibiting vehicle signs.

Mr. Trail questioned whether the City could regulate a properly licensed vehicle driving within the laws of the road. He wondered what City staff was trying to regulate? Mr. Garcia explained that they were only trying to address an issue before it becomes an issue. City staff heard at a conference regarding signs from other cities in the State of Illinois about how vehicle signs have become an issue.

Chair Fitch noticed that in order to get a sign, one must apply for a permit. Would someone need a permit to drive a vehicle sign around town? Mr. Trail asked if a U-Haul truck would be considered a vehicle sign. Mr. Fitch believed U-Haul would be considered a contractor with a sign on the side of the truck.

Mr. Hopkins felt that this specific amendment was not considered minor. He understood these types of signs to be billboards being towed behind pickup trucks. This has been happening in the City of Urbana for a long time. If this is what they are talking about regulating, then he recommended regulating them similar to the way the City regulates billboards. It would give the City legal backing to regulate them.

Chair Fitch suggested that the Plan Commission remove this section from the proposed text amendment and consider it in the future as a text amendment of its own. The other Plan Commission members agreed.

SETBACKS

Mr. Fell believed that there should be some additional language added to clarify the intent of the proposed changes. Mr. Garcia agreed and suggested that the language in the proposed last sentence of Section VI-5.E.1 to read as such, *“If a development proposal includes demolishing existing buildings, those lots shall be calculated at a minimum setback for that district.”* Mr. Fell felt it should be calculated at the setback of the existing structure. There are times when the existing building is closer than the minimum setback, in which case it inverts the intent of what the proposed language is trying to do. Mr. Garcia explained that this was a zoning interpretation from 1986 that City staff has been practicing and now would like to clarify in the Zoning Ordinance.

Mr. Hopkins felt that they should either include the proposed language because it is current practice or they should decide it should not be current practice and change it. Mr. Trail commented that past practice may be an argument but it should not be what determines the Ordinance to be. This is a way for the City to decide if they want a greater infill density or if they want to lean away from a greater infill density. Mr. Hopkins believed that it would be reasonable to calculate the setback at a minimum for that zoning district, but that they should acknowledge that they are doing it.

Mr. Ackerson agreed there is a rationale for practicing it the way it has been. He is for being open and up front about what they are doing and why. The City does not want to tie a property owners hands concerning development, and we do not want lots sitting vacant for a specified period of time just so they can be deemed vacant. We want to be able to encourage infill development.

Chair Fitch agreed that the front yard setback should be calculated at a minimum for that district. It would only be a matter of a couple of feet if calculated at the setback of the existing structure. Mr. Garcia added that they would be looking at the average of the setbacks on the block. Each house will be somewhere between 15 feet to 25 feet. The more houses on the block, the less change it creates. Ms. Billman pointed out that this may be true for houses, but what about apartment buildings that have more of an impact. Mr. Fitch said that it depends on the characteristics of the neighborhood, block by block.

PARKING

Mr. Ackerson said that he never understood why the City treated one-bedroom apartments from 2+ bedroom apartments. It creates a disincentive to construct one-bedroom apartment buildings. Mr. Hopkins responded that one-bedroom apartments are not generally occupied by one person in certain areas of the City and usually one of the people living in a one-bedroom apartment has a car. He expressed concern about applying a regulation that would be appropriate for one area to the entire City. He believed they should come up with a way to enable one-bedroom apartments in large complexes.

Mr. Fell commented that it is a market driven algebra problem. A developer will put in the amount of parking he needs for his development according to where it is located. A developer is constructing one now that will have no parking because it is located right in the middle of campus. The same developer is constructing a project three miles from campus and will probably have one parking space per bedroom. The amount of parking provided falls on the responsibility of the developer to be able to lease out his apartments. If he does not have parking, then he would not be able to lease the units if the tenants need vehicles. Therefore, he does not see an issue with the proposed change in parking requirements.

Ms. Billman did not see how this argument would hold true because renters would just park on the street. Is not this the problem in the West Urbana area? Mr. Trail replied that it depends on the available transit options and the location of services. The developer will put in more parking if the people demand it, and the people demand it based on many things other than just zoning. He did not see where the proposed change would make a huge difference.

FLOOR AREA RATIO/BASEMENTS

Mr. Fell advised that they be careful about including basements in Floor Area Ratio (FAR) calculations because it will make about a third of the houses in the City of Urbana non-conforming. Mr. Hopkins noted that single-family homes are excluded from this amendment. In fact, this extends to duplexes and townhouses and would make duplexes conforming.

Chair Fitch expressed concern about the language in Section VI-4.A.2.c regarding FAR referring to the use as basements. The intent is to exclude basement structures from the calculation for the FAR of a single-family dwelling, duplex or townhouse, not the use as a basement. He recommended removing the word "used" from the language. Mr. Hopkins agreed.

LANDSCAPING

Ms. Pearson noted that another concern expressed in some of the communications received was to enhance the landscaping and tree planting requirements. Chair Fitch believed that similar to vehicle signs, this would require a separate text amendment.

OTHER DISCUSSION OF THE COMMISSION

Mr. Hopkins questioned the amendment to the definition of “*multiple frontage (corner) lots*”. Mr. Garcia explained that any lot is required to have a front yard along a street frontage. Therefore, the definition for “*corner lot*” seemed unnecessarily complicated, especially since the term was only referred to once or twice throughout the entire Zoning Ordinance. Simplifying the definition, as proposed, would not affect any of those references. Mr. Hopkins felt that it would work.

