2009

URBANA PLAN COMMISSION

Annual Report

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January 2010

OVERVIEW

In 2009, the Urbana Plan Commission met 16 times and considered 25 cases. This compares to 2008 when the Plan Commission met 17 times and considered 24 cases. The breakdown of the types of cases considered is as follows:

Annexation Agreements	2
Champaign County Zoning Board of Appeals Cases	3
Comprehensive Plan Amendments	1
Planned Unit Developments	2
Special Use Permits	3
Zoning Map Amendments	7
(two associated with an annexation agreement)	
Zoning Text Amendments	7

City staff also held study sessions on the following topics:

St. Mary's Road Corridor Plan
CUUATS Long Range Transportation Plan 2035

Continuing members of the Plan Commission include Michael Pollock (Chairperson), Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, and Marilyn Upah-Bant. Plan Commission members who were reappointed this year were Bernadine Stake and Tyler Fitch. Dannie Otto was appointed to the Plan Commission in May to fill a vacancy. Plan Commissioner Don White resigned in June and Andrew Fell was appointed in August to fill his seat.

Staff support to the Plan Commission in 2009 was provided by City Planner/Community Development Services Director, Dr. Elizabeth H. Tyler, FAICP; Planning Manager, Robert Myers, AICP; Planners – Rebecca Bird, Jeff Engstrom, AICP and Lisa Karcher, AICP; and Planning Secretary, Teri Andel.

This report lists the plan cases considered by the Plan Commission in 2009 by case type. Associated ordinances and resolutions, as adopted by the Urbana City Council, are attached. Signed copies of Plan Commission minutes are also attached.

2009 PLAN CASE SUMMARY

Annexation Agreements

1. Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08: Request by Carl and Beverly Andres for an annexation agreement and to rezone a 0.41-acre tract of property at 1707 East Airport Road from Champaign County AG, Agriculture District to City, R-2, Single-Family Residential Zoning District upon annexation.

The Plan Commission recommended approval of the annexation agreement and related rezoning case on January 8, 2009. The City Council approved and authorized execution of the agreement on January 20, 2009 by adopting Ordinance No. 2009-01-003.

2. Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09: Request by James Tull for an annexation agreement and to rezone upon annexation a 1.6-acre tract of property at 2209 East Perkins Road from Champaign County CR, Conservation-Recreation District to City, R-1, Single-Family Residential Zoning District.

The Plan Commission recommended approval of the annexation agreement and related rezoning case on December 10, 2009. The City Council approved and authorized execution of the agreement on December 21, 2009 by adopting Ordinance No. 2009-12-128.

Champaign County Board of Appeals Cases

1. CCZBA-635-AM-08: Request by Country Arbors Nursery, Inc. to amend the Champaign County Zoning Map from AG-1, Agriculture to AG-2, Agriculture for a 41.5 acre tract of land located at 1742 CR 1400N.

The Plan Commission recommended defeating a resolution of protest on January 22, 2009. The City Council defeated the resolution of protest on February 2, 2009; therefore, Resolution No. 2009-02-002R was NOT adopted.

2. CCZBA-611-AM-0: Request by Casey's Retail Company to amend the Champaign County Zoning Map from R-5, Manufactured Home Park to B-4, General Business for a 1.04 acre tract of land located at 2218 E University Avenue.

The Plan Commission recommended defeating a resolution of protest on February 19, 2009. The case was withdrawn at the request of the petitioner prior to action by the City Council.

3. CCZBA-634-AT-08: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning wind turbine developments (wind farms).

The Plan Commission recommended defeating a resolution of protest on April 23, 2009. The City Council defeated the resolution of protest on May 4, 2009; therefore, Resolution No. 2009-05-018R was NOT adopted.

Comprehensive Plan Amendments

1. Plan Case No. 2114-CP-09: Request by the Zoning Administrator to adopt the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan and amend the 2005 Urbana Comprehensive Plan by adopting the Hazard Mitigation Plan as an element.

The Plan Commission recommended approval of the plan and adoption of the portions of the plan pertaining to the City as an element of the 2005 Urbana Comprehensive Plan on August 6, 2009. On August 17, 2009, the City Council adopted the Campaign County Multi-Jurisdictional Natural Hazard Mitigation Plan as a whole and adopted as an official amendment to the 2005 Comprehensive Plan those portions pertaining to Urbana by adopting Ordinance No. 2009-08-090.

Planned Unit Developments

1. Plan Case 2100-PUD-09: Request by Nabor House Fraternity for approval of a Preliminary Development Plan for the Nabor House Fraternity Planned Unit Development (PUD).

The Plan Commission recommended approval of the preliminary development plan along with two requested waivers on February 19, 2009. The City Council approved the preliminary development plan and the two requested waivers on March 2, 2009 by adopting Ordinance No. 2009-03-014. The appropriate exhibit was not included in the adopted ordinance; therefore, the City Council adopted Ordinance No. 2009-03-020 on March 16, 2009 to integrate a copy of the approved preliminary development plan.

2. Plan Case 2105-PUD-09: Request by Nabor House Fraternity for approval of a Final Development Plan for the Nabor House Fraternity Planned Unit Development (PUD).

The Plan Commission recommended approval of the final development plan on April 23, 2009. The City Council approved the final development plan on May 4, 2009 by adopting Ordinance No. 2009-05-045.

Special Use Permits

1. **Plan Case No. 2093-SU-08: Request by Mervis Industries for a Special Use Permit to establish a Recycling Center at 3008 North Cunningham Avenue in the IN, Industrial Zoning District.**

   The Plan Commission recommended approval subject to certain conditions on January 22, 2009. The City Council approved the Special Use Permit with conditions on February 2, 2009 by adopting Ordinance No. 2009-02-006.

2. **Plan Case No. 2107-SU-09: Request by Church of the Living God for a Special Use Permit to establish a Church at 1701 North Carver Drive in the R-3 Zoning District.**

   The Plan Commission recommended approval subject to certain conditions on May 21, 2009. The City Council approved the Special Use Permit with conditions on June 1, 2009 by adopting Ordinance No. 2009-06-058.

3. **Plan Case No. 2117-SU-09: Request by the Urbana & Champaign Sanitary District for a Special Use Permit to expand the existing wastewater treatment facility at 1100 East University Avenue in the CRE, Conservation-Education-Recreation Zoning District.**

   The Plan Commission recommended approval on September 10, 2009. The City Council approved the Special Use Permit on September 21, 2009 by adopting Ordinance No. 2009-09-105.

Zoning Map Amendments

1. **Plan Case No. 2099-M-09: Annual Update of the Official Zoning Map.**

   The Plan Commission recommended approval on March 5, 2009. The City Council approved the annual update to the Official Zoning Map on March 16, 2009 by adopting Ordinance No. 2009-03-021.

2. **Plan Case 2101-M-09: Request by MOJO Properties to rezone 708 South Vine Street from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple Family Residential.**

   The Plan Commission recommended denial on March 26, 2009. The City Council denied the zoning map amendment on April 6, 2009.

3. Plan Case 2102-M-09: Request by Steve Happ to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business to B-3, General Business.

The Plan Commission recommended approval on April 9, 2009. The City Council approved the zoning map amendment on April 20, 2009 by adopting Ordinance No. 2009-04-040.

4. Plan Case 2103-M-09: Request by Clive Follmer to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business to B-3, General Business.

The Plan Commission recommended approval on April 9, 2009. The City Council approved the zoning map amendment on April 20, 2009 by adopting Ordinance No. 2009-04-041.

5. Plan Case 2106-M-09: Request by Kevin and Julia Webster to rezone 714 West California Avenue from R-2 (Single-Family Residential) to R-7 (University Residential).

The Plan Commission recommended denial on May 7, 2009. The City Council denied the zoning map amendment on June 15, 2009.

Zoning Text Amendments

1. Plan Case 2074-T-08: Request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

The Plan Commission discussed the case on October 9 and October 23, November 20, and December 4, 2008; and on January 8, 2009. The Commission recommended denial on January 8, 2009. The City Council adopted the design guidelines and approved the zoning text amendment on January 20, 2009 by adopting Ordinance No. 2009-01-004 and Ordinance No. 2009-01-005.

2. Plan Case 2081-T-08: Request by the Zoning Administrator to amend Article VI of the Urbana Zoning Ordinance to include Outdoor Lighting Standards.

The Plan Commission discussed the case on February 5 and March 5, 2009. The Commission recommended approval subject to minor wording clarifications on March 5, 2009. City Council approved the text amendment with additional revisions on April 20, 2009 by adopting Ordinance No. 2009-03-018.

3. Plan Case No. 2097-T-09: Request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacement of existing garages located in the side-yard setback.

The Plan Commission discussed the case on February 19 and March 5, 2009. The Commission recommended approval on March 5, 2009. The City Council approved the zoning text amendment on March 16, 2009 by adopting Ordinance No. 2009-03-019.

4. Plan Case No. 2098-T-09: Request by the Zoning Administrator to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the MOR, Mixed-Office Residential Zoning District.

The Plan Commission recommended approval on February 19, 2009. The City Council approved the zoning text amendment on March 2, 2009 by adopting Ordinance No. 2009-03-015.

5. Plan Case 2104-T-09: Request by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance as they pertain to signs.

The Plan Commission recommended approval on May 7, 2009 with the recommendation that language be deleted requiring monument signs. The City Council approved the zoning text amendment with the recommended language deletion on June 1, 2009 by adopting Ordinance No. 2009-05-053.

6. Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

The Plan Commission discussed the case on July 9, August 6 and September 10, 2009. The Commission recommended approval on September 10, 2009 with two minor wording changes. The City Council approved the zoning text amendment with the wording changes on September 21, 2009 by adopting Ordinance No. 2009-09-106.

7. Plan Case No. 2113-T-09: Request by the Zoning Administrator to amend Table VIII-3 and Section VIII-4 of the Urbana Zoning Ordinance to allow access drives serving individual townhouse units to be up to 18 feet wide or 45% of the lot width, whichever is greater.

The Plan Commission discussed the case on August 20 and September 10, 2009. The Commission recommended approval on September 10, 2009. The City Council approved the zoning text amendment on September 21, 2009 by adopting Ordinance No. 2009-09-103.

City Council Ordinances

(Without Attachments)

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ORDINANCE NO. 2009-01-003

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT

(1707 East Airport Road / Carl and Beverly Andres)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois and Carl and Beverly Andres has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs a tract totaling approximately 18,587 square feet located at 1707 East Airport Road and said tract is legally described as follows:

> The West Eighty-nine and Thirty-six Hundredths (89.36) feet of the East Two Hundred Sixty and Thirty-six Hundredths (260.36) feet of the North Two Hundred Eight (208) feet of the Northwest Quarter of the Northeast Quarter of Section Four (4) in Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, all being situated in Champaign County, Illinois. PIN No.: 30-21-04-201-006.

WHEREAS, the City Clerk of Urbana, Illinois, duly published notice on the 5th day of January, 2009 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held before the Urbana City Council on the matter of the proposed Annexation Agreement on the 20th day of January, 2009; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Carroll Fire Protection District on the 5th day of January, 2009; and

WHEREAS, on the 20th day of January, 2009, the Urbana City Council held a public hearing on the proposed Annexation Agreement; and

WHEREAS, prior to the aforesaid public hearing held by the Urbana City Council, after due and proper notice, a public hearing was held before the

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Urbana Plan Commission on the 8th day of January, 2009, to consider the proposed Annexation Agreement and the rezoning from Champaign County AG-2, Agriculture to City R-2, Single-Family Residential District in Plan Case Nos. 2008-A-02 and 2089-M-08; and

WHEREAS, by a vote of five ayes to zero nays, the Urbana Plan Commission voted to forward the proposed Annexation Agreement and rezoning from Champaign County AG-2, Agriculture to City R-2, Single-Family Residential District in Case Nos. 2089-M-08 to the Urbana City Council with a recommendation for approval; and

WHEREAS, The Urbana City Council has determined that the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's Official Comprehensive Plan; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Annexation Agreement between the City of Urbana, Illinois and Carl and Beverly Andres, a copy of which is attached and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 3. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

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This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 20th day of January, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson, Mayor Prussing

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of January, 2009.

Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2009-01-004

AN ORDINANCE APPROVING DESIGN GUIDELINES

(The Lincoln-Busey Corridor Design Guidelines - Plan Case No. 2074-T-08)

WHEREAS, the Urbana City Council on April 11, 2005 adopted Ordinance No. 2005-03-050, the Urbana Comprehensive Plan, which plan identifies the Lincoln-Busey Corridor (LBC) as a sensitive area needing development protections; and

WHEREAS, the Urbana City Council on October 23, 2006 directed City staff by motion to draft design review standards for the Lincoln/Busey corridor for their consideration; and

WHEREAS, the Urbana City Council's Common Goals, adopted September 19, 2005, and as amended, includes a goal to study design review for the Lincoln-Busey Corridor; and

WHEREAS, City staff on May 15, 2008 presented the proposed design guidelines to the West Urbana Neighborhood Association general meeting and held an open house on July 23, 2008; and

WHEREAS, on May 29, 2008, City staff gave a presentation on the proposed LBC Design Guidelines to the Urbana Development Review Board and submitted copies of the draft design guidelines for review and comment; and

WHEREAS, the Urbana Zoning Administrator submitted a petition to adopt design guidelines for the Lincoln-Busey Corridor, and to amend the Urbana Zoning Ordinance to enable design review to take place in certain areas and establish the Lincoln-Busey Corridor design review overlay district; and

WHEREAS, this petition was presented to the Urbana Plan Commission as Plan Case 2074-T-08; and

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WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statues (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing and reviewed the petition on October 9 and 23, November 20, and December 4, 2008 and January 8, 2009; and

WHEREAS, the Urbana Plan Commission voted 3 ayes and 2 nays on January 8, 2009 to forward Plan Case 2074-T-08 to the Urbana City council with a recommendation for denial; and

WHEREAS, on January 20, 2009, the Urbana City Council passed Ordinance No. 2009-01-005 to amend the zoning ordinance of the City of Urbana to enable design review and to establish the Lincoln-Busey Corridor Design Overlay District; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to adopt the "Lincoln-Busey Corridor Design Guidelines" as attached as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The attached Exhibit A: *"Lincoln-Busey Corridor Design Guidelines"* is hereby approved and adopted.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of January, 2009.

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PASSED by the City Council this 20th day of January, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth

NAYS: Stevenson

ABSTAINS:

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 30th day of January, 2009.

Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2009-01-005

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Adding Section XI-15, "Design Review Board", to the Urbana Zoning Ordinance - Plan Case No. 2074-T-08)

WHEREAS, the Urbana City Council on April 11, 2005 adopted Ordinance No. 2005-03-050, the Urbana Comprehensive Plan, which plan identifies the Lincoln-Busey Corridor as a sensitive area needing development protections; and

WHEREAS, the Urbana City Council on October 23, 2006 directed City staff by motion to draft design review standards for the Lincoln/Busey corridor for their consideration; and

WHEREAS, the Urbana City Council's Common Goals, adopted September 19, 2005, include a goal to study design review for the Lincoln-Busey Corridor; and

WHEREAS, the Urbana Zoning Administrator submitted a petition to amend the Urbana Zoning Ordinance to enable design review to take place in certain areas and to establish the Lincoln-Busey Corridor design review overlay district; and

WHEREAS, this petition was presented to the Urbana Plan Commission as Plan Case 2074-T-08; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statues (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing and reviewed the petition on October 9 and 23, November 20, and December 4, 2008 and January 8, 2009; and

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WHEREAS, the Urbana Plan Commission voted 3 ayes and 2 nays on January 8, 2009 to forward Plan Case 2074-T-08 to the Urbana City council with a recommendation for denial; and

WHEREAS, the proposed Zoning Ordinance text amendment conforms to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to adopt the "Lincoln-Busey Corridor Design Guidelines" by Ordinance No. 2009-01-004, adopted on January 20, 2009; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. A new Section XI-15, Design Review Board, is hereby added as follows:

Section XI-15. Design Review Board

A. Creation and Purpose

1. Upon the effective date of this amendment, there is hereby created a Design Review Board to administer design review in designated areas subject to design review in conformance with the requirements of this Section.

2. The Design Review Board is created for the purpose of reviewing and approving or disapproving applications, in accordance with this section.

3. The Design Review Board has the following objectives for reviewing applications in areas subject to design review:

   a. Review the design of new construction to ensure compatibility with the neighborhood's visual and aesthetic character through the use of the adopted design guidelines; and

   b. Determine if applications meet the intent of the district as stated in the adopted design guidelines.

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B. Powers and Duties. The Design Review Board shall have the following powers:

1. The Design Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Section and the laws of the State of Illinois.

2. To hold public hearings and to review applications within areas subject to design review. The Design Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-15.G.

3. To undertake any other action or activity necessary or appropriate to implement its powers and duties and to implement the purpose of this section.

4. Although the Design Review Board is not authorized to grant variances, special use permits, or conditional use permits, an application for design review can be processed simultaneously with applications for any of the above.

5. In a decision on an application, the Design Review Board is not authorized to prohibit or deny a land use that is permitted by right in the applicable zoning district. However, the Board may deny an application based on design considerations even if the effect of doing so would be to deny development of a use permitted by right.

C. Membership

1. The Design Review Board shall be comprised of seven members. Four members shall constitute a quorum. The members of the Board shall be appointed by the Mayor with approval of City Council.

   The persons filling the following positions on the MOR Development Review Board per Section XI-12.C.1 are automatically appointed to the Design Review Board:

   a. A member of the Urbana Plan Commission;

   b. A member of the Urbana Historic Preservation Commission;

   c. An architect; and

   d. A local developer.

   These four members of the Design Review Board shall continue to also serve as members of the MOR

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Development Review Board. The three additional members of the Design Review Board shall consist of:

e. Three residents of Urbana. The residents shall include a representative from each design review district who resides in the district. If there is only one design review district, the second and third residents should reside elsewhere in the City.

2. Design Review Board members shall serve without compensation and shall serve terms of three years. Members of the MOR Development Review Board shall be automatically reappointed to the Design Review Board if reappointed to the MOR Development Review Board. The additional three members may be reappointed at the conclusion of their respective terms.

3. The Mayor shall declare vacant the seat of any Design Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases, as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. Officers.

1. There shall be a Chair elected by the Design Review Board, who shall serve a term of one year and shall be eligible for re-election. Elections shall be held annually.

2. The Chair shall preside over meetings. In the absence of the Chair, those members present shall elect a temporary Chair.

3. Secretary. The Secretary of the Design Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:

a. Take minutes of each Design Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;

b. Provide administrative and technical assistance to the Design Review Board to assist in making decisions and findings as provided herein;

c. Publish and distribute copies of the minutes, reports and decisions of the Design Review Board;

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d. Give notice as provided herein or by law for all public hearings conducted by the Design Review Board;

e. Advise the Mayor of vacancies on the Design Review Board and expiring terms of Design Review Board members;

f. Prepare and submit to the Zoning Board of Appeals and the City Council a record of the proceedings before the Design Review Board on any other matters requiring Zoning Board of Appeals consideration; and

g. Have no vote.

E. Meetings.

1. The Design Review Board shall hold at least one meeting per year. Meetings shall be called as needed.

2. All meetings shall conform to the requirements of the Illinois Open Meetings Act. All meetings of the Design Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Design Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. Decisions.

1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.

2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.

3. Approval of an application shall require a majority vote of those members present ¬and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.

G. Applications.

1. With the exception of exempt projects as defined in this Section, any person, firm or corporation applying for a building permit for a property within a design review overlay district, shall submit a Design Review Board application to the Urbana Zoning Administrator if the project would:

a. Construct a new principal structure; or

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b. Alter the exterior of any existing principal structure; or

c. Install or enlarge a parking lot.

2. Application forms, provided by the City, shall be accompanied by the required plans, and filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

3. Submittal Requirements. The Design Review Board Secretary shall have five working days to determine whether an application is complete. If the Secretary finds the application incomplete, he/she shall notify the applicant, who shall have five working days from the date notified to submit the missing information. An application shall be considered complete if accompanied by, at a minimum, the following information:

   a. A scaled drawing showing:

      1) Size and dimensions of the subject parcel drawn to scale;

      2) Location and widths of adjacent rights-of-ways, sidewalks and street pavement;

      3) Identification of neighboring property owners listed on the application;

      4) Location of all existing structures on the parcel;

      5) Location of adjacent parcels and structures;

      6) Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;

      7) Floor plans;

      8) Location and layout of any proposed access drives, parking area and walkways;

      9) Location of existing trees and shrubs and proposed landscaping;

      10) Relevant site details including lighting, dumpster locations, signage, and other features;

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b. Elevation renderings of the proposed structures or additions indicating the proposed materials to be used in construction;

c. Detail view drawings as necessary to show key design elements; and

d. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).

Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

The Design Review Board may require additional information as necessary.

4. Upon receipt of a complete Design Review Board application, and in conformance with the following guidelines, the Zoning Administrator shall determine whether applications require review by the Design Review Board, administrative review, or are exempt projects.

a. Design Review Board Review. The Design Review Board shall review applications required by Section XI-15.G.1 for building permit applications involving:

1) Construction of a new principal structure; or

2) Increasing the building footprint of an existing principal structure greater than 15%; or

3) Increasing the floor area ratio of an existing principal structure by more than 15%; or

4) Installing or enlarging a parking lot; or

5) Substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board chair.

Determinations that the application is to be reviewed administratively should be made in writing and signed by both the Zoning Administrator and the Chair.

b. Administrative Review. The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by

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the Design Review Board per Section XI-15.G.4.a. The Zoning Administrator may approve, approve conditionally, or deny an application. Applicable design guidelines shall be the basis for administrative design review. Administrative approval or denial shall be in writing and should be accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively-reviewed applications by listing on subsequent Design Review Board agendas.

c. Exempt Projects. Within design review overlay districts, construction or alteration:

1) Requiring no building permit; or

2) Including no exterior construction or alteration;

shall be exempt from design review.

H. Design Review Board Review Procedures

1. Once a complete application has been submitted, the Secretary shall schedule a meeting to consider and act on the application request. The meeting, which shall include a public hearing, shall be scheduled within 45 working days after the completed application has been received. Notification shall be given per Section XI-10.

2. At the Design Review Board meeting during which an application is to be considered, City staff will give a presentation evaluating the application. Following the presentation, the Design Review Board will hold a public hearing. After the public hearing, the Design Review Board will review the application 1) according to the criteria in Section XI-15.I; 2) using the adopted design guidelines; and 3) considering testimony given at the public hearing. The Design Review Board shall then vote on whether to approve the proposed application, according to the voting requirements as outlined in Section XII-15.F.3.

The Board may:

a. Approve the application. If the proposed application conforms to the requirements of this Ordinance and the intent of the adopted design guidelines, the Design Review Board shall make the appropriate findings and approve the application.

b. Approve the application with conditions. In approving an application, the Board may prescribe appropriate conditions and safeguards

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in conformity with the adopted design guidelines and this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the application is approved, shall be deemed a violation of this Ordinance and punishable under the provisions of the Urbana Zoning Ordinance.

c. Invite the applicant to resubmit. If the application does not conform to the requirements of this Ordinance or to the adopted design guidelines, the Design Review Board may invite the applicant to resubmit the application, giving recommendations to the applicant on ways to improve the design of the proposal and achieve conformity with this Ordinance and the intent of the adopted design guidelines.

d. Deny the application. The Board may disapprove the proposed application, making findings stating the inadequacies of the proposal. The Board shall state its reasons for denial in writing and should make recommendations to the applicant on to how to bring the proposal into compliance with the design guidelines.

Within five working days of the Board's decision, the Secretary shall send written notice to the applicant of the Board's decision. The notification shall address the relevant and applicable reasons for the decision as well as any recommendations given by the Board.

If the application is denied, the applicant shall have the opportunity to amend the application to conform to the recommendations. The applicant shall be heard at a meeting of the Design Review Board within 30 days of receipt of the amended application at which time a vote will be taken to according to the voting requirements as outlined in Section XII-15.F.3.

3. Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.

4. Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the Design Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of

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Appeals shall have the final authority to approve or disapprove an application.

5. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.

6. The procedure for amending an application already approved by the Design Review Board, or for a request to change conditions attached to the approval of an application, shall be the same procedure as a new application request.

7. Approval of an application pursuant to Section XI-15 shall become null and void unless a related building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the application. A one-year extension may be granted by the Zoning Administrator when a written request with substantial basis is submitted prior to the expiration of the one-year term.

8. Any building permit or Certificate of Occupancy issued pursuant to an approved application may be revoked by the City for failure to comply with the conditions of approval.

I. Application Review Criteria.

1. Applications must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance.

2. Applications shall be reviewed and considered by the Design Review Board according to the criteria listed in the design guidelines enacted by the Urbana City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the Design Review Board shall determine conformance with the intent of the design guidelines as contained in the adopted design guidelines manual, as well as the overall compatibility of the proposal with the character of the neighborhood.

J. Design Review Overlay Districts and Adopted Design Guidelines

1. Design review overlay districts with their associated design guidelines shall be adopted under separate ordinances. The City of Urbana's Community Development Services Department shall make design guidelines available for public review and distribution. A design review overlay district shall be created by adopting a design guidelines manual for a specific geographic area.

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"Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.

The following, adopted under separate ordinances, are the design overlay districts in the City of Urbana and have adopted design guidelines manuals:

Lincoln-Busey Corridor Overlay District. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created by this ordinance. The Lincoln-Busey Corridor Design Guidelines were adopted, on January 20, 2009, under Ordinance No. 2009-01-004.

2. Any new design guidelines, as well as proposed amendments to adopted design guidelines, shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

K. Compliance with Regulations.

Except in compliance with the provisions of this Section, it shall be unlawful for any person, firm, or corporation to construct upon or alter the exterior any real property subject to this Section prior to obtaining a valid design review permit, in writing, from the Zoning Administrator, and making payment of any fees required by this Section. Any violation of this Section is subject to penalties and fines as provided in Article XI of the Urbana Zoning Ordinance.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of January, 2009.

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PASSED by the City Council this 20th day of January, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth

NAYS: Stevenson

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of January, 2009.

COPY

Laurel Lunt Prussing, Mayor

Passed: February 2, 2009
Signed: February 4, 2009

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ORDINANCE NO. 2009-02-006

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Construction of a Recycling Center in the IN, Industrial Zoning District - Plan Case 2093-SU-08, 3008 North Cunningham Avenue, Mervis Industries)

WHEREAS, Mervis Industries proposes to establish a Recycling Center at 3008 North Cunningham Avenue on a property totaling 10.08 acres in the IN, Industrial Zoning District; and

WHEREAS, the Urbana Zoning Ordinance Table of Uses (Table V-1) requires a Special Use Permit to allow for a Recycling Center use in the IN, Industrial Zoning District; and

WHEREAS, Mervis Industries has submitted a petition under Plan Case 2093-SU-08 for a Special Use Permit to construct the Recycling Center; and

WHEREAS, after due publication, the Urbana Plan Commission on January 22, 2009 held a public hearing concerning the petition and voted 8 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the Special Use Permit application with five conditions; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth herein, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed Recycling Center on the surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

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Section 1. A Special Use Permit is hereby approved to allow the construction of a Recycling Center at 3008 North Cunningham Avenue in the IN, Industrial Zoning District with the following conditions:

1. The layout and operation shall conform to the attached Site Plan, as shown in Exhibit D, along with any minor changes that may be necessary for the project to comply with City regulations including building, fire, and site development codes.

2. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code.

3. The development shall meet requirements for screening and landscaping in Article VI of the Zoning Ordinance, as illustratively shown in the Landscape Plan.

4. Final traffic layouts shall be subject to the approval of the Illinois Department of Transportation and City Engineer.

5. The facility shall be required to comply with all applicable federal and state environmental regulations. All runoff, noise levels, odors, dust or other emissions shall meet standards set forth by the Illinois Environmental Protection Agency.

LEGAL DESCRIPTION:

The North 10 acres of that part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principle Meridian which lies East of U.S. Route #45, in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-05-427-017

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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PASSED by the City Council this 2nd day of February, 2009.

AYES: Barnes, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS: Bowersox

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 4th day of February, 2009.

Laurel Lunt Prussing, Mayor

ORDINANCE NO. 2009-03-014 COPY

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT

(1002 South Lincoln Avenue and 805 West Iowa Street, Nabor House Fraternity - Plan Case No. 2100-PUD-09)

WHEREAS, the Nabor House Fraternity proposes to establish a residential planned unit development (PUD) for property known as 1002 South Lincoln Avenue and 805 West Iowa Street in the R-7, University Residential Zoning District and the R-3, Single and Two-Family Residential Zoning District respectively; and

WHEREAS, Section XIII-3 of the Urbana Zoning Ordinance requires the submission and approval of a preliminary development plan for planned unit developments, and that all requested waivers from development standards be expressly written; and

WHEREAS, the Nabor House Fraternity has submitted a preliminary development plan with two requested waivers for the proposed Nabor House Fraternity PUD; and

WHEREAS, after due publication, the Urbana Plan Commission on February 19, 2009 held a public hearing concerning the proposed preliminary development plan and voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the preliminary development plan for the Nabor House Fraternity with approval of the two requested waivers; and

WHEREAS, the approval of the preliminary development plan, with the waivers outlined herein, is consistent with the requirements of Section XIII-3 of the Urbana Zoning Ordinance, Planned Unit Developments, and with the definitions and goals of this Section of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

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Section 1. A preliminary development plan for the Nabor House Fraternity PUD, as attached hereto in Exhibit 1, is hereby approved for property known as 1002 South Lincoln Avenue and 805 West Iowa Street including the approval of the following waivers:

1. Maximum height of 37 feet for a principal structure.

2. Floor area ratio of 0.66.

LEGAL DESCRIPTION:

Lot 1 and the North 12 feet of Lot 2 in Forest Park Addition to the City of Urbana, Champaign County, Illinois.

Permanent Parcel No.: 93-21-17-302-001

AND

Lots 7 and 8 in Forest Park Addition to the City of Urbana as recorded in Book D at Page 62, Champaign County, Illinois.

Permanent Parcel No.: 93-21-17-302-004

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 2nd day of March, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 9th day of March, 2009.

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Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2009-03-015

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Revisions to Section V-8, "Additional Use Regulations in the MOR District", of the Urbana Zoning Ordinance - Plan Case No. 2098-T-09)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, in 2003, the Urbana City Council revised Sections IV-2.I, V-8, and XI-12 of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R. District to promote adaptive reuse of existing structures in the District by allowing for administrative approval of site plans and granting of certain minor variances (Ordinance No. 2003-11-120); and

WHEREAS, in October 2008, the Mayor and the Urbana Zoning Board of Appeals requested City Staff to review and recommend necessary amendments to Section V-8 to improve public review and opportunity for input; and

WHEREAS, the Urbana Zoning Administrator has requested to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the M.O.R., Mixed-Office Residential Zoning District to place quantifiable limits on the type of projects allowed to undergo administrative review and remove the Zoning Administrator's ability to grant minor variances; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2098-T-09; and

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WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on February 19, 2009; and

WHEREAS, the Urbana Plan Commission voted 7 ayes to 0 nays on February 19, 2009 to forward the proposed text amendment set forth in Plan Case No. 2098-T-09 to the Urbana City Council with a recommendation for approval; and

WHEREAS, on March 2, 2009, the Urbana City Council passed an Ordinance No. _____ to amend the zoning ordinance of the City of Urbana; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section V-8, Additional Use Regulations in the MOR District is hereby amended to read as follows:

Section V-8. Additional Use Regulations in the MOR District

A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.

B. As an incentive to encourage the adaptive re-use of principal buildings, proposed changes to existing principal buildings which do not:

1. Increase the building footprint by more than 15 percent; or

2. Increase the floor area ratio by more than 15 percent; or

3. Include installing or enlarging a parking lot; or

4. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the Chair of the MOR Development Review Board

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with

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the provisions of the Board as specified in Section XI-12 and shall also demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

C. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects.

1. For site plans incorporating the adaptive re-use of existing structures, the MOR Development Review Board is empowered to authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:

a. Section VIII-3, Design and Specifications of Off-Street Parking;

b. Section VIII-4, Location of Parking Facilities;

c. Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;

d. Section VIII-6, Off-Street Loading Regulations;

e. Article VI, Development Regulations; and

f. Chapter 7 of the City Code, Fences.

D. *Appeals.* See Section XI-3.D for information regarding the appeals process. All appeals must be filed within 45 days as prescribed by the State Zoning Act (65 ILCS 5\11-13-12).

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd, day of March, 2009.

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PASSED by the City Council this 2nd day of March, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 9th day of March, 2009.

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Laurel Lunt Prussing, Mayor

COPY Passed: April 20, 2009

ORDINANCE NO. 2009-03-018

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Addition of Section VI-8, "Outdoor Lighting Standards", Plan Case No. 2081-T-09)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the 2005 Urbana Comprehensive Plan contains goals to promote site design requirements that conserve energy and to minimize incompatible land uses; and

WHEREAS, the 2005 Urbana Comprehensive Plan includes an implementation strategy reading "Amend the Urbana Zoning Ordinance to address appropriate private property lighting standards for commercial and industrial areas"; and

WHEREAS, the City Council Common Goals promote the implementation of the 2005 Urbana Comprehensive Plan and the adoption of lighting standards; and

WHEREAS, the adoption of modern lighting standards for private property will provide for a safe and secure lighting environment, promote efficient use of light and energy conservation, and will protect against light trespass and lighting nuisances; and

WHEREAS, the Urbana Zoning Administrator has requested to amend Article VI of the Urbana Zoning Ordinance to include lighting standards for private property; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2081-T-08; and

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WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on February 5, 2009, which was continued to March 5, 2009; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 0 nays on March 5, 2009 to forward the proposed text amendment set forth in Plan Case No. 2081-T-08 to the Urbana City Council with a recommendation for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section 8, Outdoor Lighting Requirements, is hereby added to Article VI as follows:

Section VI-8. Outdoor Lighting Requirements

A. **Purpose**

The purpose of this section is to establish regulations and controls which promote the goals, objectives, and policies of the City of Urbana Comprehensive Plan. These controls aim to provide modern lighting standards for private property that protect against light trespass and nuisances, promote efficient use of light and energy conservation, and provide for a safe and secure lighting environment appropriate for the context of the areas to be lit.

B. **Definitions**

Candela: A measure of luminous intensity, or power emitted by a light source in a particular direction.

Cutoff Light Fixture: A fixture installed such that the luminous flux at 90 degrees above nadir is less than 5 percent of rated lumens, and less than 20 percent of rated lumens at 80 degrees above nadir.

Fixture (or Luminaire): A device which directs, diffuses, or modifies the light given out by the illuminating source in such a manner as to make its use more economical, effective and safe to the eye. The fixture includes the assembly that holds the lamp in a lighting system, including elements such as the reflector, refractor, housing, and shielding,

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ballasts in fluorescent and HID (High Intensity Discharge) units, and stems and canopies where used.

Floodlight: A light fixture or lamp which projects light in a wide beam, typically 100 degrees or more.

Footcandle (fc): A unit of measure of luminous flux, the illumination which is produced by a one-candela point source on a surface which is exactly one-foot distant from the point source. All measurements of footcandles shall be in the horizontal plane at ground level unless otherwise specified.

Full Cutoff Light Fixture: A fixture, as installed, designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamp(s) or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The luminous flux emitted in the band between 80 degrees and 90 degrees above nadir in all directions is no more than 10 percent of the total luminous flux for the luminaire. A luminaire that meets the Illumination Engineering Society of North America (IESNA) full-cutoff definition shall be considered full cutoff for the purposes of this Ordinance.

Glare: The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort or loss in visual performance and visibility. Often the result of a direct line of sight to the filament or cathode in a light fixture.

IESNA Standards: Lighting guidelines provided by the IESNA, Illuminating Engineering Society of North America. These standards are found in IESNA guidebooks such as RP-33-99, *Lighting for Exterior Environments* and RP-20-98, *Lighting for Parking Facilities*.

Initial Light Levels: The amount of light produced on a site upon installation of a new lamp. As lamps age, they become less efficient and produce less light. Initial light levels represent the brightest portion of a lamp's life cycle.

Lamp: An artificial source of visible illumination.

Light Pollution: term used to describe light trespass, over-illumination, glare, clutter and/or skyglow from an artificial light source

Light Trespass: light projected onto a property from a fixture not located on that property.

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Lumen: quantity of incident luminous flux which will, when uniformly distributed over a surface having an area of one square foot, produce an illumination of one footcandle on every point of the surface. Typical luminous flux values for incandescent bulbs are 100 watts: 1,550 lumens, 75 watts: 1,080 lumens, 60 watts: 780 lumens, and 40 watts: 450 lumens. Note: When luminous flux impinges nonuniformly on a surface, then a lumen is the quantity of luminous flux which will, on a one-square foot surface, produce an average illumination of one footcandle

Luminance: a photometric measure of the luminous intensity per unit area of light travelling in a given direction.

Luminous Flux: The power emitted from a source of electromagnetic radiation,
such as a lamp, in the form of visible light. Luminous flux is measured in lumens (lux) or footcandles (fc) and is typically specified by the manufacturer for a given lamp or luminaire.

Nadir: The direction pointing directly downward from the light source of the luminaire.

Spill Zone: The area immediately outside of an area intended to be lit, onto which low levels of excess light may spill.

Spotlight: A light fixture or bulb which projects light in a narrow beam, typically 45 degrees or less.

Uniformity Ratio: A measure of the dispersion of light on an area. For the purposes of this Ordinance, the ratio is measured as maximum light level to minimum light level. Lower uniformity ratios help eliminate places to hide, give better depth perception, and a greater feeling of security to individuals in the area

C. **Applicability**

1. It shall be unlawful for any person, firm, or institution to install or operate any outdoor light fixture on private property which does not comply with the requirements of this Ordinance. Lighting fixtures on single and two-family residential properties shall not be subject to the requirements of Section IX-8.E.

2. The Zoning Administrator, in consultation with the Building Official, may alter or waive certain requirements of this Section in order to alleviate site security concerns or other practical difficulties. In such cases an alternative lighting plan shall be provided

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demonstrating that lighting conforms to current IESNA standards.

3. Lighting fixtures installed prior to July 1, 2009 and any of the following types of lighting shall be exempt from the requirements of this Ordinance, except that fixtures found by the Zoning Administrator to be a nuisance or cause excessive glare creating a public hazard can be ordered to be removed or altered at any time.

   a. All temporary lighting needed by the police, fire, public works, or other public agencies or emergency services.

   b. Vehicular luminaires.

   c. All hazard warning luminaires required by law.

   d. Properly permitted recreational and outdoor event lighting during times that the lighted area is actually in use and for a period of one hour before the event and one half hour after. Nonetheless, recreational and outdoor event lighting shall be installed in a way that minimizes light trespassing onto adjacent property.

   e. Temporary lighting, such as holiday or special event lighting.

   f. City street lights, traffic lights, and other lighting required for public safety.

   g. Other exceptions as required by law.

D. **General Requirements**

The following shall apply to all properties in the City of Urbana, except as noted in Section VI-8.C:

1. Limits on Glare. Outdoor lighting shall not create a glare that hinders sight to the extent that it is hazardous for motorists, bicyclists, or pedestrians. Lighting shall be aimed or shielded so as not to cause a nuisance to the public or nearby properties.

2. Façade and Landscape Lighting.

   a. Floodlights directed at buildings shall be shielded such that light emitted falls upon the building façade. The initial average exterior building façade

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luminance shall not exceed five foot candles on the illuminated surface. Floodlights used for facade lighting may be no farther from the building than one-third of the building height. The mounting height of such floodlights shall not exceed the building height.

b. The lamp of landscape luminaires shall be shielded such that it is not directly visible from any adjacent properties.

E. **Additional Requirements**

The following shall apply to all properties except for single-family and duplex uses and as noted in Section VI-8.C:

1. Lighting Plan Submission Requirements. A lighting plan shall be submitted to and approved by the Urbana Building Safety Division prior to installation or replacement of a lighting system. Lighting plans shall not be required for the installation or replacement of less than three fixtures or less than 20 percent of the existing fixtures. Lighting plans shall be submitted for review as a part of the building permit process and shall include the following information:

   a. A site photometric plan indicating initial footcandle levels in a ten-foot by ten-foot point spacing at grade to a distance of 20 feet beyond the lot lines.

   b. Specifications for all luminaires, poles, luminaire mounting arms, and lighting control products.

   c. Lighting specifications including footcandle initial averages, and maximum-to-minimum uniformity ratio for the areas to be lit, excluding the spill zone, in conformance with the requirements of paragraph VI-8.E.4.

   d. The location, mounting height, lamp intensity for all exterior luminaires.

   e. An after-hours security lighting plan indicating reduced light levels as specified in VI-8.E.4.

2. Luminaires. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaires used for outdoor area light

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shall use a non-adjustable, full-cutoff fixture, or a fixture with an IESNA Uplight rating of U1 or less, positioned in a way that the cutoff effect is maximized.

3. Lighting Context. Outdoor lighting design must take into account existing light sources that impact the site as well as the presence of sensitive land uses that may be impacted by the lighting.

   a. In order to prevent over-lighting, proposed new outdoor lighting shall consider existing light affecting the site.

   b. Outdoor lighting shall have fixtures that shield residential areas from direct light.

4. Light Levels, Luminaire Mounting Position, and Timing.

   a. In order to help eliminate places to hide, give better depth perception, and a greater sense of security to individuals in the area, lighting levels shall not exceed an initial maximum to minimum uniformity ratio of 20:1 for the areas to be illuminated. Areas to be illuminated may be different for after-hours security lighting as required in this section.

   b. Average initial light levels at ground level shall not exceed one footcandle in residential zoning districts and 2.5 footcandles in all other districts.

   c. Light levels created by proposed new outdoor lighting shall not exceed 0.2 footcandles as measured at a point six feet beyond the property line or farther, except that light levels shall not exceed 0.1 footcandles as measured at a point six feet beyond the property line or farther where the adjacent property is zoned R-1, R-2, or R-3.

   d. Canopy lighting. All lighting under a canopy shall be cutoff or recessed, and no luminaires shall extend below the horizontal plane of the canopy. Light levels under the canopy shall not exceed an initial average of 15 footcandles at grade.

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e. Display areas. Areas dedicated to the display of merchandise may have an initial average light level no greater than ten footcandles while the business on the site is open to the public, and shall have an initial average light level no greater than five footcandles thereafter.

f. Building entrance areas and access drives shall have an average light level no greater than ten footcandles.

g. All exterior lighting on non-residential properties shall be controlled by a photo sensor, occupancy sensor, or time switch which shall:

i) automatically reduce exterior lighting when sufficient daylight is available, and

ii) automatically extinguish subject lights no more than one hour following the close of business on subject property, excluding lighting for security purposes. Security lighting shall not exceed 33 percent of the total light output (in lumens) from all outdoor lighting located on the zoning lot. Individual luminaires shall not emit more light for security lighting purposes.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of April, 2009.

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PASSED by the City Council this 20th day of April, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 24th day of April, 2009.

Laurel Lunt Prussing, Mayor

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Passed: March 16, 2009

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ORDINANCE NO. 2009-03-019

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Revisions to Section VI-5, "Yards", of the Urbana Zoning Ordinance, Pertaining to Garage Replacement - Plan Case No. 2097-T-09)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Section VI-5.B.9 of the Urbana Zoning Ordinance requires garages in the R-1, R-2, and R-3 zoning districts be set back a minimum of 18 inches from the side property line; and

WHEREAS, on October 15, 2008, the Urbana Zoning Board of Appeals requested City staff review Section VI-5 of the Urbana Zoning Ordinance as it pertains to the location of private garages; and

WHEREAS, said Zoning Ordinance text amendment would allow garages in some of the older parts of Urbana to be replaced in kind; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2097-T-09; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on February 19, 2009 and March 5, 2009; and

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WHEREAS, the Urbana Plan Commission voted 5 ayes to 0 nays on March 5, 2009 to forward the proposed text amendment set forth in Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section VI-5, Yards is hereby amended to read as follows:

Section VI-5.B.9

Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:

   1. The subject lot is 60 feet wide or less;

   2. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;

   3. No gutters or other appurtenances will extend across the property line; and

   4. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

   1. The subject properties share a common driveway and access drive;

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2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and

3. Replacement garages meet all applicable building codes.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of March, 2009.

PASSED by the City Council this 16th day of March, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 27th day of March, 2009.

Laurel Lunt Prussing, Mayor

COPY Passed: March 16, 2009

ORDINANCE NO. 2009-03-020

AN ORDINANCE AMENDING ORDINANCE NO. 2009-03-014 REGARDING THE APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT

(To Include a Preliminary Development Plan - 1002 South Lincoln Avenue and 805 West Iowa Street / Nabor House - Plan Case No. 2100-PUD-09)

WHEREAS, the City Council has heretofore adopted an ordinance approving a preliminary development plan for the Nabor House Fraternity Planned Unit Development (PUD) for property known as 1002 South Lincoln Avenue and 805 West Iowa Street; and

WHEREAS, Section 1 of Ordinance No. 2009-03-014 approving said preliminary development plan referenced Exhibit 1, which was intended to consist of an illustration of the preliminary development plan to be approved; and

WHEREAS, Exhibit 1 of Ordinance No. 2009-03-014 presented to the City Council was the existing site plan for the subject site; and

WHEREAS, the City Council finds it necessary to amend Ordinance No. 2009-03-014 adopted on March 2, 2009 to include the correct Exhibit 1, which shall be the preliminary development plan for the Nabor House Fraternity PUD.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Ordinance No. 2009-03-014 is hereby amended by replacing Exhibit 1 of said Ordinance with the preliminary development plan for the Nabor House Fraternity PUD, as hereto attached as Exhibit 1.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication

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in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 16th day of March, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of March, 2009.

Laurel Lunt Prussing, Mayor

Passed: March 16, 2009

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ORDINANCE NO. 2009-03-021

AN ORDINANCE APPROVING AND CAUSING PUBLICATION OF THE OFFICIAL ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Plan Case No. 2099-M-09)

WHEREAS, the Illinois Municipal Code requires the City Council of the City of Urbana, Illinois to annually publish a map showing the existing zoning classifications and revisions made during the preceding calendar year and the map so published shall be the Official Zoning Map for the City of Urbana; and

WHEREAS, the City Council of the City of Urbana last approved an Official Zoning Map on March 24, 2008 by Ordinance No. 2008-03-016; and

WHEREAS, the Urbana Zoning Administrator has submitted a request to approve the revised Official Zoning Map; and

WHEREAS, on March 5, 2009 the Urbana Plan Commission considered the proposed Official 2009 Zoning Map and voted five ayes and zero nays to forward to the Urbana City Council with a recommendation of approval of said map; and

WHEREAS, after due consideration, the Urbana City Council has deemed it necessary and to be in the best interest of the City of Urbana to approve the new Official 2009 Zoning Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The attached map entitled Official 2009 Zoning Map of Urbana, Illinois dated March 16, 2009 is hereby approved as the Official Zoning Map of the City of Urbana, Illinois pursuant to the Illinois Municipal Code and Section IV-3 of the Urbana Zoning Ordinance, which said map reflects

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the correct location of the official zoning districts in the City of Urbana as of March 16, 2009.

Section 2. Updated versions of the Official Zoning Map may be printed in the interim between the approval of this Official Zoning Map and the approval of the Official Zoning Map next year.

Section 3. The City Clerk is hereby directed to publish a full-sized copy of the Official Zoning Map and to make copies available in her office for inspection and purchase by the public.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

PASSED by the City Council this 16th day of March, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of March, 2009.

Laurel Lunt Prussing, Mayor

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COPY Passed: April 20, 2009

ORDINANCE NO. 2009-04-040

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Rezoning of 2003 and 2005 South Philo Road from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2102-M-09)

WHEREAS, Steve Happ has petitioned the City for a Zoning Map Amendment to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on April 9, 2009 concerning the petition filed in Plan Case No. 2102-M-09; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the properties herein described below from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following

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described properties from B-1, Neighborhood Business District to B-3, General Business District.

LEGAL DESCRIPTION:

Lots 503 and 504 in Ennis Ridge Sixth Subdivision, a Subdivision in Champaign County, Illinois, as per plat recorded in Plat Book "O" at page 12, in the Recorder's Office of said County, situated in the County of Champaign, in the State of Illinois, commonly known as 2003 and 2005 South Philo Road, Urbana, Illinois.

Parcel Nos.: 93-21-21-180-010 and 93-21-21-180-011

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 20th day of April, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 24th day of April, 2009.

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Laurel Lunt Prussing, Mayor

COPY Passed: April 20, 2009

ORDINANCE NO. 2009-04-041

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF URBANA, ILLINOIS

(Rezoning of 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business, to B-3, General Business - Plan Case 2103-M-09)

WHEREAS, Clive Follmer has petitioned the City for a Zoning Map Amendment to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on April 9, 2009 concerning the petition filed in Plan Case No. 2103-M-09; and

WHEREAS, the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the requested rezoning is consistent with the La Salle case criteria; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation of approval of the request to rezone the properties herein described below from B-1, Neighborhood Business, to B-3, General Business; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following

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described properties from B-1, Neighborhood Business District to B-3, General Business District.

LEGAL DESCRIPTION:

Lots 502 and 523 in Ennis Ridge Sixth Subdivision, a Subdivision in Champaign County, Illinois, as per plat recorded in Plat Book "O" at page 12, in the Recorder's Office of said County, situated in the County of Champaign, in the State of Illinois, commonly known as 2001 South Philo Road and 1401 Harding Drive, Urbana, Illinois.

Parcel Nos.: 93-21-21-180-009 and 93-21-21-180-001

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 20th day of April, 2009.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 24th day of April, 2009.

Laurel Lunt Prussing, Mayor

COPY Passed: May 4, 2009

ORDINANCE NO. 2009-05-045

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR A PLANNED UNIT DEVELOPMENT

(1002 South Lincoln Avenue and 805 West Iowa Street, Nabor House Fraternity - Plan Case No. 2105-PUD-09)

WHEREAS, the Nabor House Fraternity proposes to establish a residential planned unit development (PUD) for property known as 1002 South Lincoln Avenue and 805 West Iowa Street in the R-7, University Residential Zoning District and the R-3, Single and Two-Family Residential Zoning District respectively; and

WHEREAS, Section XIII-3 of the Urbana Zoning Ordinance requires the submission and approval of a preliminary and final development plan for planned unit developments, and that all requested waivers from development standards be expressly written; and

WHEREAS, the Nabor House Fraternity has submitted a preliminary development plan for the proposed Nabor House Fraternity PUD that was approved by the City Council on March 2, 2009 by Ordinance No. 2009-03-014 (Plan Case 2100-PUD-09) with the following waivers:

1. Maximum height of 37 feet for a principal structure.
2. Floor area ratio of 0.66; and

WHEREAS, the Nabor House Fraternity has submitted a final development plan that is fully consistent with the preliminary development plan; and

WHEREAS, the subject property lies within the Lincoln-Busey Corridor Design Review Overlay District and has been reviewed and unanimously approved by the Design Review Board on April 16, 2009 with the following conditions:

1. Construction of the proposed building and parking lot shall be in conformance with the approved plans and architectural renderings as described herein. Any significant deviation from these plans and architectural renderings as described

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herein shall require consideration by the Design Review Board;

2. A final Planned Unit Development plan must be approved with no significant deviation from the plans and architectural renderings approved by the Design Review Board;

3. The development be completed in full conformity with all applicable provisions of the Urbana Zoning Ordinance and Development Regulations;

4. The fence be limited to six feet in height in accordance with stated intent of the petitioner; and

WHEREAS, after due publication, the Urbana Plan Commission on April 23, 2009 held a public hearing concerning the proposed final development plan and voted 6 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the final development plan for the Nabor House Fraternity with conditions outlined herein; and

WHEREAS, the approval of the final development plan is consistent with the requirements of Section XIII-3 of the Urbana Zoning Ordinance, Planned Unit Developments, and with the definitions and goals of this Section of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A final development plan for the Nabor House Fraternity PUD, as attached hereto in Exhibit 1, is hereby approved for property known as 1002 South Lincoln Avenue and 805 West Iowa Street, including the two waivers previously approved and herein stated and with the following conditions:

1. Construction be in conformance with the approved plans; and

2. The development be completed in full conformity with the conditions approved by the Design Review Board on April 16, 2009.

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LEGAL DESCRIPTION:

Lot 1 and the North 12 feet of Lot 2 in Forest Park Addition to the City of Urbana, Champaign County, Illinois.

Permanent Parcel No.: 93-21-17-302-001

AND

Lots 7 and 8 in Forest Park Addition to the City of Urbana as recorded in Book D at Page 62, Champaign County, Illinois.

Permanent Parcel No.: 93-21-17-302-004

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 4th day of May, 2009.

AYES: Bowersox, Gehrig, Lewis, Marvin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 8th day of May, 2009.

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Laurel Lunt Prussing, Mayor

Passed: June 1, 2009

ORDINANCE NO. 2009-05-053

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AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Amending Article IX, Comprehensive Sign Regulations, Plan Case No. 2104-T-09)

WHEREAS, Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance regarding the standards and procedures for signs; and

WHEREAS, the proposed amendments will further the City of Urbana's goals, policies, and implementation strategies concerning signs as expressed through the City's Comprehensive Plan, Zoning Ordinance, and other pertinent documents; and

WHEREAS, the proposed amendment is intended to insure that the standards comply with current Federal and State laws, regulations, and case law; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on May 7, 2009; and

WHEREAS, the Urbana Plan Commission voted 7 ayes and 0 nays on May 7, 2009 to forward Plan Case #2104-T-09 to the Urbana City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals,

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objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the standards concerning signs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Zoning Ordinance of the City of Urbana, Illinois shall be amended as follows:

Section 1. The title of Article IX of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows: "Sign and OASS Regulations".

Section 2. Section IX-1 of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

Section IX-1. Purpose and Severability

A. *Purpose.* The purpose of this Article is to create the legal framework for a comprehensive and balanced system of signs and outdoor advertising sign structures (OASS) that will implement the City of Urbana's Comprehensive Plan; preserve the right of free speech and expression; provide effective communication between people and their environment; and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs and OASS that are:

1. Compatible with their surroundings;

2. Appropriate to the activity that displays them;

3. Expressive of the identity of individual activities and the community as a whole; and

4. Legible in the circumstances in which they are seen.

These sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures (OASS)" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of both commercial and noncommercial information, utilizing nationally standardized sign panels designed to allow relatively frequent changes in message. At the same

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time, these regulations recognize that limiting the size, number, and spacing of such structures is consistent with and will further the purposes and policies expressed herein. Recognizing that OASS and other signage can be constructed to varying degrees of compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS. Further recognizing that the zoning districts in and routes along which OASS may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural features, and are intended to result in OASS that have an acceptable commercial, as opposed to industrial, appearance. (Ord. No. 2001-05-044, 06-04-01)

B. *Severability*. Should any court of competent jurisdiction declare any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions.

Section 3. Section IX-2 of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

Section IX-2. Sign and OASS Definitions

A. *Animation or Animated.* The movement or optical illusion of movement of a sign or its sign structure, design, or illumination, caused by any method other than physically removing and replacing the sign or its components. For the purposes of this Article, animation shall include mechanical, electrical, electronic, or other means, or the appearance of movement, including but not limited to full-motion video, flashing, scrolling, oscillating, blinking, twinkling, or changing color or light intensity in a way simulating change; provided that signs employing static electronic displays, changing instantaneously without swipes or transitions, and with a frequency of change no more than once every three minutes, shall not be defined as animated signs.

B. *Banner*: A sign made of paper, plastic or fabric of any kind and which can be easily folded or rolled.

C. Commercial sign: A sign directing attention to or indicating any business or involving any goods or services.

D. *Community Event Sign*: A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational or charitable nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience

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throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)

E. *Development Sign*: Any sign displayed on a construction site by architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or subdivision of property.

F. *Electronic Display*: Visual representation of text, graphics, and/or images through electronic means, either analog or digital, and whether by cathode ray tube, light emitting diode (LED), liquid crystal display (LCD), plasma, or any other electronic means.

G. *Flag*. A square or rectangular sign made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

H. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure*: Any permanent sign or outdoor advertising sign structure completely or principally self-supported, such as by a monument base, uprights, braces, columns, or poles, and independent of any building or other structures.

I. *Grand Opening Sign*: A temporary sign displayed at the time of the opening of a new business or the change of ownership of a business. (Ord. No. 9495-81, 3-6-95)

J. *Home Occupation Sign*. A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises.

K. *Integral Signs:* Any architectural feature carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.

L. *Internally Illuminated* or *Internal Illumination*: Having a light source that is concealed on contained within a sign and becomes visible in darkness through a translucent surface.

M. *Institutional Signs*: Any sign and/or message board displayed by any public, charitable, educational, religious or other institution, when located on the premises of such institution.

N. *Message Board*: A sign, or any portion of a sign, designed and constructed to allow changeable messages through manual, mechanical, or electronic means.

O. *Monument Sign*: A type of freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole.

P. *Multi-Family Residential Identification Signs*: Signs displayed by a multi-family residential building or

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complex, boarding or rooming house, or dormitory, in accordance with Table V-1. Such signs shall be subject to the standards specified in Table IX-10.

Q. *Official Sign:* Signs displayed in the public right-of-way with approval of the Public Works Director or designee. Examples include safety signs, danger signs, traffic signs, memorial plaques, or signs indicating points of scenic or historical interest.

R. *Outdoor Advertising Sign Company*: A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.

S. *Outdoor Advertising Sign Structure (OASS)*: An outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short-term basis.

T. *Permanent Sign*: A sign that is permanently affixed or anchored to the ground, building, or other structure.

U. *Portable Sign*: A freestanding sign not permanently anchored or secured to either a building or structure.

V. *Private Traffic Directional and Instructional Signs:* Any on-premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner. Per Code of Federal Regulations Title 23, Part 655.603, internal traffic control signs shall conform to the Manual on Uniform Traffic Control Devices.

W. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.

X. *Roof Sign*: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.

Y. *Sandwich Board Sign*: A temporary freestanding sign that is oriented in its display primarily towards pedestrian traffic.

Z. *Shopping Center/Commercial PUD Sign*: A sign designed for the purpose of being displayed by an entire shopping center. No single listing may exceed 50% of the area of any face of the sign.

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AA. *Sign*: Any identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. An Outdoor Advertising Sign Structure (OASS) shall not be considered a sign under the regulations contained in this ordinance.

BB. *Subdivision Sign*: Any sign displayed by a residential, commercial, office or industrial subdivision or neighborhood.

CC. *Temporary Sign*: A sign which is readily movable, not permanently anchored, and intended to be displayed for a limited period of time.

DD. *Utility Warning Signs*: Signs displayed in connection with utility pipes, conduits, and cables.

EE. *Wall Sign, Wall-Mounted Sign, or Wall-Mounted Outdoor Advertising Sign Structure*: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.

Section 4. Section IX-3.A, paragraphs 1 and 2 of the Zoning Ordinance of the City of Urbana, Illinois, Measurement Standards, is hereby amended to read as follows:

Section IX-3. Measurement Standards

A. *Area Measurement of Signs and OASS*. The area of signs and OASS shall be computed as:

1. *Flat Signs*: The area of the smallest convex geometric figure encompassing the sign; or

2. *Three-dimensional Signs:* The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

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Section 5. Section IX-4 of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

Section IX-4. General Sign Allowances

A. *General Sign Provisions.*

1. Signs specified in this Section and in Tables IX-1 through Table IX-10 of this Article shall be allowed subject to the conditions and limitations set forth herein.

2. Any sign not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

3. Any sign or OASS authorized by this Article may display a noncommercial message.

B. *Institutional Signs.* In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum combined sign size of 25 square feet total. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district.

C. *Electronic Display.* Freestanding signs and wall signs authorized by this Article in the B-3, General Business Zoning District, may include an element of electronic display when designed and operated to meet the following requirements:

1. The maximum area of electronic display shall not exceed 50 percent of any sign area.

2. Electronic displays shall not be animated as defined by this Article, including a minimum display change frequency of no more than once every three minutes.

3. The sign, including electronic display, shall meet all other design standards in this Article.

D. *Community Event Signs on City Property.*

1. The Zoning Administrator may issue a permit for community event signs to be erected or maintained on or over any property owned or controlled by the City, including public rights-of-way, which conform to the requirements and restrictions of this subsection of this ordinance. Prior to issuance of a permit, the Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional

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insured in amounts of no less than combined property damage and personal injury limits of $200,000.

2. *Zoning Districts Allowed*:

   B-4, Central Business

   B-4E, Central Business-Expansion

3. *Numbers and Sizes of Signs*:

   a) The Zoning Administrator shall grant permits for no more than ten community event signs to be displayed on any one day. When applications are received for more than one event sign to be displayed on the same day, and the total number exceeds the maximum provided in this section, each event shall receive a permit for a pro rata number of such signs so that the maximum number of signs is not exceeded for that day.

   b) Community event signs shall be no larger than 50 square feet in display area.

4. *Length of Time of Display*:

   a) Community event signs shall be displayed for not more than a consecutive 30-day period.

   b) No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

5. *Electronic Display of Community Events*. The Zoning Administrator may approve permanent signs with an electronic display to be located at the site of community events which operate on a regular basis on City-owned or controlled property. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

   a) The sign shall not be located within 450 feet of another community event electronic display sign.

   b) The sign shall not be located within 100 feet of a residential district or use.

   c) The maximum area of an electronic message board display shall not exceed 25 square feet. This counts against the total sign allowance for a business frontage.

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d) Illumination from the sign will not cause a nuisance to any nearby residential district or use.

E. Signs in *Planned Unit Developments*. Signs and outdoor advertising sign structures located within a Planned Unit Development shall be subject to the provisions applicable to the zoning district in which the PUD is located.

F. *Agricultural Districts*. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive non-agricultural zoning district within which the use is permitted by right.

G. *Shopping Center Signs*. In lieu of Section IX-4.D.5, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.

H. *Sign safety*. Signs and OASS shall be designed, sited, and constructed to allow safe vehicular movement onto and within the property, including on driveways and parking lots. Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.

I. *Temporary Signs*. In the B-3, B-3U, B-4, B-4E, and IN Districts, in addition to the signs permitted as specified in Table IX-1 through Table IX-4, Table IX-6 and Table IX-9, temporary signs shall be allowed by permit as provided in this Section. Temporary Signs for non-residential uses in residential districts (as allowed in Table V-1) shall also be allowed by permit as provided in this Section.

1. *Grand Opening Signs*. Each business (or other entity) shall be allowed to display one grand opening sign for each business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. The display must occur within the first six months after either the opening of the business at that site, or after there has been a change in ownership of the business.

2. *Inflatable Signs and Balloons*. Within the first 30 days of the operation of a new on-site business, in addition to the banner signs as permitted in this section, a business having at least 50 feet of frontage may display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

   An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs

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shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance in all directions from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened as required by manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a commercial sign installer. A permit for an inflatable sign may not be issued unless proof of liability insurance in a minimum amount of one million dollars is shown. Signs inflated with helium are strictly prohibited.

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four separate banner displays per business frontage per calendar year, securely fastened at both ends to a building or other structure. If more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley. The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.

   a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, and 50 square feet for freestanding banner signs.

   b) A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.

4. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.

5. No fee shall be charged for a grand opening temporary sign. This exemption shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

J. *Signs Authorized Without a Permit.* The following signs shall be allowed in all zoning districts without a sign permit and with the following limitations.

1. *Flags*: No more than two flags for each premise.

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2. *Private Traffic Direction Signs and Related Signs:* Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.

3. *Property Sale, Rental, or Exchange Signs:* Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs shall not be internally illuminated, and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-7.

4. *Home Occupation Signs:* Home occupation signs that are wall-mounted, not internally illuminated and do not exceed one square foot in area. There shall be only one such sign per building or structure for a home occupation permitted under Section V-13.B.

5. *Subdivision Sign:* Subdivision signs subject to the standards specified in Table IX-8.

6. *Development Signs:* Development signs confined to the site of the construction, alteration, or repair. Development signs shall be removed within 21 days after completion of the work, and shall conform to the standards provided in Table IX-7.

7. *Sandwich* Boards: Such signs shall not be located in the traveled roadway or block pedestrian traffic, and shall be moved indoors at the end of business hours. Such signs shall be permitted in the B-1, B-2, B-3U, B-4, B-4E, or MOR Zoning Districts, and shall not exceed eight square feet in area and four feet in height.

8. *House or Building Sign*: Any sign on a residence or building that does not exceed six inches in height.

K. *Exempt Signs*. The following signs are exempt from the regulations contained in this Article:

1. Official signs or signs required by law.

2. Integral signs.

3. Utility warning signs.

4. Signs carried by a person.

5. Signs integrated with vending machines, fuel pumps, and bus shelters.

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Section 6. Section IX-5 of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

Section IX-5. Sign Permits

A. *Permit Requirements.* With the exception of exempt signs authorized by Section IX-4, it shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign or OASS without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance.

B. *Permit Exceptions.* Notwithstanding the requirements of Section IX-5.A, the following modifications to signs and OASS shall not be considered as "installing, constructing, erecting, altering, reconstructing, relocating," or creating a sign and shall not require a permit:

1. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.

2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

C. *Sign Permit Applications.*

1. A person proposing to erect or display a permanent or temporary sign shall file an application for a permit with the Zoning Administrator of the City of Urbana or designee. Sign permit applications shall contain the following:

a) The name address and telephone number of the owner of the sign and agent, if any;

b) The location of buildings, structures, or lots to which or upon which the sign is to be attached or erected;

c) A site plan drawn to scale specifying the location of permanent, free-standing signs and their relationship to the site and surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;

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d) Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs otherwise require a permit; for temporary signs permitted in Section IX-4; or for signs the fair market value of which is less than $500 and which are to be erected in compliance with a standard method;

e) The name of person, firm, corporation, or association that will erect the sign;

f) Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and

g) Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City.

2. *Issuance of Permit.* The Zoning Administrator shall issue the permit within 30 days after he or she finds that the permit application is complete and complies with all of the requirements in Section IX-4.F.1, and that the sign to be erected complies with all of the requirements of this ordinance. The Zoning Administrator may return the application to the applicant if the Zoning Administrator finds it incomplete.

3. *Denial of Permit.* The Zoning Administrator shall notify the applicant in writing of any denial of a sign permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

4. *Appeal.* An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

5. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the sign as constructed for compliance with City requirements, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit

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in writing, authorizing such applicant to operate and maintain the sign as permitted.

6. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section 7. Section IX-7 of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

Section IX-7. Prohibited Signs and OASS

A. The following are specifically prohibited by this Article:

1. Any sign or OASS which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;

2. Any sign or OASS which contains or is an imitation of an official sign, other than private traffic directional or instructional signs;

3. Animated signs and OASS;

4. Any sign or OASS which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, except for Temporary Signs explicitly authorized by Section IX-4;

5. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;

6. Any sign or OASS not in compliance with the requirements of this ordinance; or

7. Any portable sign, except sandwich boards as defined in Section IX-2.

B. *Removal of Prohibited Signs*:

1. For any on-premise sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises, the Zoning Administrator shall give notice under the procedures of Section IX-9 of the Zoning Ordinance to remedy or remove the sign.

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All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)

Section 8. Tables IX-1, IX-2, IX-3, IX-4, IX-5, IX-6, IX-7, IX-8, and IX-9, IX-10 of the Zoning Ordinance of the City of Urbana, Illinois, as attached, are hereby incorporated as part of this ordinance and amended.

Section 9. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of June, 2009.

PASSED by the City Council this 1st day of June, 2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 5th day of June, 2009.

Laurel Lunt Prussing, Mayor

By: Charles A. Smyth, Mayor Pro-tem

Passed: June 1, 2009

ORDINANCE NO. 2009-06-058

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AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Establishment of a Church in the R-3, Single- and Two-Family Residential Zoning District - Plan Case No. 2107-SU-09 / 1701 North Carver Drive - Church of the Living God)

WHEREAS, the subject property is located at the end of Federal Drive and identified as 1701 North Carver Drive; and

WHEREAS, the subject property is zoned R-3, Single- and Two-Family Residential according to the Official Zoning Map for the City of Urbana; and

WHEREAS, Church of the Living God has requested a Special Use Permit to establish a church in the R-3, Single- and Two-Family Residential Zoning District; and

WHEREAS, the Urbana Zoning Ordinance identifies a *church, temple, or mosque* within the R-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, Church of the Living God has petitioned the Urbana Plan Commission in Case No. 2017-SU-09 to consider a request to establish a church in the R-3 Zoning District; and

WHEREAS, the City of Urbana has previously issued two Special Use Permits to allow a church on the subject site in Ordinance No. 2002-05-052 and 2005-10-146, both of which have since expired; and

WHEREAS, all applicable development regulations will be met, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

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WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on May 21, 2009 concerning the petition filed by the petitioner in Plan Case No. 2017-SU-09; and

WHEREAS, on May 21, 2009, the Urbana Plan Commission voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as specified in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of a church in the R-3, Single- and Two-Family Residential Zoning Districts with the following conditions upon approval:

1. That the layout of the facility shall closely resemble the submitted Site Development Plan attached as Exhibit D. Any significant deviation from the approved Site Development Plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.

2. That an engineered drainage plan, including proper conveyance and detention of Stormwater from the site shall be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and shall be subject to the review and approval of the Urbana Zoning Administrator and Urbana City Engineer.

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3. That Federal Drive shall serve as the exclusive vehicular access to/from the site to minimize impacts upon the adjacent residential neighborhood, until such time as vehicular access from the west is developed. Vehicular access via Carver Drive and Dorie Miller Drive shall be prohibited.

4. That a landscape plan shall be prepared and constructed to provide screening to adjacent residential properties to the east and south, subject to the review and approval of the Urbana Zoning Administrator in consultation with the Urbana City Arborist.

LEGAL DESCRIPTION:

Beginning at the Northwest corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, thence West 190 feet to the West line of the Southeast Quarter (SE ¼) of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, thence North along said line 611 feet, thence East 765 feet to the East line of Carver Park Subdivision extended North thence South along said extended line 726 feet to the Northeast corner of Lot 16 of said subdivision, thence West 450 feet to the Southeast corner of Lot 48 of said Subdivision, thence North along East line of said Lot 48, 115, thence West 125 feet along North Line of Lot 48; to the place of beginning situated in Champaign County, Illinois, EXCEPTING there from the following described tract:

Beginning at the Northeast corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, a Subdivision; thence Easterly parallel with the North line of Lot 21 of said Subdivision, 55 feet; thence Southerly parallel with the East line of the said Lot 48, 115 feet to the common North Corner of Lots 20 and 21 of said Subdivision; thence westerly along the North line of Lot 21 of said Subdivision, 55 feet to the common corner of Lots 21 and 48 of said Subdivision; thence Northerly along the East line of said Lot 48, 115 feet to the point of beginning, containing 6.325 square feet (0.145 acres) more or less, all situated in the City of Urbana, Champaign County, Illinois, and having its Westerly and Southerly boundaries contiguous to the limits of the City of Champaign, Illinois.

ALSO EXCEPTING:

Beginning 55 feet East of the Northeast corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, as a point of beginning; thence Easterly parallel with the North line of Lots 20, 19, and 18 of said Subdivision, 165 feet; thence Southerly parallel to the East line of the aforesaid Lot 48, 115 feet to the Northeast corner of Lot 18 of said subdivision; thence Westerly along the North line of Lots 18, 19 and 20 of said subdivision; thence

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Northerly parallel to the East line of Lot 48 of said subdivision, 115 feet to the point of beginning, situated in Champaign County, Illinois containing 11.33 acres.

PIN No. 91-21-06-451-005

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 1st day of June, 2009.

AYES: Bowersox, Gehrig, Lewis, Madigan, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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APPROVED by the Mayor this 5th day of June, 2009.

Laurel Lunt Prussing, Mayor
By: Charles A. Smyth, Mayor Pro-tem

Passed: August 17, 2009

ORDINANCE NO. 2009-08-090

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AN ORDINANCE AMENDING THE CITY OF URBANA COMPREHENSIVE PLAN 2005

(Adopting the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan)

WHEREAS, the Urbana City Council on April 11, 2005 in Ordinance No. 2005-03-050 adopted the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana City Council on June 20, 2005 in Ordinance No. 2005-06-087 adopted the Hazard Mitigation Plan as an element of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Federal Emergency Management Agency (FMEA) subsequently approved Urbana's Hazard Mitigation Plan with a requirement that it be updated by 2010; and

WHEREAS, Champaign County, with the assistance from the Champaign County Regional Planning Commission, has gathered information and prepared the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan;

WHEREAS, the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44 CFR 201.6; and

WHEREAS, after due publication and proper legal notification of a public hearing on August 6, 2009, the Urbana Plan Commission voted 6 ayes and 0 nays to recommended that the Urbana City Council adopt the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan as an official amendment to 2005 Urbana Comprehensive Plan, and superseding the 2005 Urbana Hazard Mitigation Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the attached document entitled "Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan", dated August 1, 2009,

and incorporated herein by reference, is hereby adopted, and resolves to execute the actions in the Plan.

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Section 2. That the attached Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan supersede the City of Urbana's existing Hazard Mitigation Plan, adopted by Ordinance No. 2005-06-087 on June 20, 2005.

Section 3. That those portions of the attached Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan pertaining to the City of Urbana are hereby adopted as an amendment to the 2005 Comprehensive Plan of the City of Urbana, as amended.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities and thereafter file a certified copy in the Champaign County Recorder's Office in conformance with Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

Section 5. This Ordinance shall be in full force and effect upon the expiration of 10 days after the date of filing notice of the adoption of the comprehensive plan amendment with the Champaign County Recorder, in conformance with Chapter 65, Section 11-12-7 of the Illinois Compiled Statutes (65 ILCS 5/11-12-7).

PASSED by the City Council this 17th day of August, 2009.

AYES: Bowersox, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 19th day of August, 2009.

Laurel Lunt Prussing, Mayor

Passed: September 21, 2009
Signed: September 30, 2009

ORDINANCE NO. 2009-09-103

COPY

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Revisions to Table VIII-3, "Widths for Access Drives", and Section VIII-4, "Location of Parking Facilities", Pertaining to Widths of Access Drives Serving Individual Townhouse Units - Plan Case No. 2113-T-09)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Table VIII-3, "Widths for Access Drives", and Paragraph VIII-4.F.1 currently limit access drive widths to 45% of the total lot width for single-family, duplex, and townhouse properties; and

WHEREAS, current development practices and expectations for most townhouse units include a two-car garage and access drive; and

WHEREAS, the Urbana Zoning Administrator is proposing a text amendment to the Urbana Zoning Ordinance in order to allow for access drives to be up to 45% of the lot width, or 18 feet, whichever is greater; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2113-T-09; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on August 20, 2009 and September 10, 2009; and

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WHEREAS, the Urbana Plan Commission voted 7 ayes to 0 nays on September 10, 2009 to forward the proposed text amendment set forth in Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Table VIII-3, Widths for Access Drives is hereby amended to read as follows:

TABLE VIII-3. WIDTHS FOR ACCESS DRIVES

	Minimum Width (in feet)		*Maximum Width (in feet)*[1]	
	One-Way	Two-Way	One-Way	Two-Way
Single-family and duplex buildings	9	9	Primary drive - 35 feet. Secondary drive - 15 feet	
Rowhouse or townhouse unit with individual access drive	9	9	35 feet	
Lots with three or more dwelling units without individual drives	12	20	24 feet, or one-third of the minimum lot width for the zoning district, (as specified on Table VI-3), whichever is greater If a zoning lot has a linear street frontage greater than 150 feet, the maximum width shall be 50 feet.	
Public and quasi-public, business, and industrial uses	12	22		

Notes: 1) Per VIII-4.F.1, access drives serving single-family homes and duplexes shall not exceed 45% of the total lot width. Access drives serving individual townhomes shall not exceed 45% of the total lot width or 18 feet, whichever is greater.

Section 2. Paragraph VIII-4.F.1, Yards is hereby amended to read as follows:

1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard. Such area devoted to parking and access thereto shall not exceed 45% of the total lot width for single-family or duplex dwelling units. Drives serving individual townhouse units shall not exceed 45% of the total lot width or 18 feet, whichever is greater. Such spaces may be stacked. Accessory spaces provided pursuant to Section

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VIII.4.J shall not be located in a required front yard.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of September, 2009.

PASSED by the City Council this 21st day of September, 2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Stevenson

NAYS: Roberts

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of September, 2009.

Laurel Lunt Prussing, Mayor

Passed: September 21, 2009
Signed: September 30, 2009

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ORDINANCE NO. 2009-09-105

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Expand an Existing Wastewater Treatment Plant in the CRE, Conservation-Education-Recreation, Zoning District, Plan Case No. 2117-SU-09 / 1100 East University Avenue, Urbana-Champaign Sanitary District)

WHEREAS, in 2001, the Urbana & Champaign Sanitary District (UCSD) adopted a Long Range Facilities Plan which was formally endorsed by the Urbana City Council through Resolution No. 2001-09-026R; and

WHEREAS, In 2001, the Urbana & Champaign Sanitary District (UCSD) adopted a Long Range Facilities Plan which was formally endorsed by the Urbana City Council on September 4, 2001 through Resolution No. 2001-09-026R; and

WHEREAS, On January 21, 2003, the Urbana City Council through Ordinance No. 2003-01-005 approved a Special Use Permit for the Urbana Champaign Sanitary District to construct improvements to their sewage treatment plant; and

WHEREAS, On August 6, 2009, UCSD applied for a Special Use Permit to construct additional improvements to their sewage treatment plant and specified in their approved Long Range Facilities Plan as Phases IIIB and IV; and

WHEREAS, the subject property is located in the CRE, Conservation-Recreation-Education Zoning District, and Table V-1 of the Urbana Zoning Ordinance permits a "sewage treatment plant or lagoon" in CRE districts with a Special Use Permit; and

WHEREAS, the proposed wastewater treatment plant improvements at this location are conducive to the public convenience; and

WHEREAS, the proposed improvements should not pose a detriment to the district in which it is proposed to be located. The proposed improvements

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are compatible with the existing land use pattern and are furthermore designed to reduce existing noise levels and eliminate odor potential; and

WHEREAS, the proposed improvements conform to the applicable regulations and standards of, and preserves the essential character of, the CRE district in which it shall be located; and

WHEREAS, the proposed addition is consistent with the 2005 Comprehensive Plan's future land use designation of "Institutional", as well as the plan's goals and objectives; and

WHEREAS, following a public hearing, the Urbana Plan Commission on September 10, 2009 recommended by a vote of 7-yes and 0-no that the Urbana City Council approve the Special Use Permit application.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow a sewage treatment plant to be located in the CRE, Conservation-Education-Recreation Zoning District with the following condition upon approval:

1. That the layout of the facility shall closely resemble the submitted site development plan attached as Exhibit 1. Any significant deviation from the approved site development plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.

LEGAL DESCRIPTION:

Parcel #1

Lot "A" of a Subdivision of all of that portion of the E ½ of SW ¼ of Sec. 9, Twp. 19 N. R. 9 East of the 3rd P. M. which lies North of the right of way of the C.C.C. & St. Louis Railway Company. Said Lot "A" containing 13.68 acres of land as shown by plat of same recorded in Plat Record A, page 305, except highway right-of-way conveyed in Book 229, Page 538, in the Recorder's Office of Champaign County, Illinois, described as follows to-wit:

COPY

(From the Southwest corner of Lot 1 Block 1 of E. Barr's Subdivision of Lots 4 and 5 of a subdivision of W ½ SW ¼ Sec.9, Twp. 19 N. R. 9 East of the 3rd P. M. Champaign County, Illinois, measure South 30 feet thence South 89 degrees 46 minutes East 1055.7 feet thence South 71 degrees 26 minutes East 278.2 feet to place of beginning A.

From the place of beginning A measure North 42.2 feet to point B thence South 71 degrees 26 minutes East 17.4 feet to point C thence South 84.4 feet to point D thence North 71 degrees 26 minutes West 17.4 feet to point E thence North 42.2 feet to place of beginning A.

The above described tract of land is a part of Lot A of a Subdivision of the E ½ SW ¼ Sec. 9, Twp. 19 N. R. 9 East of the 3rd P. M. Champaign County, Illinois, and containing 0.03 acres more or less.)

Parcel #2

Lot B of a Subdivision of the E ½ SW ¼ Sec. 9, Twp. 19 N. R. 9 East of the 3rd P. M. Champaign County, Illinois, except highway right-of-way conveyed in Book 229, Page 350, in the Recorder's Office Champaign County, Illinois, described as follows, to-wit:

(From the Southeast corner of Sec. 9, Twp. 19 N. R. 9 East of the 3rd P. M. Champaign County, Illinois, measure North 655.1 feet thence North 67 degrees 09 minutes West 658.7 feet thence North 86 degrees 46 minutes West 203 feet thence North 17 feet to place of beginning A.

From the place of beginning A measure North 86 degrees 46 minutes West 1320.0 feet to the point B thence North 121.4 feet to the point C thence South 71 degrees 26 minutes East 124.2 feet to point D thence around a curve to the left having a radius of 1389.5 feet and tangent at D to the last described Course C-D for 492.2 feet to point E thence South 86 degrees 46 minutes East 721.4 feet to the point "F" thence South 23 feet to place of beginning.

The above described tract is a part of the S ½ Lot B of a Subdivision of the E ½ SW ¼ Sec. 9, Twp. 19 N. R. 9 East of the 3rd P. M. Champaign County, Illinois, and containing 0.91 acres more or less.)

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Parcel #3

The North Nine and Forty-one Hundredths Acres (9.41) of Lot Five (5), (except the South Five Hundred Twenty-two (522) feet of the East Fifteen (15) Feet of the North Nine and Forty-one Hundredths (9.41) acres of Lot Five (5)), of a Subdivision of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Nine (9), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, being a Subdivision of the Estate of William T. Webber, deceased, as shown by Old Letter Book "A", page 244 of the Records of Champaign County, Illinois, situated in the City of Urbana, in Champaign County, Illinois.

Parcel #4

All that part of Lot Six (6) of a sub-division of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Nine (9), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian (except the West 140.5 feet more or less thereof) lying North of a line 420 feet North of and parallel to the North line of the alley in Cowley's Second Addition to the City of Urbana, Illinois.

Parcel #5

The West 3 acres of the North 932 feet excepting the South 620 feet thereof of Lot 6 of a Subdivision of the West Half of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian as made by the commissioners appointed to divide the estate of William T. Webber, deceased, being the West 3 acres of that part of Lot 6 lying North of Cowley's Second Addition to Urbana, all situated in the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian.

Parcel #6

West 30 feet of the South 151 feet of the North 478 feel of Lot 6 of a Subdivision of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section 9, Township 19 North, Range 9 East of the 3rd Principal Meridian, being a subdivision of the Estate of William T. Webber, Deceased, as shown in Old Letter Book A, page 244, in the Recorder's Office of Champaign County, Illinois; and also the North 53 feet of the South 522 feet of the East 15 feet of the North 9.41 Acres of Lot 5 of a Subdivision of the West Half of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the 3rd Principal Meridian, being a subdivision of the Estate of William T. Webber, Deceased, as shown in Old Letter

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Book A, page 244, of the Record of Champaign County, Illinois.

All situated in Champaign County, Illinois.
It is recited that Ernest G. Brown is one and the same person as Ernest Brown, the grantee, in Documents No. 764737 and 764738 recorded in the Office of the Recorder of Deeds, Champaign County, Illinois.

Parcel #7

Beginning at a point 454 feet North of the Southwest Corner of the West 3 acres of the North 932 feet of Lot 6 of a Subdivision of the W ½ of the SW ¼ of Section 9, Township 19 N, R 9 East of the 3rd P. M., as made by the Commissioners in the Estate of William T. Webber, thence East 140 feet, thence North 166 feet, thence West 140 feet, thence South 166 feet to the place of beginning except the following described three tracts:
Beginning at a point in the West line of the West 3 acres of the North 932 feet of Lot 6 of a Subdivision of the W ½ of the SW ¼ of Section 9, Township 19 N, R 9 East of the 3rd P. M. as made by the Commissioners in the Estate of William T. Webber 469 feet North of the Southwest corner of said tract, thence North 50 feet, thence East 30 feet, thence South 50 feet, thence 30 feet to the point of beginning, situated in Champaign County, Illinois.

Beginning 463 feet South of the Northwest corner of Lot 6 of a subdivision of the W ½ of the SW ¼ of Section 9, Township 19 N, R 9 East of the 3rd P. M., as made by the Commissioners in the Estate of William T. Webber; thence 60 feet east to the true point of beginning thence North 50 feet, thence East 20 feet to the West line of property sold to Clarence Tatman, Jr., thence South along the West line of said property 50 feet, thence West 20 feet to the to the true point of Beginning.

Also a right of way across the South 15 feet of the North 478 feet of the West 80 ½ feet of said Lot 6 for ingress and egress to said premises, situated in Champaign County, Illinois, except the South 151 feet of the East 60 feet, situated in Champaign County, Illinois.

Parcel #8

A part of Lot 6 of Wm. T. Webber Est. Sub. being in the Southwest Quarter (SW ¼) of Section Nine (9), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

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Commencing at the Northeast Corner, Northwest Quarter (NW ¼), Southwest Quarter (SW ¼), Section Nine (9), Township Nineteen (19) North, Range Nine (9) East, also being the Northeast Corner of Said Lot Six (6); thence running Southerly along the East Line of Lot Six (6) of said Wm. T. Webber Est. Sub., a distance of 503.77 feet to the True Point of Beginning; thence continuing Southerly along the East Line of Said Lot Six (6), a distance of 100.00 feet thence Westerly along a Line parallel with and 320.00 feet North of the South Line of Said Lot Six (6) to a point on the West Line of Said Lot Six (6); thence Northerly along the West Line of Said Lot Six (6), a distance of 100.00 feet, thence Easterly along a Line being the North Line of a tract of land deeded to Theodore J. Burgin, Jr., Said Line being parallel to and 420.00 feet North of the South Line of Said Lot Six (6), a distance of 300.49 feet to the True Point of Beginning. Containing 0.69 acres, more or less.

Parcel #9

The West 3 acres of the North 932 feet excepting the South 620 feet thereof and also excepting the North 312 feet and the West 180 ½ feet of the South 166 feet of the North 478 feet thereof of Lots 6 of a Subdivision of the West One-Half of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian as made by the Commissioners appointed to divide the estate of William T. Webber, deceased; and the tract hereby sold having a North and South dimension of approximately 166 feet and an East and West Dimension of approximately 60 feet.

Parcel #10

Beginning at a point 354 feet North of the Southwest corner of the tract of land described as follows: The West 3 acres of the North 932 feet of Lot 6 of a Subdivision of the West Half of the Southwest Quarter of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, as made by the Commissioners appointed to divide the Estate of William T. Webber, deceased, being the West 3 acres of that part of said Lot 6 lying North of Cowley's Second Addition to Urbana; for a point of beginning, and running thence East 140.5 feet more or less to the East line of said 3 acre tract, thence North 100 feet, thence West 140.5 feet more or less to the West line of said 3 acre tract and thence South a distance of 100 feet to a point of beginning, situated in the City of Urbana, Champaign County, Illinois.

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PERMANENT PARCEL Nos.: 91-21-09-326-001, 91-21-09-326-002, 91-21-09-301-002, 91-21-09-306-001, 91-21-09-306-005, 91-21-09-306-006, and 91-21-09-306-017.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 21st day of September, 2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clay, City Clerk

APPROVED by the Mayor this 30th day of September, 2009.

Laurel Lunt Prussing, Mayor

Passed: September 21, 2009
Signed: September 30, 2009

COPY

ORDINANCE NO. 2009-09-106

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Amending Section IX-4.C, "Electronic Display", Pertaining to Sign Illumination -- Plan Case No. 2110-T-09)

WHEREAS, Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance regarding electronic sign illumination; and

WHEREAS, the proposed amendments will further the City of Urbana's goals, policies, and implementation strategies concerning signs as expressed through the City's Comprehensive Plan, Zoning Ordinance, and other pertinent documents; and

WHEREAS, the proposed amendment is intended to insure that the standards comply with current Federal and State laws, regulations, and case law; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission on September 10, 2009 recommended by a vote of 7-yes and 0-no that the Urbana City Council approve the proposed Zoning Ordinance text amendment; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time, and are deemed to be in the best interest of the City of Urbana.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Zoning Ordinance of the City of Urbana, Illinois shall be amended as follows:

Section 1. Section IX-4.C of the Zoning Ordinance of the City of Urbana, Illinois is hereby amended to read as follows:

C. *Electronic Display.* Freestanding signs and wall signs authorized by this Article in the B-3, General Business Zoning District, may include an element of electronic display when designed and operated to meet the following requirements:

1. ***Area***. The maximum area of electronic display shall not exceed 50 percent of any sign area.

2. ***Animation.*** Electronic displays shall not be animated as defined by this Article, including a display change frequency of no more than once every three minutes.

3. The sign, including electronic display, shall meet all other design standards in this Article.

4. ***Illumination.***

a. Electronic display signs shall be equipped with automatic dimming technology which adjusts the sign's illumination level based on ambient light conditions.

b. The maximum illumination level of an electronic display shall be 0.3 foot candles above ambient light levels, to be measured as follows. First, at least 30 minutes past sunset, and with the electronic display turned on, a light level reading in footcandles will be taken with a light meter aimed directly at the electronic display and at the following distance:

Electronic sign size	*Measurement distance*
0-100 square feet	100 feet
101-350 square feet	150 feet
351-650 square feet	200 feet

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Second, with the electronic display either turned off, showing all black copy, or blocked, the light meter will be used to measure the area ambient light level in footcandles. The difference between the two readings shall be the electronic signs illumination level above the ambient light level.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of September, 2009.

PASSED by the City Council this 21st day of September, 2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 30th day of September, 2009.

Laurel Lunt Prussing, Mayor

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Passed: December 21, 2009
Signed: December 23, 2009

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ORDINANCE NO. 2009-12-128

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT

(2209 E. Perkins Road / James E. Tull Sr.)

WHEREAS, an Annexation Agreement between the City of Urbana, Illinois, James E. Tull Sr., and Scott Plunk has been submitted for the Urbana City Council's consideration, a copy of which is attached; and

WHEREAS, said agreement governs a tract totaling approximately 1.6 acres located at 2209 East Perkins Road and said tract is legally described as follows:

> Lot 102, except the west Twenty-Two (22) feet of even width thereof, of Tull's Replat Subdivision, a part of the NW ¼ of Section 10, Township 19 North of the Third Principal Meridian located in Champaign County, Illinois, as recorded July 27, 2004 as Document #2004R23616 in the Office of the Champaign County Recorder. Champaign County, Illinois.

WHEREAS, The City Clerk of Urbana, Illinois, duly published notice on the 5th day of December, 2009 in the News-Gazette, a newspaper of general circulation in the City of Urbana, that a public hearing would be held with the City Council of Urbana on the matter of the proposed Annexation Agreement and the proposed rezoning of the tract; and

WHEREAS, the City of Urbana, Illinois also mailed notice of the public hearing to each of the Trustees of the Carroll Fire Protection District on the matter; and

WHEREAS, on the 21st day of December, 2009, the Urbana City Council held a public hearing on the proposed Annexation Agreement; and

WHEREAS, prior to the aforesaid public hearing held by the Urbana City Council, after due and proper notice, a public hearing was held before the

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Urbana Plan Commission on the 10th day of December, 2009, to consider the proposed Annexation Agreement and the rezoning from Champaign County CR, Conservation-Recreation to the City R-1, Single-Family Residential Zoning District upon annexation in Plan Case Nos. 2009-A-07 and 2120-M-09; and

WHEREAS, by a vote of five ayes to one nay, the Urbana Plan Commission voted to forward the proposed Annexation Agreement and rezoning from Champaign County CR, Conservation-Recreation to the City R-1, Single-Family Residential Zoning District upon annexation in Plan Case Nos. 2009-A-07 and 2120-M-09 to the Urbana City Council with a recommendation for approval; and

WHEREAS, the Urbana City Council has determined that the proposed Annexation Agreement is in conformance with the goals and objectives of the City of Urbana's 2005 Comprehensive Plan; and

WHEREAS, the Urbana City Council has determined that the proposed rezoning contained within the Annexation Agreement is in conformance with the LaSalle Criteria; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the Annexation Agreement between the City of Urbana, Illinois, James E. Tull Sr., and Scott Plunk, a copy of which is attached and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the major variance contained within said Annexation Agreement, is hereby approved to allow for the construction of a combination residence and accessory storage building in which the accessory storage use

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is larger in area than the principal residential use, subject to the conditions required in the Agreement.

Section 3. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Annexation Agreement, for and on behalf of the City of Urbana, Illinois.

Section 4. The City Clerk is directed to record a certified copy of this Ordinance and the Annexation Agreement herein approved, as amended, with the Recorder of Deeds of Champaign County, Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the members of the Corporate Authorities of the City of Urbana, Illinois, then holding office, at a regular meeting of said Council.

PASSED by the City Council this 21st day of December, 2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Smyth, Stevenson, Mayor Prussing

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 23rd day of December, 2009.

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Laurel Lunt Prussing, Mayor

Plan Commission Minutes

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION APPROVED

DATE: **October 9, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Ben Grosser
STAFF PRESENT:	Robert Myers, Planning Manage; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Connie Eldridge, Grants Management Division Secretary
OTHERS PRESENT:	Brian Adams, Dick Brazee, Cathy Eastman, Tony and Mary Graham, Medford Johnson, Georgia Morgan, Kent Ono, Beverly Rauchfuss, Marc Rogers, John and Candice Sloan, Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the September 4, 2008 meeting as presented. Mr. Hopkins seconded the motion. Mr. Hopkins recommended changing the word “imaging” to “imagining” in the second to last line of the first paragraph on Page 7. The Plan Commission approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- Revision of Section XI-15. Design Review Board of the Urbana Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction and showed the west study area boundary as Lincoln Avenue and the east boundary as one block east of Broadway Avenue. The northern boundary is Country Club Road, and the southern boundary extends along the rail right-of-way south of University Avenue. He explained that the Plan contains goals and strategies similar to the King Park Plan and the Downtown Strategic Plan. The proposed plan, if approved, will become a guiding document for the planning area.

He reviewed the steps in the planning process that have been completed and what phases are left. The phases involved include:

1) **The Background Research Phase –** Research on the neighborhood's history and existing conditions.
2) **The Visioning Phase -** Visioning workshops, resident and business surveys, and open house events to gather public input.
3) **The Plan Concepts Phase -** Staff synthesized information from the surveys and stakeholder interviews. They used this information to try to identify with some trends and issues and to try to create some preliminary goals.
4) **The Draft Plan Preparation Phase** – Preparation of a draft plan with goals and a map. Staff presented these drafts documents to the public to get more input.
5) **Final Plan Preparation Phase** – The draft plan is currently going through the City review process. The proposed plan has been presented to the Community Development Commission and is now before the Plan Commission, which will make a recommendation to the City Council.
6) **Implementation Phase** – This will consist of carrying out strategies identified in the plan, and will guide the City's activities in coming years, help in allocating City funds and prioritize Capital Improvement Plan projects, and provide a basis for review of rezoning requests and building permits.

The plan overview consists of six major components, which are the Background, the Process, Trends and Issues, the Plan Concepts map, Goals and Objectives and the Implementation Strategies, as well as the Appendix.

Mr. Engstrom gave a brief description of the Background and the Process. With Trends and Issues, there are four key topic areas – Land Use and Development, Housing, Mobility and Community Enhancements. He discussed the Plan Concepts Map and the Goals and Objectives. He explained how each of these were created, the comments and ideas of the residents, the stakeholders and City staff that were involved as well as the existing City documents, such as the 2005 Comprehensive Plan and the Development Agreement between the City of Urbana and Carle Foundation Hospital, that support them. The Implementation Strategies are aimed at achieving the Goals and Objectives of the Plan.

Mr. Engstrom discussed the comments and concerns of the Community Development Commission (CDC). During their meeting, a CDC member recommended having homes either facing Crystal Lake Park or on new public open space. The CDC also discussed the potential for a community center. The CDC suggested prioritizing the implementation strategies. Their final comment was that the strategy to promote apartments should be clarified as promoting the maintenance and upgrade of existing apartments.

As for public comments, City staff has received only one comment during the 30 day review period. The comment states that business uses should not expand into the residential areas or into the park, which is something that City staff concurs with.

He read the options of the Plan Commission and gave staff's recommendation, which is as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2088-CP-08 to the Urbana City Council with a recommendation for approval.*

Ms. Upah-Bant quoted Implementation Strategy M12, which states, "*Create safe bicycle path along Lincoln Avenue towards campus.*" She recalled discussing this issue extensively when they reviewed the Urbana Bicycle Plan. It was determined then that Lincoln Avenue was not wide enough, and Goodwin Avenue was should have the bike path instead. Mr. Pollock added that south of University Avenue is not included in the boundary of the proposed Crystal Lake Neighborhood Plan, so why is there a strategy listed for outside the Plan area? If the idea is to hook this path up to a broader vision for a bike path that goes through the Plan area, then he would agree that we need to talk about how to accomplish this on the busiest street in Urbana. Mr. Engstrom replied that the issue for a bike path along Lincoln Avenue to campus came up early in the process, and City staff will take a closer look at why it is still mentioned. Robert Myers, Planning Manager, noted that City staff will ensure that this implementation strategy matches the Bicycle Master Plan.

Mr. Pollock feels it is crucial to discuss the replacement of housing that is removed. The Plan states that removed housing will be replaced one-for-one in a "larger neighborhood." What defines a "larger neighborhood"? Mr. Engstrom explained that City staff had in mind a neighborhood where one could easily walk or bike to Crystal Lake Park or to Carle.

Mr. Pollock referred to H1 in the Implementation Strategies. He did not feel that "encouraging" Carle would be enough to make sure the one to one replacement happens in neighborhoods where homes are removed due to the Carle expansion. The City would need something that would do more than just encourage Carle to do this. Mr. Engstrom responded that Carle will be asking for an amendment to the Development Agreement with the City of Urbana. When this happens, the City would be more specific than just encouraging Carle to be put into the amendment. Mr. Pollock stated that he realizes the proposed plan is kind of a small Comprehensive Plan, and it does not call for this type of specificity. However, he would like to bring this up and make sure it stays at the top of the list.

Mr. Pollock went on to discuss the Community Center. Is any of the planning area inside Tax Increment Financing (TIF) District #3? The purpose for him asking this question is because part of the reason people agreed to take those revenues and use them for business promotion and development was the agreement that some of those funds would get put back into the neighborhood in the form of a community center. He understands that there has been a lot of discussion about this, but this is something that the City committed to years ago already. Mr. Engstrom explained that City staff proposes a community center to go into a larger neighborhood, such as the King Park neighborhood.

Mr. Myers said that he had the answer to Ms. Upah-Bant's earlier question regarding a bike path on Lincoln Avenue. The Urbana Bicycle Master Plan shows that Lincoln Avenue is not slated for either a bicycle lane or route. Instead it shows Goodwin and Coler Avenues as being routes. So Implementation Strategy M12 will be modified to reflect the Bicycle Master Plan.

Ms. Stake felt it would be a good idea to change "encourage" to "require" in Implementation Strategy H1. She did not think that the Plan Commission should let the proposed plan be approved with "encourage" as part of the language in this case. Mr. Pollock pointed out that this is an amendment to the 2005 Comprehensive Plan, and it is not actually a development agreement with Carle. So, he is not sure if they should change the wording or just keep it on the radar, because the Plan Commission will be reviewing a future amendment to the Development Agreement between the City of Urbana and Carle in the next few months. Mr. Myers added that City staff has spoken with representatives from Carle. Carle recognizes that it is important to the Mayor, the City, and to the residents that houses be replaced one-for-one, so they are willing to see that it happens. However, Carle is not sure what role they would play because they are not developers, but they are in agreement with the concept. City staff feels that this should be pinned down in the Development Agreement Amendment with Carle.

Mr. Engstrom reviewed a map with the Commission showing the boundaries of TIF # 3. It only goes to the east side of the Lincoln Avenue right-of-way. If a community center would be partially funded by the TIF District #3 funds, he understood it would need to be located within the District's boundaries.

Chair Pollock opened the hearing up for public input.

Cathy Eastman, of 1311 North Berkley Avenue, requested that the Plan Commission table this item to a future meeting to allow City staff to get some additional feedback from the neighbors east of Broadway Avenue. There are a number of issues and changes to North Broadway mentioned in the proposed plan that would affect the neighborhood to the east, such as additional

sidewalks on the north end, additional street lighting, and a multi-use path. She is concerned that there is a need for additional feedback.

Mr. Myers asked if Ms. Eastman was asking that the boundary of the proposed plan be expanded, or does she just want the residents along the east side of Broadway Avenue to have a second opportunity to look at what is being proposed in the Broadway Avenue Corridor? Ms. Eastman replied that she does not know what the neighborhood's options are. Many of these issues will have an impact on the adjacent neighbors. They are not sure if they will have other opportunities to voice their concerns or if this meeting is their only chance.

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

Chair Pollock asked if this area was originally part of the proposed plan. Mr. Engstrom answered that originally the east boundary for the plan was Broadway Avenue. As part of the feedback from the first visioning session, some neighbors on the east side of Broadway Avenue wanted to be included in the proposed plan, so City staff expanded the boundary to include the block just east of Broadway Avenue. Chair Pollock inquired as to whether the residents in the block where the expansion occurred had been notified about the Plan Commission meeting. Mr. Engstrom said yes. The residents in this area have been notified of every meeting, except for the Visioning session.

Mr. Myers added that if people feel like they need more time for comment, then the Plan Commission could table the item until the next meeting. City staff initially discussed the eastern boundary of the proposed plan quite a bit. They decided that extending the boundary to Cunningham Avenue might dilute the original impetus for the plan, which was a concern for neighbors about the proposed expansion of Carle Hospital.

Chair Pollock realizes that there are other plans in the works at the same time. When we look at what is being planned that would affect the residents along the east side of Broadway Avenue in terms of a multi-use path, sidewalks or other amenities, would that be done in conjunction with the Urbana Park District (UPD) as a reflection of their plan? Is the UPD far enough along that they are aware of what the City is proposing? Or do the changes along Broadway Avenue have anything to do with what the UPD is doing? Mr. Myers responded that the UPD has adopted a long term plan over the next 50 years. The proposed Crystal Lake Neighborhood Plan reflects what the UPD's adopted long-range plan. Subsequent to finishing their plan, some residents have expressed a concern about UPD's plans to purchase properties on Franklin Street, as they become available. But the Crystal Lake Plan reflects the UPD's adopted plan.

Ms. Stake requested that the Plan Commission postpone making a decision regarding this case until the next regularly scheduled meeting. Mr. Fitch agreed. With no objection from the other members of the Plan Commission, Chair Pollock continued this case until October 23, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, presented this case to the Plan Commission. She began by explaining that there are three reasons for the text amendment, which are as follows: 1) Adopt design guidelines for the Lincoln-Busey Corridor, 2) Amend the Zoning Ordinance to enable design review to take place in specified areas by creating a Design Review Board, and 3) Establish the Lincoln-Busey Design Overlay District.

Ms. Bird described the boundary lines of the proposed Lincoln-Busey Corridor. She reviewed the proposed Design Guidelines pointing out that there are five chapters – 1) Introduction, 2) Existing Conditions, 3) The Design Review Process, 4) Design Guidelines and 5) Photo Inventory.

She stated that the text amendment will add Section XI-15, Design Review Board, to the Urbana Zoning Ordinance. This will create a Design Review Board to enable and administer design review for projects in multiple areas and will establish the Lincoln-Busey Corridor Design Review Overlay District. She referred to the revised Section XI-15 handout, which she passed out prior to the start of the meeting.

She read the options of the Plan Commission and noted that although the three components of the proposed text amendment can be discussed together, they should be voted on separately. She presented staff's recommendation, which is as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation to approve the Lincoln-Busey Corridor Design Guidelines, approve the Zoning Ordinance text amendment creating the Design Review Board, and approve the Lincoln-Busey Corridor Design Review Overlay District.*

Chair Pollock commented that this is all within one plan case number. Will the City Council vote on the elements separately in different votes? Ms. Bird said yes.

Mr. Fitch wondered about the process for where the guidelines come from. Were the Lincoln-Busey Design Guidelines basically staff-driven with public input? Ms. Bird replied that is correct. Mr. Fitch asked if this is the process that she would anticipate for future guidelines for other areas. Ms. Bird explained that design guidelines could be appropriate for fragile areas. City staff would work with the residents in the neighborhood or business owners on the design guidelines.

Mr. Fitch stated that he was talking more about procedural protections, such as notice provisions, required public meetings and time tables, etc. He asked how the proposed design guidelines differ from neighborhood conservation districts (NCD). Ms. Bird replied that neighborhood conservation districts are where the property owners come together and decide to apply for a NCD. The proposed design guidelines are really driven by the Urbana City Council.

Mr. Fitch wondered if the proposed Design Review Board would be the arbitrator of any future NCD with design review or would there be a separate review board for NCDs. Ms. Bird said that this is a good question and not something that City staff has discussed.

Chair Pollock asked if a NCD could employ the same type of design guidelines as being proposed in the text amendment. Mr. Myers said yes. The City wrote the NCD Ordinance flexible enough to customize the requirements for the particular needs of an area. Some areas feel that design guidelines are useful while other areas do not. Each area has different needs. Which body would carry out design guidelines would need to be specified for each district.

Chair Pollock questioned if there would be a new design review board for each district. Ms. Bird said no. As proposed, this text amendment would create one Design Review Board that would review design in all areas that have adopted design guidelines. All of the members of the Mixed Office Residential (MOR) Development Review Board except for two (who are specifically appointed to the MOR Development Review Board because they live in or near the MOR Zoning District) would also serve as members of the Design Review Board. There is no requirement that any of the members of the Design Review Board be associated with the neighborhood in which design guidelines have been created for.

Mr. Fitch inquired if one could arrive at the same result using the NCD process or the design review process. Mr. Myers answered yes. However, the Design Review Board deals with one sliver of the planning spectrum. It deals with design for new developments. The NCD is a broader planning tool that could be used potentially for a variety of things.

Ms. Stake wondered if one would change the zoning by adding an overlay district to a property or area. Ms. Bird responded by saying no. This is purely design review to help buildings be compatible with what is located on either side of it. It does not change the underlying zoning. Any project proposals in an overlay district still have to meet the zoning for that particular parcel.

Ms. Stake asked if any of this will come before the Plan Commission or City Council after it has been decided. Ms. Bird stated no.

Ms. Stake commented that it does not help much that the design guidelines "encourage" certain types of development. It should say it either is required or say it is not allowed. Ms. Bird explained that the idea with design guidelines is that each project is going to be unique. If the City writes a set of requirements, then there could be a project that meets all those requirements, but is still a bad project and won't look good in the corridor. If there are guidelines that give the Design Review Board the ability to interpret them and decide whether a project meets the intent, then there will be better chance for projects be appropriate. The intent is for new construction to be compatible with the existing environment.

Ms. Upah-Bant inquired as to how anyone would go about changing the design criteria once it has been approved. Ms. Bird answered that they would need to file a Zoning Ordinance text amendment and staff would bring it before the Plan Commission and the City Council for approval.

Mr. Hopkins talked about the membership of the Design Review Board. He recalled that an owner of a local small business with fewer than 40 employees made sense for the MOR Zoning District for a particular reason. The reason is to get mixed use small businesses by implication to use existing buildings with small footprints. So the City wanted input and understanding from the type of people we wanted to get involved in using those buildings. It's unclear to him why it would make sense to include this requirement on the Design Review Board.

His second question is *"what is the definition of a "community or residential representative"*. Ms. Bird said that staff may need to include that in the section of the Zoning Ordinance that gives definitions of various words used throughout. Mr. Myers added that a community representative could be from community group. A residential representative may be a resident who lives in a particular block of the City or someone who knows what it is like to live in a specific area. Mr. Hopkins pointed out that the Design Review Board is to serve as a city-wide board, so that could mean anyone then. Thus he does not know what they are trying to accomplish with a "community or residential representative.

Ms. Stake stated that it seems in trying to make the Design Review Board serve the entire City, it has become difficult. The Lincoln-Busey Corridor is very different from much of the other areas in the City. It is very important that we keep the existing residential and most of the buildings. It is important to have design guidelines for developers who demolish some of the buildings and construct new buildings. However, this is not what the rest of the City is like, so she feels that the proposed text amendment is trying to do too many things at once. Ms. Bird asked if she was suggesting that there be a separate Design Review Board for the Lincoln-Busey Corridor. Ms. Stake replied yes.

Mr. Myers commented that there are a couple of different elements in trying to specify the composition of the Board. The first is values and the second is technical expertise. If there is someone representing the neighborhood, then they would know what it is like to live in that area, about quality of life issues, etc. The technical side could be covered by members such as an architect or a realtor. A developer/business owner has both technical expertise and knows what values are important to the development community. City staff can better define the difference between a local developer and a developer representative.

Ms. Upah-Bant asked for clarification in that for every neighborhood there would be a set of design guidelines. Ms. Bird replied no. City staff tried to create a Design Review Board that would be able to accommodate reviewing projects in other areas of the City that required, developed and adopted design guidelines. City staff is not suggesting that we develop design guidelines for every neighborhood. The Lincoln-Busey Corridor is unique in that it is under certain pressures because of its location between the University of Illinois and the single-family neighborhood. So, it is a fragile area that design guidelines would help.

Chair Pollock asked about remodeling and alterations to existing structures. So if someone wanted to add a sunroom onto their existing house, they would come in and fill out an application for a building permit. City staff would decide whether or not the sunroom might infringe upon the appearance of the neighborhood or the integrity of the corridor. If they decided that the proposed sunroom affects the neighborhood, then the Design Review Board would meet to discuss that individual request or application. Ms. Bird said that this is correct. However, it would not be City staff that made the preliminary determination of whether a project would

affect the neighborhood or not. It would be the Zoning Administrator and the Chair of the Design Review Board. If they jointly decided that the project did not require the review of the full Design Review Board, then it would be reviewed administratively. If one or both of them decided that it should go to the Design Review Board for review, then it would go before the entire Board.

Chair Pollock asked if the Chair of the Design Review Board would be appointed by the Mayor or designated as such by the Design Review Board. Mr. Hopkins said that the text amendment states that the position of Chair would be elected by the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Georgia Morgan, of 804 West Nevada Street, stated that she also questioned the make-up of the Design Review Board. What is the importance of having a small business owner on the board? What is a community representative? What is a residential representative? She gathered from listening to comments that part of the impetus behind the design is the anticipation that there will be more overlay districts with their own design guidelines in the future. However, there will only be one board reviewing the cases. Is it possible for the membership of the Design Review Board to have an ad hoc member who would be from whatever district that was being considered in place of the small business owner? This would ensure local representation on the board. She inquired about false divided light windows. What are they and why are they so terrible? Ms. Bird responded by saying that false divided light windows have the snap in muntins or muntins between a single pane of glass. In the design community, they are thought to give a false sense. They also do not provide the same depth that the individual divided light windows do. Ms. Bird explained that this is an example of why they would be design guidelines and not requirements.

Ms. Stake inquired as to whether Ms. Morgan had been notified of the public hearing. Ms. Morgan said yes. Ms. Bird remarked that City staff sent notices to all property owners and tenants in the actual Lincoln-Busey corridor as well as to all property owners within 250 feet.

Kent Oto, of 803 West Michigan Avenue, suggested that the Historic Preservation Commission be the review board for this particular design area (Lincoln-Busey Corridor), because in part of the fragile nature of the area and because of the many historic buildings in the neighborhood. He agreed with Ms. Morgan in that it would be easy enough to bring in two people living in a district to review cases for that overlay district as well as a resident of the adjacent living area. He feels that a resident living outside of a district would also have some interest in protecting their homes from encroachment or from the design possibilities that might occur. Having people with design abilities and aesthetic skills and interest on the Design Review Board could be a very positive thing. He did not think that developers, small business owners or architects would be the best type of people to provide that kind of input. Mr. Oto believes from what he has seen that the proposed text amendment would be a very positive thing. The intent is to protect the residents who live in the area from having an institutional design elements introduced into the work done on homes in the corridor.

Ms. Stake agreed. The historic part of the City of Urbana is right along Lincoln Avenue, so it would be good to have the Historic Preservation Commission review any future cases for this district.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that as a resident in the corridor, she feels very reassured of the direction that the text amendment is going. There are differences on the details, but the overall intent is very reassuring. It is important to keep the street and the area a good place to live. She expressed her appreciation for the work that City staff has done on the proposed text amendment.

Brian Adams, of 412 West Elm Street, stated that he lives in the MOR Zoning District and they have design guidelines in place for his neighborhood. There is the Development Review Board to monitor and comment on new developments. He feels it is a good thing. He wishes the City would have had the design guidelines in places years ago, because there have been some pretty unsightly buildings constructed in the area that have destroyed the historical and aesthetic character of the neighborhood. Given the design guidelines currently in place for the MOR Zoning District, it would not be possible to build anymore undesirable buildings in the neighborhood.

Ms. Stake wondered how much area the MOR Design Guidelines cover. Mr. Adams replied by saying that it covers Elm Street, part of Green Street and part of Springfield Avenue. He does not know the exact boundaries of the top of his head.

Ms. Stake asked who is on the Development Review Board for the MOR Zoning District. Mr. Adams answered that he is on the board because he lives in the neighborhood. There is a developer, an architect, nearby neighbor, small business owner, member of the Plan Commission and a member of the Historic Preservation Commission.

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

Mr. Myers noted that there is another element to this proposal. The design guidelines are not only a helpful tool, but having a review process where neighbors can give input can be beneficial as well.

Chair Pollock wondered if the proposed text amendment is flexible enough to allow someone from the neighborhood to serve on the Board. Mr. Myers replied that the text amendment as written calls for a residential representative to serve on the Board, but it does not specify that the representative be from this specific area. However, there will be an opportunity for residents to attend the Board meetings and voice their concerns and opinions.

Ms. Stake asked what the process is for an application. Ms. Bird reviewed the process. When an application comes in, the Zoning Administrator looks at the application and decides whether the application is for a major redevelopment/development, which she would then forward on to the Design Review Board. If the Zoning Administrator has a question of whether or not the application should go before the Board, then she consults with the Chair of the Design Review Board. If they both decided that the proposed project does not require review of the Board, then they would review it and make an administrative decision.

If the application goes to the Board, then City staff would schedule a public hearing, which would involve noticing neighbors and putting up a sign on the property. So, the neighborhood would have a chance to give their input on a project. One example of what could be reviewed administratively would be the addition of a small sunroom on the back of a house. This would be something that would not be viewed from the public street if it was built in scale with the existing house.

Mr. Myers pointed out that the City has a similar process with the Historic Preservation Commission. Minor projects are reviewed administratively, and major projects are reviewed by the Historic Preservation Commission. The Zoning Ordinance specifies what is considered a major project and minor project. The intent of this is to keep very minor changes from going to the Board or Commission. We do not stop the process to discourage maintenance, changes or modifications. Minor changes such as constructing a fence in the backyard shouldn't be a long and difficult process. This also helps City staff manage its workload and devote its manpower to highest priority projects.

Ms. Upah-Bant feels uncomfortable with the appeal process. If an application is denied, it sounds like the only applicant's only choice is to resubmit an application. Ms. Bird stated that there is an appeal process.

Ms. Stake questioned if a person would have to submit an application for work needing to be done if the property is within an overlay district. Ms. Bird said yes. Exterior building projects would need to be reviewed and approved either by the Zoning Administrator or by the Design Review Board depending on the level of the project.

Ms. Stake inquired if there could be someone from the district serve on the Board. Ms. Bird answered that in speaking with the City's Legal Department, the City Attorney did not feel it would be possible to write in the Zoning Ordinance that there would be members switching out. However, it might be possible to write in the text amendment that one of the members is defined in the design guidelines for a district. So, the design guidelines for the Lincoln-Busey Corridor would specify who the person is.

Mr. Hopkins commented that the architect, the developer, the Historic Preservation Commission member and the Plan Commission member makes sense to include on the Design Review Board. This means we would have three empty slots. He doubted that the City would have three districts within five years. So, the additional three slots could be filled by a member from each district. If there are more than three districts, then the City would need to work it out at that point. The text amendment could read, "Citizen representatives must be one from each designated overlay district.

Mr. Fitch expressed concern about the lack of specified process. In other City ordinances, it lists the types of projects that trigger different levels of review. We could borrow some of their ideas. He feels that some sort of procedural depth needs to be added in the formation of the guidelines.

Mr. Hopkins commented that the design guidelines are good. He does not believe that they need to be changed.

With no further comments from the Plan Commission members, Chair Pollock recommended continuing this case to a future Plan Commission meeting. He mentioned that there will not be a public notice for when it comes back to the Plan Commission. Mr. Myers stated that this item will remain on the agenda for the October 23, 2008 Plan Commission meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- **University Avenue Corridor Study** will be held on November 5, 2008 from 6:00 p.m. to 8:00 p.m. at the Illinois Terminal, 4th Floor. MTD is looking at development that enhances mobility. There are two corridors that MTD is reviewing potential development in. They lead from each of the two major downtown areas to University of Illinois' campus.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION APPROVED

DATE: **October 23, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Tyler Fitch, Ben Grosser
STAFF PRESENT:	Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Teri Andel, Planning Secretary
OTHERS PRESENT:	Dick Brazee, Paul Debevec, Ann Reisner, Shirley Stillinger, Gail Taylor

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

The Chair called the meeting to order at 7:35 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the October 9, 2008 meeting. Mr. White seconded the motion. Ms. Stake recommended a change on Page 7 to the second line of the second paragraph from the bottom of the page. She proposed that they add the word "not" before the word "allowed", so that the sentence reads, "It should say it either is required or say it is *not* allowed". The Plan Commission members approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- Copy of the October 9, 2008 Plan Commission Minutes
- Postcard Announcing Crystal Lake Neighborhood Plan Public Hearing regarding Plan Case No. 2088-CP-08
- Letter from Andrea Antulov regarding Plan Case No. 2088-CP-08
- Photos taken of the property at 601 West Green Street for Plan Case No. 2074-T-08
- Cunningham Avenue Beautification Report
- Looking for Lincoln Notification

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented an updated staff report for this case to the Plan Commission. He gave a brief recap of the discussion held at the previous Plan Commission meeting. He stated that City staff had met with Cathy Eastman who had at the October 9th meeting requested a continuation so that the North Broadway Neighborhood Association could have another opportunity for input. He discussed the outcome of a meeting subsequently held with the North Broadway Neighborhood residents at the Anita Purves Nature Center. Those topics included the installation of missing sidewalks, the installation of a multi-use path along the western side of Broadway Avenue and along Country Club Road, and street lighting to be installed on the east side of Broadway Avenue.

Mr. Engstrom mentioned an update to Implementation Strategy M12 regarding a bicycle path along North Lincoln Avenue. He also addressed the Plan Commission's concern regarding the language use of the word "required" in place of the word "encourage" in Implementation Strategy H1.

Ms. Stake mentioned that she got a phone call from Andrea Antulov. Ms. Antulov had suggested that City staff put the proposed Plan on display at the Lincoln Square Village Mall and/or at the Urbana Free Library for further public review prior to a decision being made. She also mentioned that one time her property is inside the boundary for the proposed plan, and the next time her property is not included. Ms. Stake asked when City staff took all the surveys, was Ms. Antulov's property included? Mr. Engstrom said yes. Ms. Antulov's property was included in the survey. City staff mailed out a postcard about the public hearing 30 days prior to the October 9, 2008 Plan Commission meeting to all the residents within the proposed plan area, so Ms. Antulov should have received one. He handed out a copy of the postcard that had been mailed out.

Ms. Upah-Bant felt bothered by Carle's reluctance to have the word "required" used in the plan rather than "encourage." She did not understand the difference between having it in the plan and having it in the development agreement. If Carle is going to go along with the plan, then why does it matter whether the word "required" is used or not in the plan? City staff discussed this issue with Carle Hospital administrators, and Carle mentioned that they would be amenable to

this approach in the development agreement amendment. Ms. Stake expressed her concern about this issue as well.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. There was none. Chair Pollock then closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. White commented that Carle is one of the major employers in the City of Urbana. There are many people who come to Carle for medical treatment, and some of them or their families stay in hotels and eat at restaurants in the City of Urbana. The wording of the plan almost sounds like the City does not want Carle to be here because they are taking over some houses.

He really does not want to see healthcare dollars be shunted off to pay for replacement housing. So he is adamantly against anything that somehow recommends or requires anything from Carle. He believes it sends the wrong message.

Ms. Stake replied that the housing would still be there. Are they replacing the housing for free? Mr. Engstrom answered that Carle would be supporting the replacement of housing through various means. For instance Carle has supported some units at the Crystal View Terrace. They were instrumental in getting the application approved for their tax credits, and Carle has also pledged to buy computers for Crystal View Terrace's computer lab. However, they will not be building housing there. Ms. Stake stated that she did not understand how this would be supporting replacement housing. Mr. Engstrom explained that nowadays, it is hard to find the right buyers to purchase affordable housing. Carle plans to use their resources to connect their employees and other people they are involved with to help find buyers. This is one method in which they support replacement housing.

Ms. Stake questioned if Carle would be tearing down housing and supporting new. Mr. Engstrom said that over the long term, Carle would be expanding their campus if they get an amendment to their development agreement. Carle would then be tearing down some of the housing that they own. This will be done in phases. When Carle comes to the City to request an expansion of the MIC Zoning District, City staff will ask for an amendment to the development agreement, in which they will try to work out the specific terms for which Carle will support housing replacement.

Ms. Stake wondered if Ms. Antulov's house would be one that might be torn down. Mr. Engstrom replied no. Ms. Antulov's house is not one of the properties owned by Carle. Carle will only be able to tear down properties which they own, and the City would not use eminent domain. Ms. Stake commented that apparently Ms. Antulov's house is located near some homes that would be torn down then. Mr. Engstrom said that is probably correct. Mr. Hopkins pointed out that when Ms. Antulov mentioned that sometimes she was part of the area and other times she is not, she is probably referring to being invited to the meetings that were held by the City of Urbana regarding this case. Chair Pollock pointed out that Ms. Antulov lives in the Crystal Lake Park area on Busey Avenue, but that she is acting as a neighborhood advocate for the residents along Broadway Avenue.

Mr. Hopkins stated that he has two kinds of reactions regarding Carle and housing. The first reaction is that the current statement is inappropriate and misleading. The notion of one for one replacement usually means in housing policy or eminent domain or urban development projects exactly what it says. Each housing unit eliminated by this project will be replaced somewhere else with a housing unit that somebody will pay for. He understands that this is not what is meant in the proposed plan at all, so the wording needs to be changed.

The second reaction is that the term "encourage" belongs in a plan rather than the word "required". One for one replacement, in a development agreement would be a negotiated compact of the agreement. In negotiation, you put a lot of things on the table and work it out between two or more parties for what is going to be in the agreement. So it does not help for a plan to pretend to be an agreement when it is not. It would be misleading to people. A plan cannot actually take the action. A plan is a guiding document.

Chair Pollock agrees that Carle is a valuable asset to the local economy, and we certainly do not want to send a bad message. On the other hand, the proposed plan would be an addendum to an agreement that was already agreed upon and approved through a lot of negotiation. Carle does have a responsibility to the neighborhood. Eventually a real agreement or an amendment to the existing agreement is going to come forward. Mr. Hopkins made a great point in that if the City is going to require in the amendment to the agreement that there be some kind of replacement housing that it should be up front, but it does not necessarily go in a comprehensive plan, which is a guiding document. So, at whatever point an amendment to the agreement comes before the Plan Commission and City Council regardless of what they decide to do with the Comprehensive Plan description of this and based on having been involved in negotiations between Carle and the neighborhood, if it does not require housing replacement, then he will not support it at all at that point.

When he reads the proposed plan, when talking about the language that requires Carle to support housing replacement, it does not state that the City requires Carle to build or to develop. It just states that we require Carle to support replacement housing, which can be a very broad application. "Encourage" is okay for a comprehensive plan, but in an agreement, it does not mean anything.

Mr. White moved that the Plan Commission forward Plan Case 2088-CP-08 to the City Council with a recommendation for approval with the following conditions: 1) Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan and 2) Amend Implementation Strategy M12 to read "<u>Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan</u>". Ms. Upah-Bant seconded the motion.

Chair Pollock suggested a friendly amendment to include the following condition in the motion: *Amend Implementation Strategy H3 to read "<u>Encourage</u> investment in <u>existing</u> rental properties such as apartments at Lincoln and Fairview"*. Mr. Engstrom pointed out that this was something brought up by the Community Development Commission to show the position that the City does not encourage the conversion of housing to multi-family, but that we do encourage investment into the existing rental properties. Mr. White accepted the friendly amendment to the motion. Ms. Upah-Bant agreed as the seconder.

Mr. White moved to amend the motion to take out any and all references to Carle Hospital and the replacement of properties and any of the language that deals with one for one replacement housing, because it sends the wrong message to someone who reads this and happens to be interested in setting up a business. If they are going to do it for Carle, then we need to be consistent and do it for others who purchase homes such as the School District and the Urbana Park District.

Mr. Hopkins stated that he would second the motion if it were a little more specific. Mr. Engstrom responded that the two sections that contain language about one for one replacement housing are H1 and Goal 10.1 on Page 45. Chair Pollock read Goal 10.1, and Mr. White restated his motion to amend to remove Strategy H1. Mr. Hopkins seconded the motion to amend.

Ms. Stake commented that there is a long-standing problem between what the City does for Carle and what the City does for the neighborhood. The neighborhood has had a really difficult time because of Carle. This neighborhood is one of the only integrated, low-income areas. It does not hurt to say that Carle can at least look at it or think about replacement housing. Therefore, she would like to send it to the City Council as it currently is worded. We have had problems with Carle destroying some of the low-income housing, and it does not get replaced. Therefore, she would vote no on the motion to amend.

Mr. Hopkins stated that the reason to keep Goal 10.1 and delete H1 is because Goal 10.1 does not identify the responsibility as being Carle's. Implicitly, since it is the City's plan, the City is saying that this is what we are going to do. It is our responsibility to do it in any number of ways, which might include a development agreement with Carle, but it includes a lot more than this.

The reason it is appropriate to remove Strategy H1 is because it is badly and confusingly worded, and because it is not Carle's responsibility. He stated that he would vote in favor of the amendment.

The motion to amend passed by a hand vote of 3-2. So, the motion now reads:

The Plan Commission forward Plan Case No. 2088-CP-08 to the City Council with a recommendation to approve with the following conditions:

1. *Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan;*
2. *Amend Implementation Strategy M12 to read "<u>Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan</u>";*
3. *Amend Implementation Strategy H3 to read "<u>Encourage</u> investment in <u>existing</u> rental properties such as apartments at Lincoln and Fairview"; and*
4. *Remove Strategy H1*

Roll call on the main motion, including the amendment, was as follows:

Mr. Hopkins	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was approved by a voice vote of 3-2. Mr. Engstrom pointed out that this case would go before the City Council on November 3, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, gave the staff presentation for this case to the Plan Commission. She presented a brief recap of the discussions held at the previous Plan Commission meeting and reviewed the revisions made to the text amendment.

The revisions include changes to the language under Membership, Administrative Review, Process Clarification and other minor word changes to clarify the. Other issues that arose included wanting more detail regarding the process of creating a new design overlay district and adopting new design guidelines. City staff envisions this process as being initiated by the City Council and not by members of a neighborhood.

She talked about City staff currently being involved in creating design guidelines for part of the Historic East Urbana Neighborhood. In creating design guidelines for this district, City staff will follow the same process in which the Lincoln Busey Corridor went through with meetings be held in the beginning to gather public input and notifications being sent out to residents inside the district as well as to those within 250 feet of the district for those meetings.

There was one suggestion that the Historic Preservation Commission be the body to administer design review in the Lincoln-Busey Corridor because it is a relatively historic neighborhood. This would present a couple of difficulties in that historic preservation is very well defined legally. The members of the Historic Preservation Commission can only review projects to do with properties that are legally designated as historic landmarks and districts. This would also create a difficulty with having future design review overlay districts. City staff would prefer to create one board than having different boards for each district because administratively it would make things very difficult.

Ms. Stake stated that she did not understand why it would be difficult to have different boards for each district. Ms. Bird clarified that the City already has quite a few boards and commissions to administer. It is a great deal of work to keep the boards and commissions organized. Also, it is quite difficult to get people who are qualified to want to serve on the boards and commissions. Lastly, there is currently not enough City staff to handle five more boards/commissions.

Ms. Stake said that she believes that there are too many members from the development field. There should be more people on the board from the neighborhood. She also would not want someone from east Urbana to decide what would be best for west Urbana.

Ms. Stake wondered what the fee would be to apply for a design review application. Lisa Karcher, Planner II, stated that the fee amount would be set by the City Council when the proposed district would be approved. Chair Pollock wondered how much the Site Plan application for the MOR, Mixed Office-Residential Zoning District is. Ms. Karcher replied that there is a $150 fee.

Ms. Upah-Bant stated that she is confused about the proposed makeup of the board for the proposed Lincoln-Busey Corridor. Ms. Bird pointed out that City staff is not proposing a design review board specific to the Lincoln-Busey Corridor. It is a City design review board. She explained the reason that City staff left it with two residents (one from each future overlay district) is because the City does not foresee having more than two design review overlay districts. Chair Pollock asked if there were additional overlay districts, then there could be a possibility of a change of two of the seven members. Ms. Bird said yes.

Ms. Stake commented that City staff is recommending that four members would constitute a quorum. However, if one of the four has a conflict of interest, then that would only leave three voting members. She feels that three is not enough. Chair Pollock stated that this means that two of the three voting members could theoretically be making the decision.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input from the audience.

Gail Taylor, of 307 South Orchard Street, stated that the proposed text amendment to add Section XI-15. Design Review Board to the Urbana Zoning Ordinance was lifted from the MOR Ordinance. Living in the MOR Zoning District, she has discovered that property owners have no rights, including the right to have a petition to be heard fairly in a public hearing.

The proposed Design Review Board is setup similarly to the Development Review Board for the MOR Zoning District. The chair of the Design Review Board, depending on their relationship with City staff, could do things to circumvent fair hearings, property owners' rights, and the right to public notice. City staff is only proposing one resident from the proposed district to serve on the Design Review Board. Already it seems like the Board would be stacked.

Ms. Taylor pointed out that even though board and commission members volunteer their time, they still represent different interests in the community. When does a member remove themselves from voting on a case due to conflict of interest?

She talked about the conflict she has with the adaptive reuse of 601 West Green Street and more importantly with the process to get approval for the adaptive reuse. She noted that the Zoning Administrator reviewed and approved the redevelopment plans as a minor work. What is being proposed for the Design Review Board for future overlay districts such as the Lincoln-Busey Corridor mirrors the ordinance for the MOR Zoning District and the Development Review Board.

Ms. Stake wondered if Ms. Taylor had received any notification of what was going to be happening at 601 West Green Street. Ms. Taylor said no. She wants to ensure that the residents and property owners in the Lincoln-Busey Corridor have adequate representation and that there is public notification even if the Zoning Administrator reviews and makes the determination of whether or not to approve a design review application. Chair Pollock pointed out that if there is a basic disagreement with the notification laws on who gets to find out what publicly on any level, then that is within the purview of the City Council. They make those rules and can amend them, and City staff abides by those rules. There is no public notice that is required that does not go out. There is no ignoring of these requirements.

Paul Debevoc, of 708 West California Avenue, commented that the proposed plan is impressive in its detail and in its organization. We should be in favor of the principle of the design guidelines. Fortunately it is a proactive document. There is no controversy or crisis at the moment, so there is no urgency that the proposed plan be adopted immediately. As the previous speaker pointed out, there are parallels between the MOR and the Lincoln-Busey Corridor. He read excerpts from the MOR Ordinance and noted that similar language is in the Design Review Board Ordinance before the Plan Commission. He stated that the difficulty here is in the ambiguity of the language in the two ordinances. He is positive that none of the City staff wakes up in the morning and comes to work with the goal of infuriating the citizens of Urbana. Quite the contrary, he is sure that City staff comes to work with the goal of doing good for the City of Urbana.

He then showed pictures of 601 West Green Street from each of the four directions – north, south, east and west. He commented that the difficulty any one would have looking at the changes being made and wonder how ever could the redevelopment plans not go to the Development Review Board. So he suggested that City staff reword the Ordinance to tell how a project is going to be triggered for review. City staff could choose some parameters. It could be the incremental cost to the building, the amount of the structure that is being dealt with and then choose some level. Quantitative requirements are all over the Zoning Ordinance, such as how tall something can be and what the setback requirements are. So it is not unreasonable to ask City staff to write a statement setting a level for when a project will be forwarded to City Council.

Ms. Stake asked if Mr. Debevoc felt that any redevelopment project should go before the Design Review Board. Mr. Debevoc responded that he did not have enough experience in how onerous that may be. From his own experience, there are many minor work projects (1% effects) that he would not worry about at all. Mr. Debevoc stated that the language in the MOR Ordinance and the language in the Lincoln-Busey Corridor Ordinance are so similar that they do not want to have another divisive, debilitating incident that just recently occurred.

Ann Reisner, of 905 South Busey Avenue, agreed with Mr. Debevoc's comments. There is language in the proposed ordinance that says that joint determinations by the Zoning Administrator and the Chair of the Design Review Board cannot be appealed to the Zoning Board of Appeals. She finds this problematic, because there would be no mechanism to appeal a decision. Ms. Bird explained that this type of determination would be able to be appealed to the Circuit Court, but not to the Zoning Board of Appeals. Ms. Reisner withdrew her complaint about this issue then. She just wanted some mechanism for appeal.

She believes that having an additional resident from the district serve on the board would be a nice balance. She asked City staff to explain their reasoning for taking out the additional resident. Ms. Bird stated that the board was originally envisioned as having a balance between professionals with expertise and residents. The Historic Preservation Commission and Plan Commission members are still citizens even though they serve on a City board. Ms. Reisner stated that she sees a licensed realtor, a developer and an architect might all have interest in growth; whereas the residents would have interest in stability. So, she feels that City staff is balancing off the interest of the neighborhood. So she urged City staff to include one more resident on the board.

With no further comments or questions from the audience members, Chair Pollock closed the public input portion of the hearing. He then asked City staff if they had any additional comments.

Ms. Bird clarified that the MOR design guidelines and text amendment were the starting points used by City staff in creating the proposed ordinance and text amendment. There are some significant differences though. One is that the MOR is a zoning district, and the proposed Lincoln-Busey Corridor would not affect zoning at all. It is purely design, which is significantly different. Another difference is that the Design Review Board would not have the same kind of power that the MOR Development Review Board would have because the MOR Zoning District deals with zoning as well as design.

She pointed out that in trying to address some of the issues that have come up recently with the administrative review, City staff included the language about a decision being made jointly by the Chair of the Design Review Board and the Zoning Administrator. The way that the current MOR Ordinance is written the Zoning Administrator has the authority to grant variances because it is a zoning district. However, no variances would be granted by either the Zoning Administrator or the Design Review Board in the Lincoln-Busey Corridor because it is not about zoning. Therefore any variances a developer/property owner might want would need to go before the Zoning Board of Appeals.

Ms. Bird clarified that the Historic Preservation Commission member, the Plan Commission member, the developer, and the architect that serve on the MOR Development Review Board will also serve on the Design Review Board. The other three members will consist of a realtor and two residents (one from the Lincoln-Busey Corridor Overlay District and one from another neighborhood).

The suggestion that every project go before the Design Review Board would be quite problematic on a number of different levels. One is that for property owners who want to maintain or make minor improvements to their homes, they would first spend a lot of time and effort going before the Design Review Board to get approval. This could create a disincentive for property owners to maintain or improving their properties.

It is also quite a bit of work to prepare the noticing, write memos and give staff presentations to the Board. If this is required so a property owner could repair a step going up to the porch, then it will take a lot of staff time.

Ms. Upah-Bant inquired as to whether "conflict of interest" is legally defined anywhere. What would be an acceptable conflict of interest? Ms. Bird states that the Zoning Ordinance states that a conflict of interest generally has to do with a financial matter. Ms. Upah-Bant stated that if City staff cannot describe what constitutes a "conflict of interest", then how are we to expect board/commission members to know? Would a member have to benefit financially in order for it to be considered a conflict of interest? She would like to see this defined. Ms. Karcher stated that staff can provide clarification.

Ms. Upah-Bant wondered if City staff had any problem with making the Design Review Board bigger by having more members to allow for an additional resident from within the district to serve on the Board. Ms. Bird explained that the reasons City staff left the number of members at seven was to keep the balance of residents to professionals.

Ms. Upah-Bant stated that she likes Mr. Debevoc's suggestion that they use a percentage or somehow quantify how much change is required before the Design Review Board becomes involved. Ms. Bird replied that in all of the other city design overlay district ordinances that she has researched, she has found the language to be very vague. She pointed out that the more you pin down what it is that you want, a project could meet all those requirements and still end up being bad. So the language is written with some flexibility so the Board has the ability to make a good decision.

Ms. Upah-Bant stated that she was surprised to hear that a property owner could possibly be required to come before the Design Review Board every time they wanted to make a repair to their home. They should come up with a list of maintenance and repairs that would be allowed without having to come before the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for Plan Commission discussion and/or motion(s).

Ms. Stake feels the Design Review Board should have more members than seven. There really needs to be at least two people from the district serving on the Board. She really likes Mr. Hopkins' idea that he mentioned at the previous meeting about having four members – one from each district. Only she wants two from each proposed new district. So, the Design Review Board would keep growing in membership as overlay districts are approved.

She is really concerned about what would be considered a minor project and a major project. Her idea of each is different from other people's ideas. She drove by 601 West Green Street earlier in the day, and she would consider it to be major work. Ms Stake also does not like the Zoning Administrator being allowed to grant variances. Ms. Bird pointed out that the Zoning Administrator does not have this ability in the proposed Lincoln-Busey Corridor Overlay District. The Zoning Administrator only has the power to grant variances in the MOR Zoning District.

Ms. Stake questioned whether notification would be required in the proposed Ordinance when the Zoning Administrator and the Chair of the Design Review Board review and consider approval of future projects. Chair Pollock answered that if the Zoning Administrator and the Chair of the Design Review Board decides that a proposed remodeling or project does not rise to

the level of needing to go before the Design Review Board, then they can make that decision and construction can take place without design review.

Ms. Bird stated that in the Historic Preservation Ordinance there is a chart listing the level of review for specific types of projects. This chart is a guideline for the Zoning Administrator and Chair of the Historic Preservation Commission when a project comes in to determine the level of review that is needed.

Mr. Hopkins asked where in the Zoning Ordinance is the MOR Ordinance located. Jeff Engstrom, Planner I, stated that the Ordinance pertaining to the Development Review Board is located in Article XI of the Zoning Ordinance, which begins on page 140. Ms. Karcher added that the use regulations for the MOR Zoning District are located in Section V-8, which begins on Page 38. Ms. Bird stated that the MOR Design Guidelines are in a separate document.

Mr. Hopkins commented that part of what is framing the discussion for the proposed case is the case that has happened in the MOR Zoning District. It would be useful to him to clarify a little about what happened in that case. People are talking about variances. Were there actually variances granted? Was development review administratively processed? Ms. Bird explained that the case was administratively processed, and in the process, when the Site Plan was first approved two variances were granted by the Zoning Administrator. Later the developer realized that he needed two additional variances, which the Zoning Administrator granted administratively as well. Two of the variances were for the parking lot, one variance had to do with the exterior staircase on the west side of the building, and the fourth variance was for a handicap accessible ramp on the east side of the building.

Mr. Hopkins stated that a variance is a judgment call on a specific requirement, and is often quantitative. The rest of the development review activity and the kind of design review we are talking about for the Lincoln-Busey Corridor are not about variances. Any variance that arises in the Lincoln-Busey Corridor would then need to go before the Zoning Board of Appeals. It is the MOR Ordinance, itself, that gives the Zoning Administrator the right to grant variances. Outside of the MOR Zoning District, the Zoning Administrator does not have the right to grant variances.

He felt that the Plan Commission should work on the wording of the proposed text amendment some more before making a decision. In his opinion, it would be more effective to work on this than at the Committee of the Whole level. Chair Pollock commented that if there are significant changes that the Plan Commission thinks should be made to in the wording or in other elements of the proposal. He does not feel that the Plan Commission should do this on the floor. Therefore, he suggested that the Plan Commission give some indication or direction to the City staff on what they would like to see addressed, allow City staff time to make changes and then bring it back to the Plan Commission at a later date.

Mr. Hopkins pointed that he heard two major concerns, which are an issue with the process and one with the criteria. Regarding the process, notification of building permits is when they are approved. Ms. Bird noted that they are published in the *News-Gazette* but not by the City. The *News-Gazette* chooses to publish them. However, the City does post them on the City of Urbana website. Mr. Hopkins stated that his point is that the content of a building permit is public knowledge once a building permit is approved.

He commented that it is not clear in the proposed Ordinance how it is determined whether a property owner/developer needs to submit an application. His understanding is that when a person submits a building permit application, City staff looks it over and determines whether that person needs to file a design review application as well. So for example, if someone from the Lincoln-Busey Corridor submits a permit application for plumbing repairs, will the application reach the Zoning Administrator? Ms. Bird explained that the application would reach the Zoning Administrator but because of other reasons, not because of being in the Lincoln-Busey Corridor.

Given all this, Mr. Hopkins stated that if the Zoning Administrator and the Chair of the Design Review Board make a determination that what they have before them in the form of a building permit application and an application for design review, then a notice gets published. However, the ordinance does not require notification be published that a design review determination was made by the Zoning Administrator and the Chair of the Design Review Board. The City could require City staff to do this. Then we will have set up a process where (if the notification actually works and is done in a way that people will actually see it) we will have a more reasonable basis for an appeal process. Chair Pollock asked if the publication should be a blurb in the newspaper or some type of notice mailed out to people within a certain area. Mr. Hopkins stated that he hasn't figured this part out yet. What the notification is, it needs to work. Chair Pollock commented that if there is a little notice in the back of the *News-Gazette*, none of the neighbors of the proposed review and construction will see it.

Mr. Hopkins stated that there is another possible step in this in that if an executive decision is made, then the executive has to report that decision to the Design Review Board. Any member of the Board could challenge that executive decision. This will also allow for public notification to be made.

He pointed out a discrepancy in the language of the proposed ordinance. In H.1. Zoning Administrator Review Procedures on Page 150, it states as follows, *"Joint determinations as to whether the application is to be reviewed administratively or by the Board cannot be appealed to the Zoning Board of Appeals."* Staff pointed out that an appeal could be filed with the Circuit Court. However, in J.4. Design Review Board Review Procedures, the first sentence states as such, *"Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C."* He suggested that they note in one of these that an apparent exception exists.

Regarding issues with the criteria, Mr. Hopkins remarked that in design review, it is incredibly difficult to make quantitative thresholds work. We could use a dollar amount. However, one could rewire the entire house without going to the Design Review Board. Rewiring of the house might cost more than a project that would be considered a major work. We could use the criteria of change in square footage. However, we then might miss anything that transforms the face or the design of the building. So he is having a hard time thinking of a way to do this quantitatively.

He believes that the City can still express in some policy fashion the kinds of things we are looking for. One way to do this is by examples. We would want examples of what would and what would not be considered administratively reviewed. They should be focused on trying to

hit the margins of where people would have a tough time of deciding. Another thing that these examples could help make clearer is what is in the Zoning Ordinance by right? And what is in the design review? The design review is not about variances and it is not about whether or not one meets the zoning criteria.

Ms. Stake reiterated that the Design Review Board should have more members, so that there can be two people from the neighborhood serving on the Board. Ms. Upah-Bant agreed. She would think that there would be plenty of people from the neighborhood willing to serve on the Board. Chair Pollock believes that if five of the Board members are to be consistent from one district to another, adding an additional resident should not be a major hurdle, because they are not talking about adding additional professionals.

Mr. White mentioned that the City is currently only talking about two districts. So, we could have two additional residents from each proposed new district serve on the Board. They could add some language to the Design Review Board Ordinance to only allow up to six residents to serve on the Board. He mentioned that having residents from the Historic East Urbana neighborhood working on the Board for the West Urbana area could be very valuable on their input.

Mr. Hopkins talked about the quorum issue. Part of the issue is that conflicts are sometimes announced in the meeting because a Board member discovers a conflict once deliberations begin. He assumed the reason that City staff included language stating as follows, *"Abstaining shall not change the count of Board members present to determine the existence of a quorum"*, to prevent holding meetings over and having to restart them if one of the members of a quorum discovered a conflict interest. He is not sure how the City should handle this issue at this time. He did feel it is important to find out how other Boards and Commissions deal with this issue. One solution might be to raise the requirement of a quorum.

Mr. Hopkins does not believe that the proposed Design Review Board will meet that many times. It is very likely that they may only have one agenda item in the three year term. He expressed concern that there might be an agenda item, in which the Board meets on to make a determination without first being trained on what they are doing. He is also concerned about the notion that we could make up multiple committees, because we would get a very different kind of deliberation. Although he is not necessarily in favor of adding more residents, he would much rather add more residents and have a larger committee than have committees that shift in and out for different cases.

His last concern is about residents serving on the Board. We have to be careful about the notion of residents in the area for two reasons. One is the Lincoln-Busey Corridor is an incredibly small area. He imagines that people think the residents must be single-family home-owners in the district. In fact, the proposed current language would allow a condominium owner. In affect, what we are doing, especially if we add two or more residents of that corridor, is giving a kind of localized control of neighbors to a very specific set of people with a very specific set of attributes to tell the rest of their neighbors what they can do. Chair Pollock added that some of them will also have very specific agendas in some instances.

Mr. Hopkins stated that one way to balance this is by the way we design the makeup of the Board. This is one of the reasons why we do not stack it. Therefore, he is reasonably comfortable with the current makeup of the proposed Design Review Board the way it is designed.

Ms. Stake asked if Mr. Hopkins wanted the developers being the ones with the power. Mr. Hopkins replied that there is only one developer being proposed to be on the Board, so they would not have the power. Ms. Stake feels that the developer goes along with the architect, etc. Chair Pollock commented that no matter what commission you are developing and no matter how you do it, it is by Council approval of a Mayor appointment. We need to assume that we have people working on City commissions and boards that work in the best interest of the public.

Mr. Hopkins argued that another way to think about the proposed Board is that it should have one rental property owner, one tenant, one single-family owner, one across the street owner, one future student trying to do finances and trying to find a place to live without high transportation costs, etc., because when talking about whose interests are being dealt with in this district, it is not just the single-family home owners living in the district. Ms. Stake replied that this is correct, but you can see that this has not been the high priority in the community.

Ms. Upah-Bant mentioned that she would like the conflict of interest defined because it is such a small area. Chair Pollock felt it would be very difficult to define this. In general, for one of the Plan Commission members to declare a conflict of interest, it is up to the individual member to make this determination, to declare a conflict of interest and to act accordingly. Mr. Hopkins believes that defining *"conflict of interest"* because the Lincoln-Busey Corridor is a small area and because of the way the board is being defined.

Ms. Karcher summarized the Plan Commission's concerns to be the following:

1) Board composition, how a quorum is defined, and how conflict of interest is defined and handled.
2) Notification requirements, and
3) Parameters or criteria for administrative decisions.

With no further comments by the Plan Commission, Chair Pollock continued the proposed text amendment case to a future meeting date.

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

Ms. Karcher reported on the following:

- **Rezoning and Comprehensive Plan Amendment for 502, 504 and 508 East Elm Street** were approved by City Council on September 15, 2008.
- **Meijer Subdivision Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- **I-74/Lincoln Avenue Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- **Beautification Corridor Plan for North Cunningham Avenue** was presented to the public and to City Council on October 20, 2008.
- **University Avenue Corridor Study and the White/Springfield Corridor Study Public Meeting** will be held at the Illinois Terminal. The City of Urbana has contracted with the Champaign County Regional Planning Commission to do the corridor study for the University section. The funding for the study is from an Illinois Department of Transportation (IDOT) grant.
- **Looking for Lincoln Ribbon Cutting** will be held on Tuesday, October 28, 2008 at 1:00 pm on the corner of Race and Main Streets.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **November 20, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Don White

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Rich Cahill, Paul Cheng, Paul Debevoc, Brad Gregorica, Hyun Kyang Lee, Shirley Stillinger, Susan Taylor, Crystal Whiters

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the October 23, 2008 meeting as presented. Ms. Upah-Bant seconded the motion. Robert Myers, Planning Manager, recommended the following change to the last paragraph on Page 3: Change "Carle" Park to "Crystal Lake" Park. The minutes of the October 23, 2008 were approved as corrected by unanimous voice vote.

4. COMMUNICATIONS

- Email from Georgia Morgan regarding Plan Case No. 2074-T-08

- Revised Article VI. Development Regulations of the Urbana Zoning Ordinance for Plan Case No. 2063-T-08

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Robert Myers, Planning Manager, presented an updated staff report for the proposed text amendment to the Plan Commission. First, City staff would be willing to add one more resident to the list of members of the Design Review Board. He advised the Plan Commission to think about this. This might increase the chances of the Plan Commission not being able to get a majority vote. An option would be to eliminate one of the professional board members such as the developer or the realtor. Second, staff noted that the language about the prohibition of an appeal of a joint decision of the Zoning Administrator and the Chair of the Board has been eliminated. Third, under administrative review, he recommended striking #3 (*Changing the floor area ratio of an existing principal structure by more than 5%*) from the list of criteria that should be met. Upon reflection, this criteria isn't necessarily related to exterior changes. For instance, attic space converted to a dwelling unit that would change the floor area ratio but would not change the exterior of the property. Most changes to the exterior would trigger a change to the footprint of the existing structure, and this would be covered under Criteria #2 (*Changing the building footprint of an existing principal structure greater than 15%*).

Mr. Grosser questioned what would happen if the Zoning Administrator and the Chair of the Board did not agree. Mr. Myers replied that the Zoning Administrator is designated with making the determinations on the Zoning Ordinance. Consultation with the chair of the Board is necessary, but ultimately the decision would be up to the Zoning Administrator. Like any decision in the Zoning Ordinance, the Zoning Administrator's decision can be appealed. He felt that especially given recent events, the Zoning Administrator will have a heightened sensitivity about whether or not a project is considered a major or minor work and when a project would go before the Board.

Ms. Stake commented that there is not any language in the proposed text amendment that tells them what a minor visible change is. Do other cities have administrative review or do development projects go directly to the Board? Mr. Myers replied that on Page 150 of the Zoning Ordinance, it states that if a project requires a building permit and can be seen from a public right-of-way or alley, if it is construction of a new principal structure, changing of building footprint of an existing principal structure greater than 15% and substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board Chair, then it will be considered a major work and go before the Design Review Board.

Many cities have administrative review. Some do not and every project goes to the Board. This is not something that City staff or the Board would want however, because there are many

projects that are minor works and do not need full review by the Board. It would take longer and is simply unnecessary. If the approval process is a burden to perform simple projects, then people will stop doing exterior maintenance and repairs on their homes.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that she lives in the middle of the Lincoln-Busey Corridor. She cannot come to grips with the makeup of the proposed Design Review Board. She does not see the rationale in having a developer serve on the Board. What role would they play? They could remove the developer and realtor and add two more residents and still have a seven member board.

Rich Cahill, of 307 South Orchard Street, stated that he sees many parallels between the proposed ordinance and the MOR ordinance. He finds it good with what City staff has clarified what would be considered for administrative review, but he also feels that there should be criteria regarding parking and another for the removal of trees. The problem with the notification process is that it is impossible to notify everyone when a project is being administratively reviewed. He did not see Urbana connected with the other municipalities mentioned in the chart on Page 2 of the written staff report. None of them, except maybe College Station, Texas, relate to Champaign-Urbana. He does not have an issue with the makeup of the proposed Design Review Board. He understands the purpose for having a developer and a realtor serve on the Board. He asked staff and Plan Commission to consider tightening up the Administrative Review section. He mentioned that he would like to see some of the changes in the proposed Ordinance be proposed to help fix some of the problems with the MOR Ordinance at a future time.

Paul Debevoc, of 708 West California Avenue, expressed his concern about the administrative review section. He talked about the four criteria that City staff is proposing to be met to determine whether a project could be administratively reviewed or whether it requires full review of the Design Review Board. He projected photos of different properties along West Green Street, including 601 West Green Street which is the property that has created much controversy in the MOR Zoning District. He questioned whether the proposed Ordinance for the Lincoln-Busey Corridor is more stringent than the existing MOR Ordinance. Chair Pollock asked if the redevelopment of the existing structure at 601 West Green Street would have required Board review under the proposed ordinance. Mr. Myers replied yes, he believes it would have.

Chair Pollock questioned if the parking behind 601 West Green Street would require Board review. Mr. Myers said that a parking increase would probably fall under the criteria of substantial change, but if the Plan Commission felt it would be helpful to clarify, then they could add another criteria regarding parking triggering Board review.

Ms. Stake inquired if a developer/property owner could change every side of a house without having the Board review the project. Mr. Myers said it would be possible, yes. For instance, they could install siding without going before the Board. They could also change out all of the windows without triggering Board review. However, if they bumped out all four sides of a

structure, then it might trigger Board review if it affects the footprint of the structure by more than 15%.

The Plan Commission discussed why the sides of 601 W Green were boarded up. Although it appeared as if there were not going to be any windows on the first floor, window openings were boarded just during construction. They also talked about the removal of trees. Chair Pollock asked if removal of trees would trigger Board review in the proposed text amendment. Mr. Myers said no because the City does not have a tree preservation ordinance.

Dick Brazee, of 905 South Busey Avenue, stated that he lives in the middle of the Lincoln-Busey Corridor. His property shares a corner of a property that started the issues with parking about four years ago. The issue at the time was the green space and the paving over that upset the residents in the area. He encouraged the Plan Commission and City staff to continue discussing loss of green space, installing parking lots, and removal of trees as triggering design review.

With no further comments from the public audience, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion.

Ms. Burris stated that she applauds the work that has been done and understands why, but she is not convinced that the proposed ordinance is the right thing to do. This is not a direction in which she wants to go in, so she cannot support the proposed text amendment.

Mr. Hopkins felt that there is still more work to do on the proposed ordinance. He would not want this for his neighborhood for reasons that Ms. Burris is talking about. Many of the things that he has done to his house and to his yard would not have been approved by a Design Review Board. Regarding the membership section of the proposed Ordinance, he finds it intriguing that in order to have a voice and serve on the proposed Design Review Board one must own a property in the district and live in it. This country long ago did away with property ownership requirements for participating in government. Also, he understands that the developer and realtor are positions to counter the notion that only single-family owner-occupants in the districts should have a voice. However, there are other ways to represent the rest of the community other than having a developer and a realtor serve on the board. Why isn't there a renter in the district serving on the board? We need to be really careful about the makeup of the membership. He recommended deleting the requirement of it being an owner-occupant who serves on the board.

Chair Pollock suggested changing the language on page 148 of the proposed Ordinance to read, *"Two residents of Urbana. The residents should include one representative from each design review district who owns ~~and~~ or occupies…."*. Mr. Hopkins stated that this raises a very interesting possibility because it suggests that it could be an owner of a rental property or it could be a renter in the rental property. However, making this change will completely change the politics of what people are trying to accomplish with the proposed Ordinance.

Ms. Stake believes that the problem started with the MOR Zoning District. The idea was to keep the history of the structures by leaving them as they were and not by demolishing them and rebuilding structures. That lowers adjacent property values because of the increase in the noise pollution, the increase in the number of vehicles and the decrease of open green space. She is

concerned about the 28% of properties in the district which are single-family, owner-occupied home owners.

Ms. Burris thought the assumption that renters do not care for their homes is absurd. It is the individuals who live in the structures that make the community, not the people who own them. Ms. Stake replied that she is talking about developers coming in and tearing down the existing structures to build something else. Chair Pollock pointed out that the proposed Ordinance does not change the zoning, so it does not ensure that a structure will not be torn down and something else built in its place if the zoning is appropriate.

Chair Pollock stated that from the discussions they have held so far regarding the proposed text amendment, he wonders what the goal of the proposed text amendment is. Why has it come before the Plan Commission? What is the ultimate goal that they are trying to achieve by passing this kind of legislation? It appears that the Plan Commission members, City staff and the public are not in concert on the answer to these questions. Mr. Myers replied that in the fall of 2006, City Council directed City staff to pursue six strategies to improve the quality of life in West Urbana and other neighborhoods. One of the six strategies was design review in the Lincoln-Busey Corridor. Although the vast majority of the West Urbana Neighborhood was down zoned in the early 1990s – meaning that not much more could be built within the neighborhood -- the Lincoln-Busey Corridor was not rezoned. The zoning is still mixed in the Lincoln-Busey Corridor and there are still some higher zoned properties with less intensive uses. Chair Pollock noted that there were in fact a few properties in the Lincoln-Busey Corridor that were down zoned. If the intention is to prevent large scale development in the mixed area, then they need to ask themselves if the proposed text amendment will accomplish this goal. Mr. Myers pointed out the proposed design guidelines are not intended to prevent large scale development, but that if it happens it should respect its neighbors.

Mr. Hopkins stated that the reason the Lincoln-Busey Corridor is of focus is because it is a transition point. It is the border where things change from one thing to something else. It is also a transition in that it is changing. Therefore, he sees the proposed design guidelines and text amendment as a guide to ensure that the changes would be more acceptable to everyone, but it is not designed to stop change.

Mr. Fitch agreed with Mr. Hopkins. He stated that although he could not speak to the Lincoln-Busey area, but he could speak about the next area to possibly use the design guidelines, which is in the Historic East Urbana Neighborhood. Zoning is the key. Design guidelines just guide the development of new structures to fit in more.

He likes the makeup of the proposed Design Review Board. He would accept changing the wording from “property owner” to “resident” in the language of the proposed ordinance that talks about the makeup of the board.

Mr. Grosser agreed with the discussions of the Plan Commission. He addressed Ms. Stillinger’s question about why a developer would serve on the proposed board. A developer can help answer questions about what the possibilities could be other than what is being proposed on a site plan. A developer offers the logistics of what it means to develop a piece of property.

Having said that, he did not see the purpose for having a real estate professional serve on the Board. He agrees with Mr. Hopkins about not restricting the resident board members to only property owners. A characteristic of this area is that many people who live in the area do not own property. So it would make sense to change "and" to "or." He also would not want this in his neighborhood. However, he feels that it is important that the characteristics of this particular small passage of the City are pretty unique. The people who live in the Lincoln-Busey Corridor want the proposed text amendment as well.

Mr. Fitch suggested the following. Rather than striking #3 in G.4 Applications, they could add to the end *"that substantially change the appearance."* Second, add language to #4 in G.4, so that it reads as such, *"Substantially changing the appearance and/or scale of an existing building including the building, grounds and parking, as determined by the Zoning Administrator…"*. Third, include language that requires the Zoning Administrator to report any administrative review to the Design Review Board, and provides a mechanism for the Design Review Board to override the Zoning Administrator's decision forcing the application process and the Board's consideration.

Mr. Grosser wondered how this would be different from having every project go before the Design Review Board. Mr. Myers responded that Mr. Fitch's third suggestion would cause the building permit application to delay acting on the permit until the next Board meeting, just to insure that administrative approval wasn't overridden. This could mean a delay of a month or so for the Board to meet.

In terms of Mr. Fitch's second recommendation, Mr. Myers said that a building permit application is the trigger for review. A developer and/or property owner would be required to obtain a building permit for everything we've discussed except the removal of trees, because the City does not have a tree preservation ordinance. Parking lots have not always required building permits, but this changed about a year ago and are now required.

Ms. Stake inquired about administrative review. Would the developer/property owner still need to show what they are planning to do? Mr. Myers said yes. They would need to submit an application and the application would have to meet the design guidelines. It would also need to include a site plan of what the project would look like when finished.

Ms. Stake commented that maybe the Design Review Board could meet more than once a month. Mr. Myers replied that we do not want to discourage maintenance and repair. If someone is performing a minor repair such as reroofing a house with exactly the same kind of asphalt shingles, do we really want to take up the Board's time to review it? There is a lot of work that goes on behind the scene. City staff prepares and sends out 60 copies of the packets, notices are published in the *News-Gazette*, hours of preparation of minutes, etc. He suggested that based on comments tonight that parking be added as triggering board review. He feels that along with the other proposed criteria it would catch any major or even medium development project and require it to go before the Board.

Chair Pollock asked if there was any objection to striking #3 criteria (floor area ratio) from the list as recommended by Mr. Myers during his staff presentation. Mr. Hopkins stated that if they

strike #3 from the list, then a case like 601 West Green Street does not necessarily trigger Board review, because the building footprint could be interpreted to include all of the porches. So, if you take all of the porches, it could double the footprint of the building. If you do not have any indicator based on floor area ratio, then there is nothing to trigger with respect to that. So he would be inclined to include such a trigger. But he also feels that 5% may be too small as a change in floor area ratio.

Chair Pollock asked the members of the Plan Commission if they want to send this back to the City staff to make changes, then what do they want to change?

Mr. Hopkins discussed the following issues:

1) G-1 – He feels that this implies that a developer/property owner has to apply for a design review application anywhere in the City. In actuality, it only applies in a design review district. It also begs for a cross reference, where any general rules about applying for a building permit ought to indicate that if a person is applying for a building permit in a design review district, then they are required to apply for design review. They need to either assume or specify that this only applies to projects that require a building permit, and that this is an additional component of a building permit in particular districts. We also need to get the right set of labels associated with triggering this because a building permit does not include plumbing or electrical.

2) G-4a – He suggested changing the language to read as such, *"Design Review Board Review. Applications for the following projects, and ~~where~~ if visible from public rights-of-way other than alleys, shall be subject to review by the Design Review Board."* On the other hand, he did not believe that this phrase should be included because it begs a whole lot of additional complications that they do not want to deal with. How do they decide if something is visible?

3) Zoning Administrator's Decisions – There are two types of decisions that the Zoning Administrator can make. The first one is whether a project needs to go before the Board or not. The second is the actual design review decision. He believes that the Zoning Administrator should report a project to the Design Review Board immediately if she decides that it only requires administrative review. Then the Board members could decide to override her decision and require review by the Board. This process would be different than informing the Board of an administrative decision by the Zoning Administrator and the Chair after a building permit has been issued. He pointed out that you cannot make a building permit retractable a month later when the Board finally meets. This would also help clarify what decision of the Zoning Administrator is appealable. The administrative decision of approval of a project does need to be reported, because it is appealable to the Zoning Board of Appeals. Therefore, he feels that the procedural steps need to be clarified.

Mr. Myers stated that the Zoning Administrator makes literally thousands of administrative decisions a year – day in and day out. Permits are issued. Every single day there are dozens of issues that administrative decisions are made on whether or not they meet the Zoning Ordinance or not. He advised against having to notify everyone of all administrative decision made in the district but said that it shouldn't be a problem just to report to the Board joint determinations of Zoning Administrator and the Chair on design review applications.

Mr. Grosser believed that there should not be any recourse by the Board. So many of the decisions are going to be things that the Board does not want to see or know about. This is the reason why City staff is suggesting that they be administrative review. The answer is to make the administrative review criteria strong, so we are confident that nothing controversial will slip through. We could certainly have the Zoning Administrator report to the Board, the same way City staff reports to the Plan Commission at the end of the meeting. Chair Pollock agreed that by giving the Board the ability to override the joint decision of the Zoning Administrator and the Chair of the Board, they would be compromising the Zoning Administrator's ability to make administrative decisions.

Chair Pollock took a poll to see how many of the Plan Commission members felt the floor area ratio percentage should be higher than 5%. The majority of the Plan Commission agreed.

Chair Pollock took a poll to see how many of the Plan Commission members felt that there should be an additional criteria triggering Board review of parking lots. All of the Plan Commissioners agreed.

Mr. Fitch thought J.2 Application Review Criteria should specify that new guidelines should be reviewed by the Plan Commission as well as amendments to the old guidelines. Mr. Myers stated that he would add that.

Mr. Grosser asked if the design guidelines are part of the ordinance or will it get passed separately. Mr. Myers explained that the design guidelines would be passed at the same time as the Ordinance, except it would be assigned a separate ordinance number.

Ms. Stake inquired about the makeup of the Board again. Mr. Grosser suggested removing the realtor from the list of members. Ms. Upah-Bant believed it might be appropriate to have a real estate agent on the Board, because it would affect their colleagues' income. Mr. Fitch added that a real estate agent could be beneficial in that they could give input as to how a development project would affect the value of the properties around the project site. There was a split in the Plan Commission about whether or not the real estate agent should be removed from the list.

Regarding changing *"and"* to *"or"* in C.d.b on Page 148, Mr. Myers pointed out that the current proposed language states that it *"should"* be single-family owner-occupied residents in the district, but that does not require the two residents to be single-family owner-occupied residents in the district. If they make the requirements too specific, then it makes it more difficult to find people willing to serve on the Board. The majority of the Plan Commission agreed with the language change from *"and"* to *"resident, owner or tenant"*.

Mr. Fitch asked City staff for a count of the number of building permits that were issued in the Lincoln-Busey Corridor over the last year. Mr. Myers said that they could supply that information for the Board.

Mr. Hopkins raised an issue about the word "should" versus "shall." He did not feel that most of the people would recognize what *"should"* really means in terms of an ordinance. Chair Pollock

pointed out that it does not say *"must"* and it leaves some leeway for the Mayor to make sure the Board has enough people to function if there are not residents willing to serve.

With no further discussion, Chair Pollock continued this case to the next scheduled meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed changes through Article II when Robert Myers, Planning Manager, suggested continuing this case to the next scheduled meeting to allow time for the staff report on the Cunningham Avenue Beautification Plan, which is scheduled to go before City Council on December 1, 2008.

Chair Pollock asked Plan Commission members to read through the staff report and attachments related to the proposed text amendment. Rather than Mr. Engstrom going through each revision one by one at the next scheduled meeting, the Plan Commission should come prepared with specific questions or concerns. The Plan Commission agreed, and the case was continued to the next scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Paul Debevoc, of 708 West California Avenue, talked about the proposed omnibus text amendment for the Urbana Zoning Ordinance in Plan Case No. 2063-T-08. He stated that it is a very long document and very hard for a single individual to review all of it.

Listed below are some of his suggestions:

- City staff should come up with some mechanism to have someone sign off on every page of the proposed ordinance.
- He also believes that regarding the zoning map, there should be some list or map available to the public indicating all of the non-conforming properties in the city. There is no easy way to get this information.
- It would be helpful to have a connection to the Assessor's database to make it easier to get information regarding properties.

- An authorized copy of the Zoning Ordinance should be available at the Urbana Free Library.
- Some typos that need to be looked at:
  - Figure 1 (Floor Area Ratio) and Figure 2 (Open Space Ratio) – The drawings should be accurate.
  - Table V-1 (Table of Uses) – Is agriculture really a permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts?
  - Formula for parking space calculation should be looked at again, because it did not calculate correctly.

Regarding open space ratio (OSR) illustration in the definition section, Mr. Myers stated that a certain percentage of a roof and balconies are included into the OSR. There could be a courtyard on the roof designed for people's use. Also, agricultural uses are permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts. This is not a mistake.

10. STAFF REPORT

Mr. Myers reported on the following:

- Crystal Lake Neighborhood Plan was adopted by the City Council on November 17, 2008 as an element of the Comprehensive Plan.

11. STUDY SESSION

Review and Comment on the Cunningham Avenue Beautification Final Report

Ryan Brault, Redevelopment Specialist in the Economic Development Division, presented the final draft of the Cunningham Avenue Beautification Plan to the Plan Commission. He gave a brief introduction and provided background information on the proposed plan. He reviewed the general recommendations and design elements of the plan. He talked about the planning implications and the financial impact.

Chair Pollock inquired about the roundabout that the consultants propose for the intersection at Country Club Road/Perkins Road and Cunningham Avenue. He felt this should be stricken from the plan because it would be a disaster. Mr. Brault responded that the roundabout was identified in the plan as an alternative and which the Illinois Department of Transportation (IDOT) would most probably not allow it to be constructed anyway.

Ms. Stake felt it was wonderful to put in public art and planting trees. She asked if they would use trees indigenous to Illinois. Mr. Brault replied that the plan calls for native plantings. The plan would be to use trees that are indigenous to our specific area.

Mr. Grosser felt it important to clarify that the public art recommendations in the report are only suggestions or possibilities. Decisions on specific art would be up to the Public Arts Commission. Mr. Brault explained that every concept in the plan is a suggestion and is not mandatory. It is a concept plan which is intended to be visionary. However, the plan does

provide a design theme, and City staff does want to try to make real ideas fit the theme of the plan.

He pointed out that the public art piece shown extending over Interstate 74 would most likely not be allowed by IDOT as illustrated. IDOT does not want to allow anything in the right-of-way that would be distracting to drivers as they travel over the bridge. IDOT is willing to work with the City on doing other improvements. For instance, IDOT would allow art work that is affixed to the retainer walls on the sides of bridges. It is integral to the bridge, and it is basically decorative railings and landscaping around the bridge.

Mr. Hopkins mentioned that the new bridge on Curtis Road and Interstate 57 supposedly has some of these features. He asked who is spending their money this way. His reaction is that if he was considering how to spend the City budget or a TIF (Tax Increment Finance) budget to which he was contributing as a developer or a land owner, the priorities do not make sense to him. He does not see why park benches should be installed on what is not -- and probably should not be -- a pedestrian corridor.

Chair Pollock asked if a TIF District is not designed to eliminate blight and promote economic development using the tax funds within the district to pay for the improvements. Mr. Brault said yes. Chair Pollock commented that he did not see that the recommendations in the proposed plan do either one of these. It is very nice to look though.

Chair Pollock inquired as to how much it cost the City to do the study. Mr. Brault said it was around $100,000. Mr. Pollock said that municipalities across the country are suffering because of the current economic situation. It is liable to get worse. He would ask that the City Council question where they spend all revenues such as TIF funds, including the $100,000 it cost to hire a consultant to draw up the proposed plan. Although he likes some of the ideas that the consultants have come up with, he questions whether this is the best place for the City to be dedicating its shrinking resources.

Mr. Brault stated that he will take the Plan Commission's comments and concerns to the City Council. They have already had an opportunity to study the proposed plan in draft form.

Chair Pollock questioned how much money was spent on the plan to prepare drawings and plans for elements that IDOT has never had any intention of approving. He could never imagine IDOT allowing a roundabout on a four lane major access point into Urbana. Mr. Brault replied that the consultants have done roundabouts in other cities. Mr. Hopkins added that the reason IDOT will not allow a roundabout at this intersection is not because it should not be there, but because people in places like Urbana do not know how to use roundabouts. Elsewhere roundabouts work efficiently, even on four lane highways. Mr. Brault pointed out that even the City of Urbana's Public Works Department was skeptical about the roundabout, which is why City staff insisted that the consultant use other intersection treatments in the proposed plan. The consultant and City staff did not receive feedback from IDOT until after the plan was well underway.

Chair Pollock questioned if City staff has any idea of how much funding and matching funding might be available from the state and/or federal government. What would the remaining amount

of cost be for the City of Urbana? Mr. Brault stated that there is not a definite answer at this time. There may be some grants available. Chair Pollock commented that there would be several million dollars at the responsibility of the City, and it would need to be budgeted within the CIP (Capital Improvement Plan). In the face of the other things that the City needs to do -- in terms of infrastructure, repair and maintenance -- he questions whether this would be a wise expenditure. Mr. Brault remarked that there would also need to be much more investment along Cunningham Avenue before the City would be able to have enough TIF funds to implement this plan. The plan is really meant to provide various idea that the City can pick and choose from to have the most impact and be the most beneficial to the City.

Chair Pollock stated that he did not want to be too harsh and rain on anyone's parade because there are some elements in the proposed plan that would help the Cunningham Avenue Corridor that could be done relatively inexpensive. However, on each step of this, he would ask the question in terms of use of TIF funds, what really is the payback in terms of development and increase in tax revenue within the district for what the expected use of the funds is suppose to be.

Mr. Fitch agreed with the commentary. He asked if any of the merchants along Cunningham Avenue had expressed any opposition about driveway closures. Mr. Brault said no. City staff presented the proposed plan in draft form at one of the North Cunningham neighborhood business group meetings. None of the business owners expressed concern about this. It only refers to unused and unnecessary driveways.

With no further comment, the study session ended.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **December 4, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: none

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared with all members present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested changing the order of the agenda. The first change is to move Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 under Item 7. The second change is to follow these two cases with Plan Case No. 2063-T-08 under 5, Continued Public Hearings. Lastly, the Plan Commission will consider Plan Case No. 2074-T-08. With no objections from the other members of the Plan Commission, these changes were approved.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the November 20, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

5. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road.

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Residential Zoning District to City R-3, Single and Two-Family Residential Zoning District upon annexation.

Rebecca Bird, Associate Planner, presented these two cases together to the Plan Commission. She began by briefly introducing the purpose for the proposed annexation agreement and rezoning requests and by providing background information on the proposed site. She talked about the proposed zoning of the property and reviewed the La Salle National Bank criterion that pertains to the proposed rezoning request. The closest portion of the City, about 600 feet away, is zoned R-3, Single and Two Family Residential, which allows duplexes by right if the property meets certain minimum standards. She reviewed the options of the Plan Commission and presented staff's recommendation for both cases.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. No one spoke.

Mr. White noticed that the surrounding properties in the County are single-family residential. Ms. Bird pointed out that the property directly to the west is a duplex. Merl Mennenga, Mennenga Construction, Inc., clarified that there are two duplexes immediately to the west of the proposed site.

Ms. Stake wondered how the two duplexes were allowed in a single-family residential zoning district. Ms. Bird that the duplexes may have also been built prior to the change in the County R-1 Zoning District, which now restricts duplexes, or the duplexes might have obtained special use permits in the County under the current zoning.

Ms. Stake commented that none of the maps show what the surrounding properties are zoned in the County. Is it all single-family residential except for the two properties with duplexes on them? Mr. Myers said that prior to this request, the Mennengas applied with Champaign County for a Special Use Permit so they could hear any concerns from their neighbors. Champaign County approved the Special Use Permit application to construct a duplex; however, due to sewer service permit requirements, the petitioner cannot act upon the Special Use Permit until they get an annexation agreement with the City.

Ms. Stake stated that it appears there are still properties available to build on. Is this correct? Mr. Mennenga answered by saying that all of the lots have buildings on them. There are no

vacant lots. Ms. Stake asked if more duplexes could be built on the empty space of each lot. Mr. Myers said that the County allows only one primary structure per lot.

Ms. Upah-Bant inquired as to whether the duplexes to the west were hooked up to the sanitary sewer. Mr. Mennenga replied that the duplexes to the west are in the County.

Ms. Upah-Bant did not understand why they needed to bring this property into the City. She does not like having spot annexations. Mr. Myers explained that the proposed property would not actually come into the City unless the City's boundaries reached the property at some point in the future. The annexation agreement is required because the City of Champaign and the City of Urbana have agreements with the Sanitary District that they will not provide any permits to connect to the sewer system unless a property is either annexed or has an annexation agreement with the appropriate City.

With no further comment or concerns from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that these cases would be presented to City Council along with the Plan Commission's recommendation on December 15, 2008.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

Article IV. Districts and Boundaries

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received a number of complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking for shopping centers has usually been easily worked out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add "*recycling center*" as a special use in Industrial zoning districts.
5. Move "automobile salvage yard (junkyard)" to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of *"recycling center"* in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for *"junk"* but not *"recycling center."*

Mr. White inquired as to the difference between a *"junkyard"* and a *"recycling center."* Mr. Engstrom read the definition of *"salvage yard"* for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

Article VI. Development Regulations

Section VI-5.B.13 Yards - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

Section VI-5.E.2 Yards – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

Section VI-6.A Screening – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

Section VI-6.C and D Screening – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that buildings constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

Article VII. Standards and Procedures for Conditional and Special Uses

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article VIII. Parking and Access

Table VIII-3. Widths for Access Drives – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

Section VIII-7. Bicycle Parking – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of "*daycare facility*" or is it simply adding "*daycare facility*" to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

Article IX. Comprehensive Sign Regulations and Article X. Nonconformities

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

Article XI. Administration, Enforcement, Amendments and Fees

Section XI-10.B – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers explained that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during

this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

Section XI-12.C – Make some minor word substitutions.

Chair Pollock asked if *"owner-occupant"* refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

Section XI-12.E – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

Section XI-12.F – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which require a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions requires a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is set up so the Board can never pass anything, then can they really improve anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

Section XI-12.H – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

Article XII. Historic Preservation and Article XIII. Special Development Provisions

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff's rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking; a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of in a garage, car parts outdoors, extra cars parked on the street – that's a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that's not necessarily because of the type of home occupation.

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

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make $500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City

staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said $25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes'

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner/Historic Preservation Planner, presented a brief update to the staff report. She reported on the changes made since the last meeting. Those changes include:

- Adding one additional resident to the Design Review Board membership
- Expanding the language to include the installation or enlarging of a parking lot as one of the types of projects that would require review

- Adding language to further clarify what types of projects are subject to what level of review
- Adding language requiring new and amended guidelines to be reviewed by the Plan Commission.

She noted staff's recommendation, which is that *the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval of the Lincoln-Busey Design Guidelines, approval of the Zoning Ordinance text amendment as written in the handout listed under Communications of these minutes, and approval of the Lincoln-Busey Corridor Design Review Overlay District.*

Regarding Section XI-15.F.3, Chair Pollock requested that staff clarify the meaning of the additional language, *"…but in no case shall action be taken by less than 4 votes"* as suggested in the handout. Does this mean that there must be four votes in favor of an action to pass? Or does this simply require four members to vote and a 3-1 vote would pass a motion?

Mr. Grosser pointed out a typographical error on Page 148 under Section XI-15.C.d.b. *"Three"* should be *"Four"* with the revised language adding an additional member. Mr. Hopkins also pointed out that the language in Section XI-15.H.2 and F.3 should be consistent. He pointed out that it is also unclear about whether an abstaining member of the Design Review Board is included in the vote. To be consistent with the MOR Development Review Board, and what was just approved in the previous text amendment, he agreed that an abstaining member should not be included in the vote. He suggested that it read, *"Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total."*

Mr. Hopkins agreed.

Ms. Stake moved that they should change the language in Section XI-15.C.1.d.b to read, *"…The residents ~~should~~ shall include a representative from each design review district who owns ~~or~~ and occupies a residence in the district. If there is only one design review district, other residents ~~should~~ shall own or occupy a residence elsewhere in the ~~City~~ district."* Ms. Upah-Bant seconded the motion.

Ms. Stake feels it is only fair to have at least one person who owns a home in the district to serve on the board. She believes that a person who lives in the district will be more concerned about what happens in the district than say a real estate agent or a local developer.

Chair Pollock commented that a motion was premature since the Plan Commission had not yet held public discussion on this case yet. The motion and second were withdrawn.

Chair Pollock then asked if there were any more questions from the Plan Commission members for City staff.

Ms. Stake wondered why City staff changed the percentage of an increase in the floor area ratio (FAR) of a building used to determine further review of submitted redevelopment plans by the Design Review Board from 5% to 15%. Robert Myers replied that staff was following through

with a request by the Plan Commission to increase the percentage. The Plan Commission has the could change the percentage.

Ms. Stake inquired as to the difference between the FAR (floor area ratio) and the footprint of a building. Mr. Myers explained that the footprint is the outline of the building on a lot. Typically, the footprint includes any portion of the building that touches the ground or extends below the ground. The FAR is the ratio between the total square footage of the building and the lot area. The FAR comes into play because it essentially defines how tall the building can be in the relationship to the lot.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was none. Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Grosser would not like to have eight members for the Design Review Board. It gives more power to deny a case. On a seven-member board, it takes four votes to approve or deny a motion. However, on an eight-member board, it takes four votes to deny and give votes to approve.

Chair Pollock pointed out that the eighth person came from the Plan Commission's desire to have more residential representation on the board. Mr. Grosser responded that he understood this, and he mentioned that he did not feel strongly about what a real estate agent could bring to the board.

MAIN MOTION
Mr. Fitch moved that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

AMENDMENT #1
Mr. Grosser moved to amend the motion by removing the real estate agent from the list of Design Review Board members and keeping it a seven member board in Section XI-15.C.1.d.a (Page 148). Ms. Stake seconded the motion.

Mr. White commented that a real estate professional would be very objective. Ms. Stake pointed out that several citizens have testified at previous meetings expressing their desire to get rid of the real estate agent. She did not feel that a real estate agent was needed either. There is a developer and that is enough.

Roll call on the amendment was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	No
Mr. Grosser	-	Yes	Mr. Hopkins	-	No
Mr. Pollock	-	No	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	No

The motion to amend failed by a vote of 4 – 4.

AMENDMENT #2
Ms. Stake moved to amend the main motion by changing the FAR requirement mentioned in Section XI-15.G.4.a.3 (Page 150) from 15% to 10%. With no second, the motion to amend died.

AMENDMENT #3
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say *"and"* instead of *"or"* and change *"city"* to *"district"*. Ms. Burris seconded the motion to amend.

Ms. Burris recalled having a lengthy discussion during a previous Plan Commission meeting about making the change that is currently in the proposed text amendment. The proposed wording is used because the Plan Commission wanted to allow residents who both rent and own/and live in the area a place on the Design Review Board. Renters should have just as much of a voice as people who own their homes. She feels that the language should remain as it is currently written without any changes. Also, she does not like the idea of changing "city" to "district" because it is a City board. Some of the members should remain City-wide.

Mr. Fitch agreed with Ms. Burris' explanation of why the proposed wording is being suggested by staff.

Ms. Stake disagreed with Ms. Burris' in that the board should not be city-wide. People who care about the Lincoln-Busey Corridor should serve as members on the board. Residents from south Urbana do not care about the Lincoln-Busey Corridor.

Mr. Grosser expressed his concern about the proposed amendment. As currently written, the proposed text amendment would include residents from the Lincoln-Busey district. With the amendment that Ms. Stake is suggesting, if there should ever be three districts, then there would be no option for a renter to serve on the Design Review Board. There would only be owners who occupy their homes serving on the Board. The Mayor will make nominations and the City Council will approve the nominations of the members who serve on the Design Review Board. It is reasonable to presume that the Mayor and the City Council will not approve of a board that has zero owner-occupied residents on it from the district.

Mr. Hopkins understood Section XI-15.C.1.d.b to only apply to the Lincoln-Busey Corridor Design Review Board. If there is another district, then there would be another constitution of a board to serve that district. If this is the case, then the wording proposed in the text amendment does not say this. He mentioned that he does care about what happens in the Lincoln-Busey Corridor, but for different reasons than the residents living there. He cares in that the proposed text amendment is a City ordinance and not a neighborhood self-protection deed restriction. What the City staff is going to enforce and enable to happen in the City affects lots of other things about the City. This includes the City's tax base and who gets to live where, how far students have to commute to campus, and many other things. To say what the City makes happen in one little neighborhood can be decided just by the people who live that neighborhood, it misrepresents what City action is all about.

Ms. Stake feels that the majority of the people in the City care about the City in some sense or another, but as for every other neighborhood, they do not care as much as the person who lives

next door to something that is being built. This is only design review. It does not include all of the other rules for the Lincoln-Busey Corridor. There is going to be change in the Lincoln-Busey Corridor. Some people may like the changes, but some of the people might be disturbed by it. One of the things that the City can do is to have more residents serve on the board so redevelopment plans can be discussed more so there are fewer controversies about what happens when new issues arise.

Mr. Grosser asked City staff for clarification on Mr. Hopkins' previous comment. Ms. Bird explained that the proposed text amendment creates a Design Review Board. It does not create a Lincoln-Busey Design Review Board. The Design Review Board would review design in any district that has adopted design guidelines.

Mr. Grosser asked if the membership would potentially shift if a second district would be created. Ms. Bird said no, not with the way the proposed text amendment is written. Chair Pollock noted that if the motion to amend was approved, then it would change the makeup of the Board. Mr. Grosser then asked if the motion to amend is approved and three districts are created, is it correct that there could not be a renter on the Board. Chair Pollock said that is correct. The only way a renter would be allowed to serve on the Board would be to increase the number of members.

Ms. Stake stated that this was not her intention. She only wants at least one owner-occupant to serve on the Board. Mr. Hopkins pointed out that if they just make the word changes that Ms. Stake proposed, then it does not accomplish what she describes as her intention. Her intention is that there be three residents on a Busey Corridor Board, not a city wide Design Review Board. One of the three residents must be an owner-occupant. The other two members could be owners or occupants (renters) that live in the district. Ms. Stake withdrew her motion to amend.

AMENDMENT #4
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say that three members must be residents who live in the district and at least one of the three should be an owner-occupant. If there are other districts, then the members will be the same except for the three residents. Ms. Upah-Bant seconded the motion.

Mr. Fitch felt this goes back to the very first meeting. This was discussed and the consensus was that this might not be workable to have three people rotating on and off of a board. Mr. Grosser understood the motion to amend to apply only to the Lincoln-Busey Corridor. Ms. Stake commented that she did not understand why this could not be for the whole City if only three people change when a new district is added. Chair Pollock explained that the proposed ordinance is written for a city-wide Design Review Board. Her motion recommends that they change that to be specific to the Lincoln-Busey Corridor. Ms. Stake stated that she did not want that. She wants a city-wide Design Review Board, where the three residential members change from one district to the next, but the other members remain the same. Chair Pollock stated that is not what the language says in the motion to amend.

Ms. Burris did not feel that a rotating Board would do well in making city-wide decisions. It would not be stable enough in making consistent decisions.

Ms. Upah-Bant wondered when they changed it from a Lincoln-Busey Design Review Board to a city-wide Design Review Board. Ms. Bird explained that when City Council first asked City staff to look at this, it was specific to the Lincoln-Busey Corridor. This was several years ago, and since then, there have been discussions about design guidelines and a design review district in the Historic East Urbana Neighborhood (HEUNA) area as well. City staff realized that creating a different board each time a district is proposed would not be the right way to go about it. A city-wide Design Review Board is being proposed.

Mr. Grosser pointed out that the MOR (Mixed Office Residential) Development Review Board currently exists. The proposed text amendment would allow for the Lincoln-Busey Corridor Design Review Board, and eventually there will probably be a HEUNA Design Review Board. He understands Ms. Stake's intentions to be that with each new district a Design Review Board is created with some members in common with the other Design Review Boards and the resident members change from district to district. He does not like that someone from one district could not serve on the Board for another district as part of the residential membership. He also feels that if the City ends up with three or four Design Review Boards, it might become difficult to find people who are interested in serving on them.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend failed by a vote of 1-7.

Mr. Hopkins recalled that part of Ms. Stake's motion to amend was to change *"should"* to *"shall"*. He remembered the Plan Commission discussing this at a previous meeting, and it is not accidental that the permissive *"should"* is used. Mr. Fitch said that is correct. The rationale is that in case the Mayor and City Council could not find anyone who is willing to serve in a given district that they could fill the board with a resident from elsewhere in the City.

AMENDMENT #5
Mr. Hopkins moved to amend the main motion to delete the second 2 in Section XI-15.G.4.c (Page 150), which states *"Visible from no public right-of-way other than an alley"*. Ms. Stake seconded the motion. Chair Pollock asked for a hand vote and the motion to amend passed by unanimous vote.

AMENDMENT #6
Mr. Fitch moved to amend the main motion by changing the language in Section XI-15.C.1.d.b to read, *"A number of residents of Urbana equal to the sum of one resident of each design review district plus one resident from a part of the City not in the design review district."* This would allow one board that would expand only as new design review districts were created. Ms. Upah-Bant seconded the motion.

Mr. Fitch stated that there would be no distinction between owner occupancy. A person from each design review district would have to serve on the Board. All of the resident members would have to live in the City. At least one resident member would have to live outside of any design review district. With this language, the Design Review Board would start with seven members. Only when and if a second district is created that the board would increase to eight members.

Chair Pollock commented that if the Plan Commission approves this motion, then City staff would have to take a look at it, refine any language legally and look at the question of going to seven members to see if it is mentioned anywhere else in the proposed ordinance. Ms. Bird added that City staff would need to look at how they would word the language under Quorum, etc.

Mr. Hopkins stated that this motion seems to solve a problem or two. It gets away from having an eight person board, which the Plan Commission just demonstrated that four people could object and a motion could fail because of it. It completely simplifies the notion of resident in a way that may actually advantageous because it eliminates the non-resident owner as an option. Therefore, he likes it.

Chair Pollock called for a hand vote on the motion. The motion to amend passed by a vote of 5-3.

AMENDMENT #7

Mr. White moved to amend the motion by deleting #5 in Section XI-15.B (Page 147). Mr. Grosser seconded the motion. Ms. Bird stated that this clause simply outlines the difference between the Development Review Board and the Design Review Board. The Design Review Board would only be allowed to review the design of a development project and not the land use.

Mr. Hopkins felt that the reason to include this clause is in the first part of the sentence. Mr. White stated that the first part of the sentence makes sense and understands why it is included. However, they cannot deny a land use that is permitted by right.

Chair Pollock asked if it was the consensus of the Plan Commission to hand this over to the City staff to make sure this is clarified. The Plan Commission members agreed.

Ms. Stake expressed her concern about the administrative review section on Page 150 in Section XI-15.G.4.b. She feels the language is vague. Chair Pollock recalled the Plan Commission having already discussed this at a previous meeting. It is the consensus of the Plan Commission members that this Section has the correct amount of flexibility and the correct amount of definition on this issue.

SUMMARY

Mr. Fitch summarized what the Plan Commission would like to see changed in the proposed text amendment. The changes are as follows: 1) Fix typographical errors in Section XI-15.C.1.b by changing *"three"* to *"four"*; 2) Clarify that an abstention is not counted toward a vote in Section XI-15.F.3; 3) Strike the second 2 in Section XI-15.G.4.c; 4) Replace language in Section XI-15.C.1.d.b; 5) Clarify that Section XI-15.B.5 is not a limitation on permitted land use possibly by eliminating the clause after the comma; and 6) Clarify meaning of additional language in Section XI-15.F.3.

Ms. Bird mentioned that one of the members had inquired at the previous meeting about the number of building permits that have been applied for in the Lincoln-Busey Corridor in the past year. She stated that there have been zero building permits applied for in this area. Mr. Fitch

recalled that this had to do with a discussion about whether the Zoning Administrator's decisions should be appealable to the Design Review Board.

Following discussion, Chair Pollock continued this case to the next Plan Commission meeting. Plan Commissioners agreed that the next regularly-scheduled meeting on December 18, 2008 could be cancelled unless an important issue came up. This case is therefore continued to the January 8, 2009 Plan Commission meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- Cunningham Avenue Beautification Plan was adopted by the City Council on December 1, 2008.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **January 8, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Ben Grosser, Lew Hopkins
STAFF PRESENT:	Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the December 4, 2008 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Crystal Lake Neighborhood Plan Approved and Final Copy

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Chair Pollock reopened this case. He summarized the amendments that were made to the staff recommendation at the previous meeting. Since all except one of the amendments approved by the majority of the Plan Commission during the previous meeting have already been incorporated into the proposed ordinance, they would not reopen the case with motions and amendments on the floor.

Rebecca Bird, Planner I, talked about one of the amendments in particular regarding the changes made to the membership. City Legal staff feels that trying to write the changes would be very complex and trying to interpret it in the future would be very difficult. With each new design overlay district that the City adopts, City staff will have to amend the Zoning Ordinance anyway. So, staff might as well amend the membership numbers at that point. Legal staff felt that the wording should be left as originally structured for the one design overlay district. Therefore, the only recommended change made to the language regarding membership is to change the number of board members to seven rather than having eight.

Ms. Bird reviewed the other changes made to reflect changes recommended at the last Plan Commission meeting. She recommended that the Plan Commission vote on each of the three parts of the case separately or if they wish to vote on it as one case, then to mention the three parts in the motion.

Robert Myers, Planning Manager, clarified the intent of Section XI-15.B.5. He stated that the design review would be an overlay district, and so the Board would deal with design. However, there is still the underlying zoning district, which deals with particular uses. Although the proposed Design Review Board would not be approving uses, the intent is to clarify that the Design Review Board could deny a project design even if it meant that a permitted use would not be approved.

Ms. Upah-Bant asked for an example of this. Mr. Myers presented the following example: There is a property zoned for multi-family residential, but there is a single-family home currently on the property. An application is submitted to replace the single-family house with an apartment building. The apartment building may meet all of the requirements of the underlying zoning district, but if the Design Review Board finds the design of the apartment building to be incompatible with the design guidelines then the project could be denied.

Ms. Stake inquired as to where City staff thought there may be additional design overlay districts in the future. Mr. Myers replied that there has been talk about having design review for the East Urbana neighborhood close to City Hall.

Ms. Stake questioned why City staff feels that adding members to the Design Review Board as design overlay districts are created would be complicated. Mr. Myers stated that this could only be done having a board for each district as they are created, or having one board and switching out members depending on which neighborhood the application came from. Either scenario is complicated for a number of reasons.

The question becomes whether one board could deal with multiple districts. The Historic Preservation Commission deals with multiple districts and landmarks in different neighborhoods. They do not switch out members from one district to the next based on what application comes before them. The Plan Commission reviews cases city-wide, and the City does not need to switch members based on what neighborhood an application comes from.

Ms. Bird noted that the proposed ordinance was written to serve city-wide. There's no reason to create yet another board for such a very small area. City staff researched the Lincoln-Busey area and found, had these rules been in place over the past year, no projects that would have come before the proposed board. If you have a board that meets only once every three years, the board members do not really know what their role is, and it is hard for City staff to give training if the board never meets.

Ms. Stake commented that as the ordinance is currently written, there would not be fair representation of the residents who live in the neighborhood. They would not be letting the people who live in the district have any say in the design of a project. Neighborhood residents know how to solve design problems better than anyone, including City staff. Chair Pollock pointed out that there is a requirement in the proposed ordinance that one of the members on the Design Review Board be a resident of the design review area.

Ms. Upah-Bant asked if a design review district would be created in the Historic East Urbana Neighborhood, then would staff suggest increasing the number of members on the board? Ms. Bird stated that the City would modify the membership of the Design Review Board at that time. It would be easier to deal with this particular issue when another design review overlay district is adopted.

Ms. Stake asked how do we know that City staff will follow through on this? She would rather see it in writing. Chair Pollock replied that any future design overlay districts will have to come before the Plan Commission and the City Council for review. The issue of representation will have to come back before them.

Ms. Upah-Bant expressed her concern about there being no appeal process. Ms. Bird pointed out that the appeal process is listed on Page 152. An appeal would go before the Zoning Board of Appeals. Ms. Stake commented that she would prefer to have two boards review an appeal – the Zoning Board of Appeals and then the City Council. Mr. Myers reviewed the appeal process in the Zoning Ordinance for the Plan Commission members.

Ms. Stake wondered what types of projects do not require a building permit. Ms. Bird said that projects that are not structural in anyway, for example – changing out a window, would not require a building permit.

With no further questions, Chair Pollock opened the hearing up for public comment or questions. There were none. So, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion or motions.

Mr. White moved that the Plan Commission send Plan Case 2074-T-08 to the City Council with a recommendation for denial of all three parts of the case. Ms. Upah-Bant seconded the motion.

Ms. Stake moved to amend the motion to increase the number of members of the proposed Design Review Board to nine, including the members recommended by City staff in addition to a second resident living in the district and a resident who lives within 250 feet of the district. Chair Pollock called for a second to the motion. The motion to amend failed due to lack of a second.

Mr. Fitch moved to amend Section XI-15.C.1.f to change the permissive "should" to "shall" in two places in this same paragraph. Mr. White seconded the motion. Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a vote of 5 to 0.

Chair Pollock commented that there is a reason the proposed case has been back to the Plan Commission five times. He recognized and applauded City staff for the work that has gone into the proposed case. He feels that City staff has done as much with the proposed ordinance as can be done. As he looks at the proposed case he thought about neighborhood conservation districts. In many ways, it is bulky, bureaucratic, onerous, possibly unwieldy, and for the most part unnecessary. From his understanding, the proposed ordinance does not accomplish what most people would like to do, which is to protect single-family residences. He feels the best way to do this is through zoning and not through design review. Therefore, he supports the motion to deny.

Mr. White recalled a comment he had made at the time the neighborhood conservation district ordinance was being reviewed for approval. Sometimes when you are in graduate school, there is a graduate student with a thesis that is a mess. There are times when it really is the advisor's fault for assigning that topic.

Ms. Stake stated that she supports the proposed ordinance. She feels it is important to have design guidelines to make sure that there are not any outrageous projects developed in our neighborhoods.

Roll call on the main motion along with the amendment was as follows:

Mr. Fitch	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion passed by a vote of 3 to 2.

Ms. Bird pointed out that this case would go before the City Council on January 20, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08: A request by Carl and Beverly Andres for an annexation agreement for a 0.41-acre tract located at 1707 East Airport Road, including rezoning from Champaign County AG, Agriculture District, to City R-2, Single-Family Residential Zoning District, upon annexation.

Robert Myers, Planning Manager, presented these two cases together to the Plan Commission. He explained the purpose for the proposed annexation agreement and rezoning, which is due to the failed septic tank that the petitioners experienced last summer. He briefly described the proposed site and the surrounding properties and talked about the proposed rezoning. He presented City staff's recommendation, which was as follows:

> *In Plan Case 2008-A-02/2089-M-08 staff recommends approval of the proposed annexation agreement as presented in the written staff report.*

Ms. Upah-Bant inquired as to why City staff recommends converting the property to R-2, Single-Family Residential, rather than R-1, Single-Family Residential Zoning District. Mr. Myers explained that he believed it was due to the lot size and width. City staff wanted to ensure that the proposed property would conform to the zoning requirements.

Ms. Stake mentioned that the written staff report states the proposed property is "generally" consistent, it "should" not and "should" be and it "appears" to meet the LaSalle National Bank criteria. Why not just say it "is" consistent? "Generally" means what? Mr. Myers replied that it means that the proposed property complies with criteria, but there may be in some small ways that it does not absolutely, positively comply.

Ms. Stake moved that the Plan Commission forward Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08 to the City Council with a recommendation for approval. Mr. White seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers noted that these two cases would go before the City Council on January 20, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Zoning Ordinance Omnibus Text Amendment was adopted by the City Council. City staff is in the process of making copies and will be distributing them soon.
- Mervis Industries Special Use Permit will be presented for review to the Plan Commission on January 22, 2009.
- Lighting Standards Text Amendment will be presented for review to the Plan Commission on January 22, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **January 22, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	There were none.
STAFF PRESENT:	Robert Myers, Planning Manager; Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Tom Falender, Laura Huth, Ken and Rita Mathis, Michael Mervis, James Picillo, Neil Richardson, Susan Taylor, Ted Vacketta

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

The Chair called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present with all members present.

2. CHANGES TO THE AGENDA

City staff requested that Plan Case No. 2081-T-08 regarding lighting standards be forwarded to the February 5, 2009 Plan Commission meeting. With no objections from the Plan Commission members, the request was approved.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the January 8, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Zoning Ordinance – 2008 Republication
- Boneyard Creek Master Plan
- Packet of Information submitted by Mervis Industries for Plan Case No. 2093-SU-08
- Revised Site Plan for Plan Case No. 2093-SU-08

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

This case was forwarded to the February 5, 2009 Plan Commission meeting.

Plan Case No. 2093-SU-08: A request by Mervis Industries for a Special Use Permit to establish a Recycling Center at 3008 North Cunningham Avenue in the City's IN, Industrial Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction and presented background information on the proposed site. He described the site and the surrounding properties noting their current land uses and existing zoning. He discussed how the proposed use relates to the Future Land Use Map designation of "Regional Business" and how it relates to the 2005 Comprehensive Plan. He further discussed the proposed recycling center noting the hours of operation, the layout of the proposed site, landscaping and storm water runoff plans. He reviewed the requirements of a Special Use Permit according to Section VII-4 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff's recommendation, which was as follows:

Staff recommended that the Plan Commission forward Plan Case 2093-SU-08 to the Urbana City Council with a recommendation for approval subject to the following conditions:

1. *The layout and operation shall conform to the Site Plan, as shown in Exhibit D.*
2. *An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code.*
3. *The site shall conform to the requirements for screening and landscaping in Article VI of the Zoning Ordinance.*

Mr. Engstrom noted a revised landscape plan which he distributed to Plan Commission members. He then continued with the final two recommended conditions.

4. *Final traffic layouts shall be subject to the approval of the Illinois Department of Transportation.*
5. *All runoff, noise levels, odors, dust or other emissions shall meet standards set forth by the Illinois Environmental Protection Agency.*

With no questions for City staff, Chair Pollock opened the hearing up for public input and testimony.

Laura Huth, Do Good Consulting, handed out a packet of information regarding Mervis Industries. She stated that she is the consultant for Mervis Industries. They will present a project called Advantage Recycling. She introduced Mervis Industries representatives: Michael Mervis, a fourth-generation operator; Tom Falender, Director of Marketing and Customer Relations; Jim Picillo, Director of Operations; and Ted Vacketta, Engineering and Operations. She gave a brief introduction about Advantage Recycling, a division of Mervis Industries, which is proposing a regional recycling facility. She believes this is a perfect project for the City of Urbana and the "green image" that Urbana has and wants to continue to project. She mentioned that the following presentation was shown to the City of Urbana's Sustainability Advisory Committee about two weeks ago. Mervis also held a neighborhood meeting with nearby residents and met with Rudy and Tom Frasca, the owner and operator of Frasca Airfield.

Mr. Mervis discussed the following topics in a PowerPoint presentation:

- History of Business
- Business' Reputation
- Recycling: Then & Now
- Impact

Mr. Falender discussed the following topics:

- Urbana Project
- Advantage Recycling
- Advantage Customers
- Materials Collected

Mr. Picillo continued the presentation by discussing the following topics:

- Inside an Advantage Facility
- Operations: How it Works
- Employment at Advantage
- ISO 9001:2000 Quality Management

Ms. Huth talked about the following topics:

- Advantages of the proposed Advantage Recycling Center
- Relationship to Urbana's Curbside Program

Mr. Vacketta discussed the following topics:

- Details of the proposed site and of the project
- Hours of Operation
- Estimated Traffic Counts
- Odor, Noise & Dust *(He handed out some steel slag to the Plan Commission members.)*
- Signage
- Exterior Lighting
- Security

Ms. Huth discussed the landscape plan. She felt that this project could be described as "exceptional." This project will far exceed minimum standards. It is a ten acre site with about five of the acres being developed. They plan to leave the remaining five acres as natural open area. They plan to partner with local conservation organizations as well as with other businesses to put in landscaped wide buffers on all four sides of the property. They would like to have some educational signage and some walking paths. She showed a rendering of what they intend the facility and grounds to appear following development. She commented that they plan to salvage as many of the perimeter trees as possible in addition to supplement it with some other plantings.

Ms. Stake asked why it is so important to have all of the security that Mervis Industries is planning for the proposed development. Mr. Mervis replied that when they talk about taking photo IDs and snapshots of everything that comes across their scales, rather than protecting something or someone they are just trying to meet or exceed the local laws. This type of security is deterrence to theft and to help catch thieves who might steal, for instance, a coil from people's air conditioners or the copper downspouts from churches. In terms of security in the evenings, with any site you would want to have a little lighting on the site to make sure that the site remains safe and secure.

Ms. Stake inquired about separation of materials at the source versus separating the materials at the recycling facility. Mr. Mervis stated that it is much more efficient to separate materials at the source. If they allow materials to be brought to the site co-mingled, then they would have to expend energy and resources to separate the materials out again.

Ms. Stake asked if Urbana wanted to insist that all of their materials were separated at the source, then could they be taken to the proposed site and paid for. Mr. Mervis commented that Mervis Industries would like to work with the local community recycling agencies. Whether or not anyone gets paid for their recyclable materials, the most important thing is to keep recyclables from going to the landfill; saving the energy by recycling materials and saving the natural resources by reusing that material and avoiding the need for new raw materials.

Mr. Hopkins asked what the implication would be for the Marco site. Mr. Mervis responded that their goal is to grow both the Marco and the proposed sites and to continue to operate both. Operationally, it would mean that potentially they could move some of their business to the new site, which would free up the space in the phenomenally cramped Marco site, so they could offer more recycling opportunities there. It would also offer some of the efficiency that they can offer at their Goodman and Will site in Terre Haute, IN and at their Advantage site in Danville, IL. Marco has been in business and been located on the same site for 100 years. As the business grew and they developed new customers, the site has become rather cramped. Therefore, it does not operate as efficiently as they would like. It also does not allow them to expand into new opportunities for the community. Mervis Industries has a strong local following in the Marco site. So, there is no intention to close that site.

Mr. Grosser thanked the petitioners for the level of detail that they have presented. He expressed his appreciation for holding a neighborhood meeting. He wondered if there were any concerns expressed by nearby residents at the neighborhood meeting. Mr. Mervis responded that there were no negative comments that came out of the meeting.

Mr. Grosser inquired as to how much someone could receive by bringing in a stove or similar appliance for recycling. Mr. Mervis stated that it depends on the material brought in. An older stove might be made of cast iron, which would bring in one price. A newer stove would bring in a different price. The price varies. There have been phenomenal swings in the value of recyclables over the last five years. The price goes up and down depending on the market fluctuations.

Mr. Grosser wondered if the Marco site currently accepts appliances. Mr. Mervis said yes. They accept appliances such as a water heater or a stove. However, they do not accept appliances with refrigerants still in them. These types of appliances must be drained prior to bringing them in to be recycled. At other locations, they will accept these types of appliances, but not at the Marco site.

Mr. Grosser asked if the proposed site would accept appliances with refrigerants still in them. Mr. Mervis said yes.

Mr. Grosser inquired if the petitioner offers and recycled materials for purchase back to the community. Mr. Mervis said no, because there are problems associated with offering scrap metal for purchase. Most of these problems are related to possible litigation. They will make sure that the materials are recycled and come back to the community in a different form.

Mr. Picillo commented that they have on occasion donated scrap materials to local artists – sculptors and to art departments at some local schools. Mr. Mervis added that they have also donated some of the end-of-life vehicles to local fire departments for training purposes. Mr. Falender noted that it is really important for them to recycle the materials brought into them. Their customers want them to destroy and recycle all the products coming out of industrial locations for obvious reasons.

Ms. Upah-Bant inquired as to whether there is any competition already located in the City of Urbana or in the City of Champaign. Mr. Mervis replied yes. Ms. Upah-Bant asked if the petitioners would be offering anything different than what the competitors are doing. Mr. Mervis said that the proposed new facility would be much more customer friendly than any other similar business in the area.

Ms. Upah-Bant questioned where end-of-life vehicles currently go to now. Mr. Mervis explained that for a while end-of-life vehicles were sitting in backyards. Now, when an end-of-life vehicle comes into one of their facilities, the fluids are drained, any mercury switches are removed, refrigerant is removed, and the vehicle is densified and then sent off-site to an auto shredder. At the auto shredder, the pieces are separated into different materials. An air system will separate the fluff from the seat, the leather from the seats, the dashboard, the remaining glass, etc. Magnets are used to separate aluminum from stainless as well as any copper that may have been used. The clean steel will go back to the steel mill to be remelted and turned into something else. The aluminum, the stainless and the copper will be sent to be remelted as well. The only operation they would be doing with end-of-life vehicles at the proposed site would be to drain them of fluids and stored until they have enough for a load to be sent elsewhere for further processing.

Ms. Upah-Bant wondered if the petitioner would take computer components at the proposed new site. Mr. Mervis said it is there intent to help keep computer components out of the waste stream and specifically out of area landfills.

Ms. Upah-Bant asked if Mervis Industries was currently working with the University of Illinois. Mr. Mervis answered by saying no, not at this time. However, he looks forward to working with them in the future.

Chair Pollock asked how soon a load is moved out. Mr. Mervis replied that as quickly as they can get a load together and send it out. They have no intention of holding scrap at the proposed facility. He mentioned that while they are waiting for enough materials to make a load, materials will be stored in the concrete bins. End-of-life vehicles that have been drained of fluids, mercury switches removed, and batteries removed will be stored on some of the aggregate until they can be shipped out.

Chair Pollock noticed in the packet of information that the petitioner anticipated a steady stream of rolloffs coming in. Are these industrial customers or co-mingled materials from somewhere else? Mr. Mervis explained that if it is one of their own rolloff trucks, then it is probably carrying material and the content is well known to them coming from one of their industrial customers. Other trucks coming in might be farmers cleaning their fields, etc.

With no further public input, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and motion(s).

Mr. Myers pointed out that the Plan Commission now had two site plans before them. The revised site plan handed out during the meeting differs slightly from the plan attached as Exhibit E. He recalled a previous case where the Zoning Board of Appeals approved a site plan as part of

a Conditional Use Permit. A nearby neighbor became very upset after the landscaping was installed because the landscaping differed somewhat from the approved plan in terms of the number and location of trees and shrubs. On the new Mervis site plan, maybe half of the trees shown would be on the neighboring properties across property lines. He recommended that the Plan Commission do one of two things. First, they could specify in their motion that the site plan in terms of landscaping is an illustrative drawing and that the petitioner must meet the landscape buffering requirements in the Zoning Ordinance. Second, the Plan Commission could ask that the petitioner submit a new site plan for City Council approval showing exactly the number and location of landscaping.

Chair Pollock commented that since the plan shows plantings in excess of what is required by the Zoning Ordinance that the Plan Commission simply commont that it is an illustration of possibilities or that the petitioner submit a plan that does not show plantings across the property boundary lines. Mr. Myers commented that he didn't want the petitioners to obligate themselves to something that could be onerous or impossible to do.

Mr. Hopkins feels that Condition #3 should be explicit that any landscape plan provided is for illustrative purposes only. In this context, he did not see any reason to be using a particular landscape plan as a requirement of the Special Use Permit. The aspirations of this project are such that the kind of landscape plan being presented now we would not want to hold them to because they will get additional advice as this project goes forward. He believes the landscape plans will be better than what is being proposed.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2093-SU-08 to the Urbana City Council with a recommendation for approval along with the five conditions as recommended by City staff and with the amendment to Condition #3 that *"any landscape plans presented are for illustrative purposes only"*. Ms. Stake seconded the motion.

Mr. Grosser stated that he was really happy to see this and feels it will be a great addition to the City of Urbana. Many of these types of materials end up in landfills. Again, he appreciates the level of detail in the petitioners' presentation. He feels it would be in a great location that is appropriately zoned. It is also located near Interstate 74, which makes it easier for people in the City of Champaign to access as well.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case will go to the City Council on February 2, 2009.

8. NEW BUSINESS

CCZBA-635-AM-08: Request by Country Arbors Nursery, Inc. to amend the Champaign County Zoning Map from AG-1, Agriculture District, to AG-2, Agriculture District, for a 41.5 acre tract of land located at 1742 County Road, 1400 North.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She described the subject property noting the existing zoning of the proposed site and of the surrounding area. She discussed the designation of the subject property on the Future Land Use Map. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning case. She read the options of the Plan Commission and presented City staff's recommendation.

With no questions from the Plan Commission for City staff, Chair Pollock opened the case up to hear input from the public audience. With none, he opened the agenda item up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Case No. CCZBA-635-AM-08 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion to defeat a resolution of protest was approved by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- The Lincoln-Busey Design Overlay District and Design Review Guidelines were approved by the City Council on Tuesday, January 20, 2009.
- The Zoning Ordinance was republished and distributed. The Plan Commission members should all have received a copy.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **February 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, Don White
MEMBERS EXCUSED:	Jane Burris, Michael Pollock, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Liila Bagby, Gail Barman, Kyle Clapper, Katie Cowlin, Julia Crowley, Ayesha Johns, Katie Keller, Vicki Kesman, Daniel Lima, Sarah Scott, Edward Tsery, Feng Wang, Jack Washington, Jackie Wilkoz

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present with all members present.

NOTE: Ms. Stake moved that Ben Grosser serve as Acting Chair in the absence of Michael Pollock. Mr. Fitch seconded the motion. The Plan Commission agreed by acclamation.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the January 22, 2009 meeting as presented. Mr. Hopkins seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Planning Commissioners Journal – Winter 2009
- Planning Commissioners Journal – Taking a Closer Look – Design & Aesthetics
- Planning Commissioners Journal – Taking a Closer Look – Ethics & the Planning Commission
- Planning Commissioners Journal – Taking a Closer Look – Food, Farmland & Open Space

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He provided a background on the City's regulation of lighting. He cited other nearby cities currently having lighting ordinances and about the benefits of having regulations in place, including security. He discussed energy conservation by directing light where it is needed, lighting context, and light levels. He explained how the proposed ordinance relates to the 2005 Comprehensive Plan. He further discussed the proposed text amendment by reviewing the purpose of the amendment, definitions, applicability, requirements and lighting exceptions. He read the options of the Plan Commission and presented staffs' recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed lighting standards text amendment to the Zoning Ordinance in its entirety.*

Mr. Fitch asked why City staff chose to take the approach of only allowing 33% of the lighting fixtures to be left on after hours rather than lowering light levels altogether. Mr. Engstrom responded by saying that after looking examples of other ordinances, he found that the cities regulate this in different ways, but most of them regulate using the fixture level because it is easier to count the number of lights that are turned on rather than trying to determine the level of a light.

Mr. Fitch asked if a business left the brightest lights on, how would the City deal with this? Mr. Engstrom explained that all lights, including security lights, will be subject to the light trespass limits.

Mr. Fitch inquired about the provision that states, *"Average initial light levels at ground level shall not exceed one foot-candle in residential zoning districts..."*. Does this apply to R-4 Zoning Districts and higher? Mr. Engstrom replied that it applies to usages of multi-family residential, not just the zoning districts.

Mr. Fitch questioned how a person would figure an AVERAGE of one foot-candle. How can you measure the average of a site with a light meter? Mr. Engstrom stated that the only way to

determine light averages is using a computer model. This would be something that the City would require the developers to submit with their site and construction plans.

Ms. Stake inquired as to why City staff would only require businesses to comply on a "complaint basis." Mr. Engstrom pointed out that to proactively inspect for violations, City staff would have to work at night and drive around to look for violations. The City doesn't have that capability.

Mr. Grosser wondered if there would be a device used to measure light levels at a particular point. Mr. Engstrom said yes. City staff has a device that measures light levels in foot-candles.

Mr. Grosser questioned if City staff had considered requiring flag lighting to go off at dusk. Mr. Engstrom explained that it is an accepted practice with the American flag (and possibly with the state flag) that if the flag is not taken down at night, then it needs to be lit.

Mr. Grosser commented that the exception for lighting in single-family residential appears to be primarily concerned with street lighting in areas where there is not currently any street lighting. However, it seems to him that some of the purpose of the proposed text amendment is to avoid light pollution. A large portion of the City is taken up by single-family residential. So, did City staff consider extending the proposed text amendment to the rest of single-family residential lighting? Mr. Engstrom responded that after much discussion, City staff determined that it would be unrealistic to require a lighting plan for outdoor home light fixtures, and practically impossible to enforce.

Robert Myers, Planning Manager, asked how do we make single-family homeowners turn in lighting plans? Many times developers leave it up to the future homebuyers to choose where they would like their homes to be constructed on lots in new single-family subdivisions, which affects where the lighting would be placed. Many home lighting fixtures are put in a single-family home after the development and building plans have been reviewed.

He stated that the proposed text amendment does not pertain to existing development except for nuisance lighting. It really pertains to new commercial, industrial and multi-family development. It would be too complicated and impractical to require it for single-family residential as well.

Ms. Stake asked why the ordinance is written to not take affect until July 2009. Mr. Engstrom responded that there are many projects in the pipeline. The developers of these projects probably already have the lights ordered. Since the development review process is long, it is basically to help ease builders into the new requirements.

With no further questions for City staff from the Plan Commission, Acting Chair Grosser opened the hearing up for public input and testimony. With none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins expressed his concern about the following:

- Section C: The structuring of the Applicability section should be reorganized. It should begin with a general statement and then list the exceptions. The statement that "everyone must submit a lighting plan" should be mentioned under Section D – Requirements.
- When staff talked about using nuisance to enforce one of the examples Mr. Myers gave, was it general nuisance? Was it the notion of nuisance as common law, independent of whether something is in an ordinance or is there a nuisance ordinance that the City has in which there is explicit discussion of lighting? There are references in the proposed text amendment that refers to a rule or common law that he believes can already be enforced. If they are going to rely on the Zoning Ordinance to enforce the lighting regulations, then they need to be specific about what constitutes an exception and what does not. It should also be clear that the proposed text amendment does not in any way undermine a citizen's ability to bring a nuisance complaint about lighting.
- He expressed his concern about the number of fixtures as a way to measure the amount of after hours lighting. He understands that it is easier to count the number of fixtures that are left on. It might make more sense to dim all of the lighting fixtures. Otherwise, the City will be making it necessary for a business to not light all of their property or to light it less uniformly. For security purposes, a business owner would want to do the opposite. Given that this only applies at the building permit stage for commercial and multi-family residential, the calculation of the level of lighting would be on the applicant.
- Section E.4 and E.5 are contradictory and confusing in that the proposed text amendment says one thing and the exceptions listed in the text amendment imply another.
- Regarding Section E.6, he looked up the definition of a "flag" in the Zoning Ordinance. The definition is "any banner held on one side to a pole", which is a physical definition and not a content definition. So, he could have a flag/sign saying anything as big as he wants and he can light it in any way that he wants without restriction. This creates a problem. Mr. Myers stated that the sign ordinance avoids a content basis for regulation, and if they try to define a "flag" as something particular such as the American flag, then we would be regulating content. He mentioned that this same issue has been all the way to the Supreme Court. A land use law expert at Washington University advised City staff to avoid defining the content of a flag. With regards to the size of a flag, the City would be entering slippery territory legally. Mr. Hopkins stated that a couple of ways to approach this would be either to not mention it in the proposed ordinance and the other would be to put it in a list which are subject only to the general nuisance principles of lighting.
- Under Section E.8, he did not understand why ATMs are an exception. Mr. Engstrom explained that an area lighting professional had told him that there are very specific rules for ATMs. ATMs are required to have brighter light levels and even more specific uniformity ratios. City staff felt that they should go by what is in the guidebook and not make ATMs subject to the general provisions. Mr. Hopkins suggested that they word it differently to clarify that lighting standards do apply to ATMs, but that they are required to follow a specific guideline.

Mr. Grosser wondered if there is a definition for "other high risk areas". Mr. Engstrom said the ordinance doesn't define that.

Mr. Grosser asked Mr. Hopkins to clarify his concerns on Section D.2. Was Mr. Hopkins suggesting that staff remove the word "nuisance" from the sentence? He feels that single-family residents should be able to question a light that they see as a nuisance, and the Zoning Ordinance should address this. Mr. Hopkins stated that he believes it is important not to impose the building permit review process on single-family and duplex residential uses. In that sense, the bulk of the proposed ordinance does not apply. However, it goes back to a general principle that exceptions to the ordinance do not change the responsibility to avoid nuisance lighting situations. In other words, the ordinance does not enable or make it permissible to create a nuisance just because a single-family residence is an exception in the ordinance.

Mr. White commented that since the proposed ordinance applies primarily to new business construction, he believed it might be to the City's advantage to have a lighting ordinance that deals primarily with nuisances in residential areas. It should emphasize what outdoor lighting should do, even existing outdoor lighting.

Also, he never understood how one would define a "nuisance". What might be a nuisance to him might not be a nuisance to someone else. However, including language about foot-candles and distance in a Lighting Nuisance Ordinance would be helpful. He realizes that what he is suggesting is different the proposed Lighting Ordinance, and he does not know if the two could be in the same ordinance.

Mr. Fitch agreed that a Lighting Nuisance Ordinance would be helpful. He wondered what would happen if a business or multi-family structure is in fundamental compliance with the proposed ordinance and someone still deems it a nuisance, then what happens? Would they go to court? Should there be language in the proposed ordinance that there is a presumption against nuisance? Mr. Hopkins stated that this is precisely the issue. Mr. White commented that most nuisance complaints come after construction. Many probably even come after a light bulb has been changed. Mr. Engstrom pointed out that the nuisance provisions in the proposed ordinance would be enforceable to any property, not just new construction.

Mr. White felt that the nuisance provisions should be removed from the proposed ordinance and put in a different ordinance of its own. Mr. Grosser mentioned that there is a Nuisance Ordinance in the City Code, but not in the Zoning Ordinance or being proposed as part of the text amendment before them.

Mr. Myers added that the existing Zoning Ordinance requirements for nuisance lighting pertains just to parking lot lighting. Second, Mr. Myers commented that it is hard to create a measurable standard for every potential situation. It would be preferable in some ways to have numerical standards for light trespass, rather than a reference to nuisance lighting, but a reference to nuisance is still necessary to catch situations which might otherwise fall through the cracks using just numerical standards.

Mr. White felt that "light trespass" was clearly defined in terms of foot-candles and distance from the property lines. Mr. Engstrom stated that a light that may be a nuisance to one person might have a lower level and might actually be allowed under the trespass requirements. Mr.

White believes that "light trespass" is one way to solve some of the problems; although it will not solve all of the problems.

Mr. Grosser remarked that he agrees with Mr. White and Mr. Fitch in that something more specific be created for residential areas. He also acknowledged that the Comprehensive Plan directive was specific to commercial uses.

Mr. Myers agreed having a section for lighting nuisances would clarify things for the average person trying to read the Zoning Ordinance and help them understand how it applies and where.

Mr. White commented that it would help define a nuisance of a lighting trespass if they included a table stating the maximum number of foot-candles and distance from the property line. He realizes that they cannot define all nuisances.

Ms. Stake stated that she is really happy to see the Plan Commission take the time to discuss the proposed text amendment. It seems more and more complicated the more they talk about it. She agreed that they need to think about lighting standards for residential as well.

Acting Chair Grosser continued the case to the next scheduled meeting.

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

Mr. Myers reported on the following:

- Mervis Recycling Special Use Permit was approved by the City Council on Monday, February 2, 2009.

11. STUDY SESSION

St. Mary's Road Corridor Plan

Robert Myers, Planning Manager, presented a brief study session on the St. Mary's Road Corridor Plan. He discussed the following topics:

- Study Area
- Study Purpose
- Study Steering Committee
- Study Goals & Objectives
- Existing Conditions Analysis
  - Land Use and Development Findings
  - Transportation Findings
- Public Involvement
- Future Conditions Analysis
- Final Transportation Improvement Projects in Urbana
- Additional Transportation Improvements Projects
  - Near Term Improvements
  - Improvements by 2015
  - Improvements by 2025
  - Improvements by 2035
- Where Are We Now?

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **February 19, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Tyler Fitch
STAFF PRESENT:	Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Liila Bagby, Brian Craine, Justin Gholson, Andrew Fulton, Victor Johnson, Michael Kinate, Georgia Morgan, Phillip Newmark, Danielle Ross, Steve Ross, Bob Stewart, Susan Taylor, Janet Torres, Joshua Vonk, Jack Washington, Trars Wilkinson

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

City staff requested the following:

- Continue Plan Case No. 2081-T-08 to the next Plan Commission meeting scheduled for March 5, 2009.
- Move Plan Case No. 2100-PUD-09 under New Public Hearings to be heard first.

The Plan Commission agreed to the changes.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the February 5, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Letter from William Gray regarding Plan Case No. 2100-PUD-09
- Comments from Dannie Otto regarding Plan Case No. 2097-T-09 (Garage Setback) and Plan Case No. 2098-T-09 (MOR Design Review)

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

This case was continued to the next meeting scheduled for March 5, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2100-PUD-09: A request by the Nabor House Fraternity for approval of a Preliminary Development Plan for the Nabor House Fraternity Planned Unit Development (PUD) located at 1002 South Lincoln Avenue, zoned R-7 – University Residential, and 805 West Iowa Street, zoned R-3 – Single and Two-Family Residential.

Lisa Karcher, Planner II, gave the staff report on this case to the Plan Commission. She gave a description of the proposed site as well as for the surrounding adjacent properties noting their current zoning and land uses. She discussed the applicability of the proposed planned unit development (PUD) to Section XIII-3 of the Urbana Zoning Ordinance, which outlines the requirements for a PUD. Referring to Exhibits D and E, she talked about the existing structure and what the Nabor House Fraternity is proposing to develop. She pointed out that the two existing driveways would be removed and a new curb cut is being proposed further from Lincoln Avenue into the proposed new parking lot. She mentioned that there is a letter from William Gray, City Engineer, concerning traffic safety along Iowa Street, which was handed out prior to the start of the meeting.

Ms. Karcher talked about the goals outlined in Section XIII-3.C of the Urbana Zoning Ordinance and how the proposed PUD is generally consistent with the 2005 Comprehensive Plan. She stated the permitted uses that are listed in Section XIII-3.M of the Urbana Zoning Ordinance and talked about the minimum developments standards and noted the recommended design features. She summarized staffs' findings and read the options of the Plan Commission. She presented staffs' recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan commission recommend approval of the proposed Preliminary Development Plan to the City Council with the approval of the following waivers:*

1. *Maximum height of 37 feet for a principal structure.*
2. *Floor area ratio of 0.66.*

Mr. Grosser asked for clarification regarding whether or not a dormitory would be allowed to be built at 805 West Iowa Street without the PUD classification. Ms. Karcher said no, it would not be allowed.

Ms. Stake wondered if 805 West Iowa Street was still zoned R-3, Single and Two-Family Residential. Ms. Karcher said yes. The underlying zoning will remain R-3. The PUD will just cover the development of the proposed site.

With no further questions from the Plan Commission members for City staff, Chair Pollock opened the hearing up for public input.

Bob Stewart and Michael Kinate, President and Vice-President, respectively, of the Nabor House Fraternity Board, approached the Plan Commission to present their plans and to answer any questions and/or address any concerns. Mr. Stewart talked about the fraternity, which is a cooperative fraternity where the tenants manage the house and perform all of the cooking and cleaning jobs themselves. He, then, gave a brief background on the history of the fraternity and the house.

Mr. Kinate continued the presentation by talking about the history of the fraternity for the past ten years. In 2005, the Board hired Gary Olsen to perform a study of the house to see if it would be feasible to remodel the existing fraternity house. The bottom line of the study is that there are over $500,000 worth of upgrades that would be needed just to bring it up to building code. Based on this study, the Board felt the best course would be to demolish the house that was located at 805 West Iowa Street and the existing fraternity house at 1002 South Lincoln Avenue and build a new fraternity facility that meets all of the current building codes and is energy efficient.

He explained that they need to use part of the 805 West Iowa Street property in order to construct a facility equal in size to the existing fraternity house. The current house is about 8,600 square feet. If they only built on 1002 South Lincoln Avenue, current City codes would only allow them to build a new facility up to 5,400 square feet.

Some of the advantages of building a new facility would be to have lower maintenance costs. They budget around $12,000 annually for maintenance, and he stated that they meet or exceed the budget amount each year. He listed the recent renovations that they have made to the existing facility. These include new carpeting ($10,000) in the main areas of the house and repairing a boiler unit ($4,000 - $5,000). They are looking into using geothermal heating and cooling systems, energy efficient appliances and green building materials in the new facility.

Ms. Upah-Bant wondered if the fraternity was planning to increase their number of residents once the new facility is built since they are planning to build enough rooms to house 48 people. Mr. Kinate replied that there has been some internal discussion about increasing the size of the house. The Board wants to make a small increase in the size of the proposed house from what

they currently have and maybe increase their membership by 2 or 3 people. They decided to ask for what the guidelines would allow and may actually build something smaller.

Ms. Upah-Bant wondered if they had a waiting list. Mr. Stewart responded that it is actually hard to find the type of people who live at the house. They are an agriculture-based fraternity which houses only men. There are more women going into Agriculture and fewer men. They are hoping with a better house, they will be able to fill it.

Ms. Stake asked if the Nabor House Fraternity had spoken with the neighbors. Mr. Kinate said yes. First, they met with their Council member, Charlie Smyth. Then, they met with the neighbors to show them the building plans and address any concerns they may have. The neighbors actually asked for the rain garden to help buffer the parking lot from the single-family neighborhood.

Ms. Stake asked if they would want to change the plans in the future once this is approved. Mr. Kinate explained that they want to have green space where the residents could throw a football around, etc. They really like the layout with the parking closer to the proposed fraternity house. Mr. Stewart understood that they would not be able to change the plans once they are approved without seeking further approval.

Ms. Stake commented that she will be sad to see the existing fraternity house demolished. Mr. Kinate replied that they hope to build another beautiful house to replace it. The existing structure is a great looking house, but it is an older facility that has been expanded over the years. There are a lot of mechanical issues and does not meet the current building codes.

Chair Pollock asked City staff if the petitioner would be able to make any changes if the proposed PUD was approved without further review. Ms. Karcher explained that they would not be able to make any major changes without further review. They would be allowed to make minor changes, but they would not be able to significantly reduce the approved open space setback, off-street parking, loading, etc.

Gary Olsen, architect for the proposed project, showed a slide show of the street front of every property along Lincoln Avenue from Green Street to Florida Avenue, of the proposed site, and of the properties that surround the existing Nabor House Fraternity. He talked about the proposed new facility. He talked about the types of materials and architectural style that would be used to construct the new facility.

He mentioned that they have been studying this project for almost three years and have met with the neighborhood three times after initially meeting with Councilmember Smyth. The Nabor House Fraternity incorporated all of the suggestions made by the neighbors and Mr. Smyth. They spoke with City staff in the Engineering Division to get input about the placement of the parking lot and driveway.

He stated that they plan to go with the larger building for now, but may come back in the final plans asking for a slightly smaller building. Initially the basement would be used for mechanical equipment, storage and laundromat for the residents. Over time, they would like to have some

social equipment, such as a large screen TV perhaps in the basement. They would not use the basement for bedroom space though.

Ms. Stake thanked Mr. Olsen for his presentation. Mr. Grosser thanked the Nabor House representatives for their extensive legwork of talking to the neighbors and to Mr. Smyth.

Mr. Grosser questioned whether they would be over the required Floor Area Ratio (FAR) if the basement was not counted. Mr. Olsen said no, they would not be over.

Mr. Grosser stated that it appears that the chimney encroaches into the setback, is this correct? Ms. Karcher explained that chimneys are allowed to encroach to a certain point. The roof overhang is allowed to encroach as well.

Mr. Olsen added that there are two frontages – one on Lincoln Avenue and the other on Iowa Street. So under the Zoning Ordinance they this project would typically have two front-yard setbacks. They want the new house to be set back the same as the existing house, so it will have a 25-foot setback off of Lincoln Avenue. Chimneys can encroach into setback anyway.

Mr. Kinate noted that they have been planning the new facility for about ten years. They have about 600 alumni. The alumnus has really supported them in this mission. They have been able to raise the money to purchase the property at 805 West Iowa Street and to pay off the mortgage of the property at 1002 South Lincoln Avenue. They currently are debt free. He stated that until they get the development plans approved and know that they can build, it is hard to ask the alumni to raise the substantial funds it will take to build a multi structure that will probably cost $2 million or more. They are hoping once they get approval from the City to start raising the funds and finalize the plans so they can start building in the next four years.

Chair Pollock wondered what would happen to the residents while this project is being built. Mr. Kinate said that the Board has talked about leasing another property for one year to house the current members. He recently spoke with Susan Frobish, who purchased an old fraternity house and remodeled it. Ms. Frobish has offered to rent it to the Nabor House Fraternity if the house is available.

Mr. Olsen talked about the timing of the project. He mentioned that demolition would take place after school would be over and the residents moved out. The project will take about 15 months from start to finish.

Robert Myers, Planning Manager, asked how many people currently sleep in one room. Mr. Kinate explained that there are two dorms. One dorm has 10 to 12 beds, and the other dorm has 24 to 26 beds. Mr. Myers stated that the only reason he asked is because a retroactive building code requirement to install sprinklers in all Urbana dormitories, fraternities and sororities currently lacking them. This is a cost that figured in renovating the existing facility. Mr. Stewart added that none of the mechanical equipment really works either. None of the existing facility is handicap accessible. The new fraternity house would have a full elevator that would be accessible from the basement to the third floor. It would be a fully ADA compliant fraternity house.

Mr. Myers pointed out another positive aspect of the plan, from City staff's perspective, is that two driveways would be combined into one. The new driveway would also be moved further away from the intersection at Lincoln Avenue and Iowa Street.

Ms. Stake wondered about the letter from Mr. Gray. Mr. Stewart stated that the letter confirms exactly what they have done. City staff now agrees with the location and safety of the driveway and parking lot.

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

Mr. White moved that the Plan Commission forward Plan Case No. 2100-PUD-09 to the City Council with a recommendation for approval along with the two waivers as suggested by City staff. Ms. Stake seconded the motion.

Chair Pollock commented that this is a picture perfect way of going about a project like this, especially when there is a lot of neighborhood interest. The Nabor House Fraternity has done a great job, which makes the Plan Commission's job much easier.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was approved. Mr. Myers noted that this case would go before City Council on March 2, 2009.

Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.

Rebecca Bird, Planner I, presented the staff report for the proposed text amendment. She explained that the proposed text amendment came from a previous variance case to allow the construction of a replacement garage to be less than 18 inches from the side-yard property line, which is the minimum required for a side-yard setback in the R-2, Single-Family, Zoning District. The variance was denied by the Zoning Board of Appeals. She mentioned two other variance cases similar to the first that were approved by the Urbana City Council.

Ms. Bird discussed how the proposed Zoning Ordinance text amendment relates to the goals and objectives of the 2005 Comprehensive Plan. She talked about the proposed text amendment and explained what it would allow. She referred to the two photos on the bottom of page 4 of the written staff report to show how garages have traditionally been constructed very near or on the property lines in three example blocks in different areas of the City. She pointed out some of the disadvantages that can occur (such as loss of usable yard space and the creation of an angle that

is difficult to maneuver between the existing driveway and the new garage) under the current standards.

She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the City Council.*

Ms. Stake inquired if a homeowner who currently has a single-car garage would be able to replace it with a two-car garage under the proposed changes. Ms. Bird responded that the justification for the proposed text amendment is to respect the traditional neighborhood pattern. So allowing a single-car garage to be replaced with a two-car garage wouldn't conform with that. In this case, the homeowner could still build a two-car garage, but they would need to construct it 18 inches from the property line.

Mr. White wondered if the proposed 6-inch setback for replacement garages would include the gutters. Ms. Bird said no, but it would include the overhang.

Mr. White asked if there would be an easement on the neighboring property to allow a person to perform maintenance on their garage. Ms. Bird replied that there would not be a formal easement, but in essence, this is what they do now. If a person has a garage on the property line, he or she has to maintain that side of the garage by being on their neighbor's property.

Ms. Upah-Bant questioned whether a property owner who does not currently have a garage would be allowed to have the same privilege of encroaching into the required side-yard setback. Ms. Bird explained that this addresses replacement garages because those were the cases that had come before the Zoning Board of Appeals. City staff did not discuss new garages on narrower lots.

Mr. Grosser asked for clarification in that the proposed text amendment does not require an existing garage to be six inches from the property line. Ms. Bird said that is correct. Mr. Grosser commented that it appears that some of the justification is due to the alignment of existing driveways. It would be costly to move the driveway over to align correctly with the new garage. However, if the existing garage is currently 18 inches from the property line, then everything would be aligned with the 18 inches. Ms. Bird clarified that City staff was thinking about a garage that is currently on the property line, then the property owner would have to move it away to 6 inches.

Mr. Grosser wondered if City staff thought about a case where an adjacent garage is 18 inches from the property line, and a neighboring property wants to build a new garage 6 inches from the property line. Ms. Bird explained that there would always be a minimum of two feet between the two buildings.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Phil Newmark, of 706 West Iowa Street, stated that the impetus for this Zoning Ordinance amendment was a variance application to rebuild his garage. His application did not get a super-majority vote from the Zoning Board of Appeals, which was required to pass his variance request. He appreciates the Plan Commission and City staff taking the time to look into the proposed text amendment. Because there are so many old garages placed on property lines, this really is an issue that City Council needs to deal with. He mentioned that he certainly is in favor of the proposed text amendment.

Georgia Morgan, of 804 West Nevada Street, stated that the walls of her garage and her neighbor's garage are only far enough apart that an opossum can fit, but not a human. If the wind knocked down the neighbor's garage, does the proposed text amendment mean that her neighbor would need to move their garage over? There is only one driveway. Ms. Bird answered by saying that the two garages would need to be two feet apart for building safety and fire reasons.

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

Mr. Hopkins suggested that City staff consider allowing zero lot line garages with a firewall. This would solve some problems that currently exist. Also, two feet between garages is not a good idea for maintenance reasons or for fighting a fire. It is basically a waste of space.

He also suggested that City staff add a condition that says this only applies to garages that are already less than 18 inches from the property line. The reason to do this is because there were three similar cases that the Zoning Board of Appeals treated inconsistently. Inconsistency is a reason to revise the Zoning Ordinance.

He questioned the language about the required two feet between garages. Ms. Bird explained that this has been rewritten a number of times and the word "existing" (garage) had been inadvertently removed. But the intent is that a property owner cannot rebuild an existing garage that is five feet from the property line to be 6 inches from the property line. That can easily be corrected.

Chair Pollock suggested that the Plan Commission continue this case to the next scheduled meeting so City staff can make wording changes and corrections. Mr. Hopkins suggested that City staff also look into the firewall solution and the concept about allowing zero-lot line common wall garages.

Chair Pollock summarized comments from Danny Otto. He then continued the case to the March 5th Plan Commission meeting.

Plan Case No. 2098-T-09: A request by the Zoning Administrator to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the MOR, Mixed-Office Residential Zoning District.

Rebecca Bird, Planner I, presented the proposed text amendment to the Plan Commission. She explained that the proposed text amendment was requested by both the Zoning Board of Appeals and the Mayor following administrative approvals of a project in the MOR, Mixed-Office Residential Zoning District last spring. She reviewed the proposed changes to Section V-8.B and Section V-8.C of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Urbana Zoning Ordinance.*

Mr. Grosser asked for clarification on Section V-8.B.3 regarding installing or enlarging a parking lot. This is only considered in the case of a change in the principle structure on the lot, correct? Ms. Bird said yes.

Ms. Stake is concerned that there is not a definition for "minor" or "major" work. Ms. Bird stated that the existing criteria to determine whether or not a project goes to the Zoning Administrator or to the Board for review is whether or not the project would substantially change the building's appearance and/or scale. This is being clarified by adding three concrete criteria, any one of which would trigger design review by the MOR DRB. For the fourth (current) criteria, staff added in language that the Chair of the Board and the Zoning Administrator together will make the determination as to whether there would be a substantial change or not.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing to listen to public input.

Georgia Morgan, 804 West Nevada Street, urged the Plan Commission to strengthen the Zoning Ordinance by approving the proposed text amendment.

Steve Ross, 609 West Green Street, felt the proposed changes are definite improvements in making projects more quantitative rather than qualitative. The criteria listed in Section V-8.B.1-3 would have caught the project at 601 West Green Street and will catch most of the future adaptive reuse projects.

Chair Pollock summarized comments provided in writing by Danny Otto.

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

Ms. Stake commented that she still does not feel that the proposed text amendment will do the job that they want to achieve. We still need definitions for "major" and "minor". Also, the

proposed text amendment does not say how many variances a property owner could have. It is not written as clearly as it should be. She asked if the neighbors would be notified when a redevelopment case goes before the MOR Development Review Board. Ms. Bird said yes. Any public hearing has to follow the notification process, so any case that goes before the MOR Development Review Board will be required to notify the neighbors.

Ms. Stake inquired as to whether there would be conditions included in the proposed text amendment that requires shade tree planting. Ms. Bird explained that the language in Section VIII-3. Design and Specifications of Off-Street Parking already exists and that City staff is not proposing any changes to it.

Robert Myers, Planning Manager, noted that under the current ordinance, the Zoning Administrator is allowed to grant some minor variances. Under the proposed ordinance, the Zoning Administrator could no longer do this. Only the MOR Development Review Board could do so. That's a major difference between the existing and proposed ordinances.

Ms. Stake wondered if there were a maximum number of variances. Mr. Myers replied that, for example, there are no limits on the maximum number of variances for projects going before the Zoning Board of Appeals. A petitioner has to justify approval of any variance requests.

Mr. Myers commented that everyone says they want infill development, but actually it can be quite difficult. There are layers of rules and approvals needed. The idea behind allowing the MOR Development Review Board to review variance requests pertaining to infill development is to combine the two processes into one and to prevent a petitioner from having to go before both the Zoning Board of Appeals for small variances and before the MOR Development Review Board for design review approval. The City is trying to strike a balance between assurances for what will be built and being so burdensome that we drive infill development away. Ms. Stake stated that she is mainly concerned with the preservation of neighborhoods. One of the problems we have is with the neighbors. The City is not considering the neighborhoods in some of the developments that are being proposed.

Mr. Hopkins asked for clarification about who can grant variances. Ms. Bird explained that the MOR Development Review Board will be able to grant variances pertaining to future developments in the MOR Zoning District. The Zoning Administrator will no longer be permitted to grant variances if the proposed text amendment is approved. Mr. Myers pointed out that the triggers in Section V-8.B. are really about who determines if a redevelopment plan meets the design review standards. Both the Zoning Administrator and the MOR Development Review Board will use the same design guidelines to review projects.

Ms. Burris expressed her concern about what would constitute a maintenance repair that would need to be brought before the Board versus what the Zoning Administrator would review. It currently sounds like everything would go before the Board. As a result she is trying to understand what the Zoning Administrator's responsibility would be. Ms. Bird gave the example of someone wanting to replace a window. If the repair required a building permit, then the Zoning Administrator would determine whether under any of the criteria listed in Section V-8.B. the MOR Board would need to review the application. Just a replacement window would probably only need to be reviewed by the Zoning Administrator. Actually if no structural

changes were made in a repair, then a building permit would not be required and there would be no review process.

Ms. Stake inquired about the difference between the MOR Development Review Board and the Design Review Board. Ms. Bird explained that the Design Review Board reviews designs of development in the Lincoln-Busey Corridor and perhaps other future overlay districts. The MOR Development Review Board reviews designs of development only in the MOR Zoning District.

Mr. White moved that the Plan Commission forward Plan Case No. 2098-T-09 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

Mr. Grosser remarked that he appreciates the changes and the work that City staff has done on this. In some cases, it is a little treacherous territory to try to create conditions based on a single case, but he feels the addition of the fourth criteria will serve as a catch-all.

Ms. Upah-Bant wondered whether the ordinance shouldn't just state outright that the Zoning Administrator doesn't have the power grant variances. Why does the language need to be so oblique? Ms. Bird responded that the Zoning Administrator was only able to grant variances because of a special permission allowed by the Zoning Ordinance. By removing that language, the Zoning Administrator will no longer have that authority.

Chair Pollock noted that there was a comment made that in looking at the proposed text amendment, they are not considering the well being of the neighborhoods. He feels this comment is completely wrong. In fact, they are considering the neighborhoods first and foremost because there was a case where things did not go as the City thought they would have because there were holes in what the City had created. It had not been tested and never been used. City staff did a great job in identifying the problems with the previous text amendment and bringing forth another text amendment to fill those holes to make sure the neighborhoods are protected without being onerous in terms of homeowners do small jobs and maintenance on their homes. The proposed text amendment does substantially limit the ability of the Zoning Administrator to make some of these decisions.

Ms. Stake still felt concern about the ambiguity of the proposed text amendment. 15% is a rather big change. However, she will vote in favor of the proposed text amendment.

Roll call on the motion was taken and was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Hopkins	-	Yes	Mr. Grosser	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on March 2nd.

8. NEW BUSINESS

Case No. CCZBA-611-AM-08: A request by Casey's Retail Company to amend the Champaign County Zoning Map from R-5, Manufactured Home Park to B-4, General Business for a 1.04 acre tract of land located at 2218 East University Avenue.

Rebecca Bird, Planner I, presented this case to the Plan Commission. She began with a brief explanation for the rezoning request. She gave a description of the proposed site and of the surrounding properties noting their current zoning and existing land uses. She talked about the County R-5, Manufactured Home Park, and the County B-4, General Business, Zoning Districts. She discussed how the proposed rezoning would relate to the City of Urbana's 2005 Comprehensive Plan and how it pertains to the La Salle National Bank criteria. She reviewed the Plan Commission's options and presented staff's recommendation, which is as follows:

> *Based upon the findings in the written staff report, staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.*

Ms. Stake questioned why the City is not annexing the property into Urbana's city limits. Ms. Bird answered that the proposed site is not contiguous to the City's boundaries.

Ms. Stake inquired about the issue with screening. Ms. Bird explained that the owners of the single-family house to the north went to the County Zoning Board of Appeals meeting and expressed their concern about screening and about the layout of store. Casey's Retail Company pointed out in that meeting that because this is just a rezoning case and they were not asking for site plan approval, they were just providing a standard site layout. They had not yet fit their standard layout to the proposed site.

With no further questions from the Plan Commission for City staff and with no comments or questions from the members of the audience, Chair Pollock opened the public hearing up for Plan Commission debate and/or motion(s).

Mr. White moved that the Plan Commission forward Case No. CCZBA-611-AM-08 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion.

Mr. Hopkins encouraged City staff to point out to the County Zoning Board of Appeals that they cannot consider a site plan when making a rezoning decision. Also, City staff should take advantage of the opportunities to demonstrate to the single-family homeowner to the north the benefits of annexation. For example, the City's buffering requirements will go into play because of the annexation agreement. There are benefits to having planning services by being part of the City of Urbana. This is an area we would like to annex, and he believes we should take every opportunity we can to advertise our benefits.

Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes
Mr. Grosser	-	Yes			

The motion was passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Judge Webber Park and Weaver Park Annexation Petitions will be reviewed by the City Council on Monday, February 23, 2009 at the Committee of the Whole meeting.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **March 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Ben Grosser, Lew Hopkins, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Justin Gholson, Vicki Kesman, Diana Martinez, Sergio Mendoza, Danielle Ross, Terry Scudieri, Susan Taylor, Zach Woolard

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the February 19, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

Jeff Engstrom, Planner I, updated the Plan Commission. He talked about the changes City staff made to the proposed text amendment since first introducing it to the Plan Commission on February 5, 2009. He said that following the previous meeting, City staff presented the draft ordinance to local developers and engineers at the City's Developers' Round Table Luncheon. He gave the staff recommendation, which was as follows:

> *The Plan Commission forward the proposed Zoning Ordinance text amendment to the City Council with a recommendation for approval.*

Mr. Fitch raised a question about the wording of Section E.1 on Page 4 of Exhibit A. It reads, *"Lighting plans shall not be required for the installation or replacement of three fixtures or less than 20 percent of the existing fixtures."* He then asked if staff intended for it to be the lesser of three fixtures or 20%. If it is three fixtures or 20%, then the only way they would exceed 20% would be if there were 12 total fixtures. Four fixtures would be 25%. He suggested that City staff work on this language a little more. Mr. Engstrom explained that City staff intended for it to mean fewer than three fixtures. He will correct the wording.

Chair Pollock wondered what the remedies are for when someone does something that they are not suppose to do. Mr. Engstrom replied that it depends on the violation. Chair Pollock gave the example of someone putting up lights and not shielding them from the residential lots nearby. Mr. Engstrom responded that the City has the ability to order the developer/business owner to install shields after a light is installed. Robert Myers, Planning Manager, added that this would be a violation of the Zoning Ordinance and would be pursued like other violations. He recently encountered a similar issue with the lights in the Meijer store parking lot. City staff asked Meijers to correct several light fixtures which created a nuisance for adjoining residents. They replaced and shielded the fixtures. However, the current Zoning Ordinance standards for lighting are vague and inadequate.

Chair Pollock inquired as to what kind of comments they received at the Developer's Round Table Luncheon. Mr. Engstrom noted that there were two comments. The first comment was about the need to have flexibility in lighting standards for the aged. The second comment was about projects that have already been started. The proposed ordinance takes both of these issues into account.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input. There was none, so Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2081-T-08 to the Urbana City Council with a recommendation for approval contingent on staff revising the language in

Section E.1 to reflect what was previously discussed. Ms. Burris seconded the motion. Roll call was taken on the motion and was as follows:

Mr. White	-	Yes	Ms. Burris	-	Yes
Mr. Fitch	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that the case will go before the City Council on March 16, 2009.

Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.

Rebecca Bird, Planner I, updated the Plan Commission on this case. She pointed out the changes made to the proposed text amendment since their previous meeting. She presented City staff's recommendation, which was as follows:

> *Based on the evidence presented in the February 13, 2009 staff memorandum to the Plan Commission, staff recommends that the Plan Commission forward Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.*

Ms. Stake asked about fireproof walls being mentioned in the text amendment language. Ms. Bird stated that fire resistant walls are covered under Section VI-5.B.9.b.3, which states, *"Replacement garages meet all applicable building codes."* She mentioned that she had spoken with the City's Building Inspector, Steve Cochran. Mr. Cochran explained that garages built close to the property line would have to be a wall constructed with Type X sheetrock on both sides of the wall. This would be checked on at the plan review stage.

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

Mr. White stated that the only thing that he does not like is that it would allow garages to be close enough to create a place for opossums and raccoons to live. He then moved that the Plan Commission forward Plan Case No. 2097-T-09 to the City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Ms. Stake also wondered about allowing such a small space between garages. Mr. White pointed out that there are some existing garages with very little space between them. He recommended that those property owners consider building attached garages to eliminate the space between the two. Chair Pollock commented that they would save a lot of money by doing so. He stated that City staff responded nicely to the concerns and suggestions of the Plan Commission at a previous meeting.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before the City Council on March 16, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Plan Case No. 2099-M-09: Annual Update of the Official Zoning Map

Robert Myers, Planning Manager, provided a brief overview of the draft 2009 Zoning Map. He noted the map changes reflect a rezoning of about 160 properties in the Historic East Urbana Neighborhood. He presented staff's recommendation, which was as follows:

> *Staff recommends that the Urbana Plan Commission recommend approval of Plan Case No. 2099-M-09 to the Urbana City Council.*

There were no questions for City staff from the Plan Commission. There was no public input. Chair Pollock opened the agenda item up for Plan Commission discussion and/or motion(s).

Chair Pollock commented that he thoroughly reviewed the map and did not find one mistake.

Mr. White moved that the Plan Commission forward Plan Case No. 2099-M-09 to the City Council with a recommendation for approval. Ms. Burris seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers reported that this case would go before the City Council on March 16, 2009.

9. AUDIENCE PARTICIPATION

Mr. White acknowledged undergraduate students in the audience who were attending the Plan Commission meetings for a class at the University of Illinois. This is one of the shortest meetings that he can recall, and they would be welcome to return for a more typical meeting.

10. STAFF REPORT

2008 Plan Commission Annual Report

Robert Myers gave an overview of the 2009 annual report. He commented that it is helpful for the Plan Commission and others to have this report because it contains all the officially approved minutes and ordinances as a reference. Plan Commission packets received throughout the year typically include just drafts of all these documents. He briefly noted some of the major cases that the Plan Commission reviewed in 2008.

Mr. Myers then reported on the following:

- Nabor House Planned Unit Development was approved by the City Council on Monday, March 2, 2009.
- The MOR Text Amendment was approved by the City Council on Monday, March 2, 2009.
- Judge Webber Park and Weaver Park were both annexed into the City by the City Council on March 2, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A RESCHEDULED MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **March 26, 2009**

TIME: **7:30 P.M.**

PLACE: **Urbana City Building – Executive Conference Rooms A & B**
Second Floor
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Don White
MEMBERS EXCUSED:	Bernadine Stake, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Russell Arbuckle, Jeannie Covert, Christopher and Dolores Guest, SeoYeon Kim, Robert Lurvey, DJ and Jann Meyer, Gina Pagliuso, Chris Saunders, Mary Stevens, Chris Stohr, Nancy Westcott

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the March 5, 2009 meeting as presented. Mr. Fitch seconded the motion.

Mr. Fitch commented on second paragraph on page 2 where he talked about the mathematics of the percentages. He pointed out that his calculations were wrong. However, the minutes were transcribed accurately.

The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Communications received for Plan Case No. 2101-M-09:
- Letter from Jeannie Covert and Gina Pagliuso
- Letter from Edward Durkin and Susan F. Lafferty
- Letter from Robert Lurvey
- Email from Sara Metheny
- Letter from Mary Grace Stevens
- Letter from DJ and Jann Meyer
- Email from Mary Stuart

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2101-M-09: A request by MOJO Properties, LLC to rezone 708 South Vine Street from R-3, Single and Two-Family Residential, to R-4, Medium Density Multiple Family Residential.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief background and history of the proposed site. He noted that the lot has been vacant since 1980. He described the proposed development and the surrounding adjacent areas by noting their current zoning and land uses as well as the future zoning designations shown in the 2005 Comprehensive Plan. He discussed the difference in the floor area ratio and open space ratio requirements for both the R-3 and the R-4 zoning districts. He reviewed the La Salle National Bank court case criteria and how it pertains to the proposed rezoning case. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2101-M-09 to the Urbana City Council with a recommendation for approval.*

Mr. White inquired as to whether the property has actually been "for sale" since 1980. Mr. Engstrom responded that he doesn't know did not do a title search on the property so he is unsure of how many owners there have been.

Mr. Hopkins commented that the proposed site is no different from any other parcel development regarding sanitary sewer connection. The only circumstance in which a lateral line would already exist is if this would a replacement building. Mr. Engstrom said that this is true; however, in the older areas of town there are generally lateral lines in place. Robert Myers, Planning Manager, stated that to the best of staff's knowledge there are two sewer lines under the street in this block. One is an Urbana-Champaign Sanitary District (UCSD) interceptor sewer

line. Interceptor lines generally can't be tapped. The second line he believes is an 8-inch City line that has apparently collapsed about mid block. He noted that on the same side of the block as the proposed site, several homes are served by private sewer lines off the back that crosses neighboring properties. Mr. Hopkins said that these lines would be private lateral lines.

Chair Pollock asked if UCSD was responsible for bringing the line to the property line. Mr. Engstrom replied by that if the lateral line needs to be hooked up to the 8-inch line, then the property owner would be responsible for digging up the line to the street and hooking it up.

Chair Pollock wondered if the cost of digging up the line and connecting to the 8-inch sewer line would be the same for the proposed four two-bedroom townhouses as it would be for a duplex.

Mr. Hopkins asked if the 8-inch line has collapsed, then who would be responsible for it. Mr. Myers said he understands from the Public Works Director that it would be the City's responsibility to repair the sewer line itself but the property owner's responsibility to extend and connect a lateral line to it.

Mr. Fitch inquired as to whether the Public Works Department had an opinion about more traffic exiting onto Vine Street. Mr. Engstrom said that the Public Works Department was okay with the proposed development.

Mr. Fitch remarked that it appears on there was an alley that ends at Oregon Street. Does City staff know if the alley was ever vacated? Mr. Engstrom said he did not know.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input.

Chris Saunders, owner of the lot in question, mentioned that he purchased the property along with several other parcels. The previous owner did try to sell this particular parcel by itself for quite some time with no luck. He currently has had the property on the market for approximately three or four months now. He has not received any calls or been contacted by an interested party. He has it listed for $45,000 as a duplex lot.

If he is unsuccessful at selling the property, his goal is to get the maximum use out of the property. He has no desire to build a single-family home on the proposed site, because it would be cost prohibitive to do so. If he develops the lot as a duplex, then he would construct two four-bedroom duplexes, which is the same number of bedrooms as what he is proposing to build if the proposed rezoning request is approved.

The proposed development would cost about $500,000. It would be fairly upscale. The target market would be young professionals rather than students. However, if he builds two four-bedroom units, then he would probably target students, because he would need to fill the units with tenants. At this time, he is not sure if he would proceed with developing the site if the rezoning request is not approved.

Mr. Fitch asked if Mr. Saunders had considered a different building orientation. Mr. Saunders referred this question to his architect, Russ Arbuckle. Mr. Arbuckle replied that they tried laying

the development out in a number of ways, but the proposed orientation is the only way they could get it to work. Other design orientations would not allow them to have the appropriate number of parking spaces that are required.

Mr. Fitch inquired whether the alley in the back of the property is usable or not. Mr. Arbuckle displayed a copy of the original plat. It does not show an alley.

D.J. Meyer, 801 South Vine Street, stated that he has a friend who lives in a house next to an apartment building similar to the proposed plan and his friend has no privacy. In looking at the proposed plans, he sympathizes with the neighbors who live next door to the proposed site. His other concern is that although there is a proposed plan included in the packet of information, there is no guarantee that this is what will be built on the lot. Chair Pollock pointed out that the question for the Plan Commission and the City Council is whether the higher density zoning would be appropriate for the proposed site. They need to take into consideration what can be built on the site if they approve the rezoning request.

Mr. Meyer expressed his concern about the value of his property going down because of all of the surrounding apartment buildings. Another apartment building could add to this demise.

Jann Meyer, 801 South Vine Street, mentioned that they have lived in the area for 19 years. Over this period, she noted that she saw a "For Sale" sign posted on the property for about two years. Therefore, it has not been up for sale for 20 years. If it was, then no one knew about it. She and her husband have spent a lot of time and money converting their home from an apartment back into a single-family home. She does not consider apartment buildings to be part of the neighborhood. She believes that if the proposed rezoning is approved, then it will create a domino effect.

Jeannie Covert, 806 South Vine Street, said that she bought her house about a year ago. They are currently remodeling the interior of their house. She converted her home from a two-unit rental property back into a single-family home. She has noticed that there is an effort to turn more homes back into single-family homes. She mentioned that she owns rental properties and takes pride in being a good landlord by providing a safe, quiet environment for her tenants. She has looked at the homes for sale, including the property in question, in the immediate area and sees the work that needs to be done to improve the value of the neighborhood. She sees enough homes already built that need improvement and she does not understand the logic to develop the vacant lot into an upscale development.

Gina Paliuso, 806 South Vine Street, expressed her concern about the traffic along Vine Street in front of the site and the neighborhood is all single-family residences except for the one duplex. The neighbors take pride in their properties.

Dr. Christopher Guest, 707 South Urbana Avenue, lives directly behind the proposed lot. He pointed out that the proposed parking lot would overlook his back yard. He is not too excited about this. He loves living in the City of Urbana. He loves walking down to the Farmer's Market every Saturday when the weather is nice. Urbana has a small town feel and has quality. He picked the neighborhood he lives in due to the quality of the neighborhood. He stated that there is a lot of neighbor friction about the proposed rezoning, because the petitioner is trying to pack

four units into a lot that is designed for one or two units. It just does not work. He does not like the fact that the petitioner is using the excuse of it being too expensive to find and connect into the sewer line as a selling point on approving the rezoning request. He wants to keep the quality of the homes and of the people high in this particular area. By keeping it lighter residential density would help achieve this. A multi-unit building with medium density would affect the character of the neighborhood.

Chair Pollock inquired about the petition that Dr. Guest has. How many signatures are on the petition? Dr. Guest stated that there are 29 signatures on the petition of people living in the immediate area. Chair Pollock questioned how many of the homes adjacent to the proposed site are owner-occupied. Dr. Guest believes that all of the homes on parcels that abut the proposed site are owner-occupied. He went on to say that Urbana Avenue is not a busy street like Vine Street is. It is a lazy street because it does not hook up with anything else. Kids play in the street.

Nancy Westcott, 801 South Urbana Avenue, commented that Urbana Avenue is mostly single-family owner-occupied homes. The development of the duplex at 505 South Urbana Avenue gives her very little faith in redevelopment of vacant lots. The duplex was constructed from property line to property line with the garages adjacent to the street. It looks hideous next to the refurbished older home.

She fears that once there is a new apartment complex, when another property comes up for sale, then someone will buy it to redevelop it into an apartment complex. If the whole block becomes apartment complexes, then it will destroy the character of Urbana Avenue. It currently is a very quiet street. She is afraid that the character of the neighborhood will change dramatically.

Mary Stevens, 804 South Vine Street, mentioned that she has lived here since 1947. The neighborhood has always been a one-family residential neighborhood. College students living in the area does not appeal to her. The house to the north of her is a rental property now and she dreads summer coming, because the rental property is not kept up. She is against the proposed duplex development.

Robert Lurvey, 710 South Vine Street, pointed out that he lives immediately south of the proposed site. He rents out the downstairs of his home while he and his mother live in the upstairs. The property to the north of the proposed site was former owner-occupied condominiums. The owners have graduated from the University of Illinois and moved on. Hopefully, the next owners will be graduate students as well. He spoke with Mr. Saunders and believes that he operates in good faith. His concern is not with Mr. Saunder's project, but with using zoning as a blunt instrument. The sewer issue is hypothetical. No one knows what is happening with the sewer. To base a zoning decision on this reason would be improper. The LaSalle National Bank criteria only addresses the value of the proposed property and not that of the surrounding properties and the extent to which property values would be diminished. The development of 708 South Vine Street would definitely improve its own property value, but it may be hit or miss as to whether it would increase or decrease the value of his property of that of the property on the north side. He expressed concern about the notification process. Notification of this public hearing was sent to the owners of the property on the north side to that address and not to the owners mailing address, which is different.

Mr. Lurvey described the neighborhood as being duplexes to the south, single-family homes to west and commercial to the far north. If the City wants people to keep refurbishing the older homes, then they need to have a balance. If they keep allowing multi-family units to be built, then the balance will be shifted and the density goes higher and higher.

Mr. Meyer re-approached the Plan Commission to ask a question. He stated that there previously was a home on the proposed lot. Does anyone know whether the home was connected or not to the sewer system? Mr. Myers responded that City staff reviewed their records and had record of when the house was demolished. But their files don't show whether or not a sewer lateral was capped off or abandoned or if there was a septic tank.

Chair Pollock pointed out that regardless of who develops the lot, whether it is the current owner or someone who may buy and develop it in the future, there will have to be a sewer connection made. How does one go about finding if there is already a sewer line? Mr. Engstrom replied that the owner will have to dig where he thinks it might be until he finds it or discovers that there is no line.

Chris Stohr, of 405 East High Street, stated that he worked with the City of Urbana for a long time to preserve single-family homes in the Historic East Urbana Neighborhood Area. It is always discouraging to hear that someone wants to tear down an old house and replace it with an apartment building. Stretching the footprint of a building to the very limits of what is legally allowed and changing the way parking is for an apartment does a lot to bring down the value of the property. It discourages people from spending money on maintaining their own homes. These are some of the most valuable assets that people in this area have. He knows from experience, because he lives next door to an apartment that was built on a owner-occupied single-family lot. So, he hopes that the Plan Commission will listen to the neighbors and residents in the area.

Mr. Saunders re-approached the Plan Commission to speak. He thanked everyone for voicing their concerns. He reiterated that the property is for sale, and he would love to find a buyer for it. His concern is that he would not be requesting a rezoning if he wasn't asking to be able to develop a nicer project. He does not need permission to build a duplex. He can have eight bedrooms either way. However, what he is proposing to build is a lot nicer than a duplex. If he builds a duplex, it will be scaled down. He is not going to build a single-family home on the lot.

Chair Pollock asked if a duplex is constructed, wouldn't another option be for Mr. Saunders to construct a two-unit duplex? Mr. Saunders stated that is correct. He currently manages 706 South Vine Street which is a condo duplex.

Chair Pollock wondered if there would be a difference in terms of repaying the cost of the building between four two-bedroom units and two four-bedroom units. Mr. Saunders answered that there would be a difference in the tenant makeup. It would probably cost the same amount to build each one. The proposed vacant lot is currently costing him about $400 a month to maintain (property taxes, mowing, etc.). This is not the type of property that he looks to purchase and to develop. However, the property was included with a group of properties that he purchased. He now owns the property and he would like to do something with it. It does not

serve the neighborhood by sitting empty. The Urbana Park District is not going to buy it from him for a neighborhood park.

Mr. Grosser questioned if the proposed rezoning is not approved, will Mr. Saunders do something with the property? Mr. Saunders said that he could sit on the property for a long time but would rather not do so. There is a cost involved in keeping a property empty. It is bringing in no income and costing him money. If he develops, he would develop it as a duplex. It would not be as nice as the four-plex he wants to build. It would be a scaled down vinyl structure. Many people have commented that if the rezoning is approved, then he might construct some monstrous building. That is not true. There are a lot of limitations on what he could build in the R-4 Zoning District.

Mr. White commented he assumed it would cost a little more to build condos. Mr. Saunders said that the proposed project would be a $500,000 project. The four units would not be an income producer, and they would be something that he would sell off as owner-occupied housing to young couples, graduate students, etc.

Jeannie Covert re-approached the Plan Commission. She mentioned that they looked up MOJO Properties and found some properties that they manage. The properties are in despair and not well maintained. There is a garbage dumpster on the sidewalk on one of the properties with concrete all the way across the front of it.

Dr. Guest re-approached the Plan Commission. He recalled Mr. Saunders saying that if the proposed rezoning is not approved, then he will build lower quality duplexes. Chair Pollock explained that Mr. Saunders will still have to meet city building code requirements and fire safety requirements. Mr. White added that a developer uses different materials when constructing a building that they plan to sell versus a building that they plan to rent.

Mr. Stohr re-approached the Plan Commission. He recommended that when looking for the sewer line connection, they use extreme caution because if an uncapped sewer line was not taken care of properly, it could create a very big mess for the neighborhood.

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

Mr. Myers asked Dr. Guest if he planned on submitting his petition to the City this evening. He pointed out that in order to be a valid zoning protest, it would need to be submitted to the City Clerk's office and have the right number of signatures of adjoining property owners. Doing so would require a super majority vote of the City Council in order to pass the rezoning request.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2101-M-09 to the City Council with a recommendation for denial. Mr. Grosser seconded the motion. Discussion and comments on the motion followed.

Mr. Hopkins believes that the end question is how change will migrate. When he looks at the zoning map and he sees what is happening as was expressed by the neighborhood at this meeting, a change to higher density is not migrating in this area now. If the proposed rezoning is

approved, then the City would be making a statement that this block should change to higher density. It seems clear to him that the City does not want to make this statement.

Mr. White agrees with Mr. Hopkins, but the neighborhood has an opportunity for higher class owner-occupied condos or for duplexes that would probably not be owner-occupied. He doubts if anyone would build a single-family home on the proposed lot. Therefore, he is in favor of changing the zoning.

Ms. Burris stated that she is opposed to the rezoning request because she sees it as spot zoning. If the proposed rezoning is approved, then it will increase the likelihood that the properties to the left and to the right will change as well. If the block becomes multi-family residential, then it would take so much away from the character of the neighborhood.

Mr. Fitch said it is a close call for him. The balance is to preserve the character of the neighborhood while promoting infill development. It is a difficult thing to do. There is a lot to like about the proposal of condominiums in the neighborhood. He believes there is a place for this type of development but just not on this particular lot. North of Green Street would be ideal because it is already zoned R-4 and is located near downtown Urbana. It would be more beneficial there.

Mr. Grosser feels sympathetic to the neighbors' concerns. Regardless, he did not feel there is a compelling case to change the zoning regardless of who the developer is or what might be built on the proposed lot. It sounds like development is going to happen either way, so he does not feel that changing the zoning is necessary to allow for development of the lot.

Chair Pollock thanked the neighborhood for attending the meeting and voicing their concerns. The 2005 Comprehensive Plan that guides the Plan Commission's decision making is unclear about what type of residential the proposed lot should be. He believes that there is a place for this type of development, and he does not feel that the proposed lot is that place. By denying the proposed rezoning, they are not putting an unfair financial burden on the developer. Therefore, he supports the motion.

Mr. Fitch understood this is business. It is not a charity. The proposed vacant property is costing Mr. Saunders money. If Mr. Saunders should decide to build a duplex, he recommended that Mr. Saunders talk over his plans with City staff so that he can build something nice.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would be forwarded to the City Council on April 6, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers then reported on the following:

- The Garage Replacement Text Amendment was approved by the Urbana City Council.
- The Official Zoning Map Annual Update was approved by the Urbana City Council.
- The Lighting Standards Text Amendment was forwarded to the Committee of the Whole for further discussion.
- Upcoming Plan Cases - Two rezoning cases and a Sign Code Text Amendment for the Plan Commission meeting on April 9th

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **April 9, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Lew Hopkins
STAFF PRESENT:	Lisa Karcher, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT:	Abagail Berman, Julia Crowley, Clive Follmer, Steve Happ, Kahl Kelle, Terrence Scudieri, David Sorensen, Susan Taylor, Laurel Wilson

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the March 26, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2102-M-09: A request by Steve Happ to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She began by describing the proposed site and the surrounding adjacent properties noting their current zoning, as well as current and Comprehensive Plan land use designations. She discussed how the proposed rezoning relates to the goals and objectives of the 2005 Comprehensive Plan and to the goals and policies of the Philo Road Action Plan. She reviewed the LaSalle National Bank criteria that pertain to the rezoning request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2102-M-09 to the Urbana City Council with a recommendation for approval.*

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Steve Happ, petitioner, stated that he does not have any particular uses in mind at the present time for the two properties. He only wants to make the properties more marketable to get his vacant property reused. Carle was a tenant for a long time, and they were a very good tenant. However, they moved out after constructing a new building of their own.

Chair Pollock wondered if this case and the next case are part of a land assembly program of any kind. Mr. Happ said no. Although the petitioner of the next case (Plan Case No. 2103-M-09) is in the same situation as him, their applications are separate. Ms. Karcher explained that Mr. Happ submitted his petition for rezoning. City staff previously had conversations with Clive Follmer, the petitioner of the next case, regarding what uses could be in his building. So, when Mr. Happ submitted his petition for rezoning, City staff contacted Mr. Follmer and asked if he would be interested in rezoning his properties at this time.

Ms. Upah-Bant mentioned that she has a problem with an adult bookstore use being allowed in this area. Is there anyway that they could take a zoning category and make an exception in it? Ms. Karcher said no. However, there are specific regulations that pertain to adult business uses.

They cannot be within 200 feet of any residential zoning district. So, adult business uses would not be allowed on these properties as they back up to a residential zoning district.

Chair Pollock suggested that the City change adult business uses to require special or conditional use permits. Since this issue comes up regularly, he felt this might be one way to give some additional protection. Ms. Karcher replied that this is possible. It would have to be a decision to change what is allowed in the zoning district. The Plan Condition could not do it as a condition of the approval of the rezoning request.

Mr. White wondered if the Urbana News Bookstore on Cunningham Avenue is allowed. Ms. Karcher responded that there was a recent inquiry about where such uses could be. City staff drew a radius around the Urbana News Bookstore, and they found that there are enough commercial uses around it that is within 200 feet that it is allowed in its current location.

Ms. Karcher reviewed the regulations about adult entertainment uses. Chair Pollock asked if there were any regulations restricting adult entertainment uses to be located near schools. Ms. Karcher said no. However, schools are typically located in the zoning districts that cannot be within 200 feet of adult entertainment uses.

Clive Follmer, petitioner of the next case, mentioned that he owns the property next door to the proposed sites. He talked about the history of the proposed locations and of his two properties next door. He can see anyone's apprehension about some poor uses, but he cannot imagine anyone in their right mind with property ownership at these locations that would want to get into adult entertainment uses. These types of uses do not usually go where there is first class office space.

He stated that the City has done a great job in their work on Philo Road. There are many wonderful developments in Southeast Urbana. He has done $100,000 worth of improvements to his building on the corner of Philo Road and Colorado Avenue to get it ready for first class service. He has been involved in Urbana zoning and in promoting property development during all of his professional practice life in addition to being an attorney.

He believes that City staff has done a very good job in analyzing the issues for Mr. Happ and for himself. It makes sense for the proposed two properties to be zoned the same thing. A developer could very well come in and want to develop both properties as a single