Mr. Hopkins questioned the amendment to the definition of “*Accessory Building or Structure*”. Is anything constructed that requires attachment to the ground? A shed, which is defined as a structure, does not require a foundation. However, a shed that is under 120 square feet and does not require a permit is required to be attached to the ground so it will not blow away. Does the Zoning Ordinance make a distinction between attached to the ground and requiring a foundation? Mr. Garcia replied that the proposed amendment would only clean up the extra language. City staff was not proposing a new definition for “*shed*”, but instead moving it out from under “*accessory building or structure*” to its own definition. They are proposing to get away from using the term “*building or structure*” throughout the Zoning Ordinance because all buildings are structures. It is redundant to say “*building or structure*”, so with the proposed amendment we can just say “*structure*”.

Mr. Hopkins inquired about Figure VIII-2. Is replacing the existing Turnaround Design with two options a result of a change to the Site Plan requirements? Mr. Garcia replied that after he published the memo, he spoke with Bill Gray, City Engineer, about Figure VIII-2. It was intended to provide three typical designs, not two. They need to add a third option. He explained that Option A would be as proposed. Option B would have a No Parking Area but the drive aisle would be 23 feet wide, and Option C would have all parking spaces available and a 30-foot wide drive aisle. Mr. Hopkins stated that it would be helpful to provide the explanatory text next to each option. Mr. Garcia said that they could label Option A as the minimum requirement and the other two options would be labelled as Alternative Option A and Alternative Option B.

With no further discussion, Chair Fitch summarized the changes that the Plan Commission mentioned. They were as follows:

1. Remove the section about vehicle signs.
2. Reword the proposed last sentence of Section VI-5.E.1 to read something like, “*If a development proposal includes demolishing existing buildings, those lots shall be considered as having the minimum front yard required in that district*”.
3. Reword Section VI-4.A.2.c to read as such, “*Basements in single-family dwellings, duplexes, and townhouses*”.
4. Include all three diagrams and add language to Figure VIII-2.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2320-T-17 to the City Council with a recommendation for approval with the following changes as summarized by Chair Fitch prior to this motion and to keep the requirement for parking for one-bedroom apartments to

be one parking space per dwelling unit as currently written in the Zoning Ordinance. Chair Fitch seconded the motion.

Mr. Fell inquired whether the change to the use regulations in the MOR District as discussed earlier was part of the motion. Mr. Hopkins stated that it was his intent to include any changes that were mentioned during discussion. That would include rewording Section V-8.C. to add “existing.”.

Mr. Fell moved an amendment to the motion to change the parking requirement for one-bedroom apartments to be .5 parking space per dwelling unit as recommended by City staff in the proposed text amendment. Mr. Trail seconded the motion.

Mr. Ackerson commented that the argument is based on the assumption of the number of people living in a unit, but it should not matter from one-bedroom apartments to two or more bedroom apartments. We should not assume that a two-bedroom apartment would not have four people living in it. It does not logically make sense to require one parking space for a one-bedroom apartment (one parking space per unit) and one parking space for a two-bedroom apartment (.5 parking space per bedroom). Mr. Trail spoke in favor of the change in required parking for one-bedroom apartments.

Roll call taken on the motion to amend was as follows:

Ms. Billman	-	No	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	No
Mr. Trail	-	Yes	Mr. Turner	-	Yes
Mr. Ackerson	-	Yes			

The amendatory motion passed by a vote of 5 – 2.

Roll call on the main motion including the amendment to change the parking as amended was as follows:

Mr. Fell	-	No	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Trail	-	Yes
Mr. Turner	-	Yes	Mr. Ackerson	-	Yes
Ms. Billman	-	Yes			

The motion was approved by a vote of 6 – 1.

Mr. Garcia noted that this case would be forwarded to City Council on Monday, December 18, 2017.

8. NEW BUSINESS

Update to the Plan Commission’s Official Bylaws

Chair Fitch opened this item on the agenda. Lorrie Pearson, Planning Manager, presented the two changes to the bylaws to the Plan Commission. She mentioned that the Plan Commission would not be allowed, according to the bylaws, to vote on the proposed changes at this meeting. This item would be continued to the next meeting upon which time the Plan Commission would make a motion and vote.

Mr. Fitch agreed with the proposed change to eliminate the requirement for staff and a Plan Commission member to attend a cancelled meeting but liked the existing language about posting notices. Ms. Pearson stated that the existing Zoning Ordinance already requires City staff to post agendas and cancellation notices in the City building, and they also post notices to the City's website.

Ms. Billman asked if the Chairperson currently makes the decision to cancel meetings. Chair Fitch said that the City staff makes the decision to cancel based on the status of current cases and caseload.

Ms. Billman wondered when the proposed changes would take effect once they are approved. Mr. Fitch replied that the changes to the bylaws would go into effect at the meeting following the meeting when they are voted on.

Ms. Pearson stated that the Plan Commission could vote on the proposed update to the bylaws at the next meeting on Thursday, December 21, 2017.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia gave a staff report on the following:

- PUD for Zeta Tau Alpha House was approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission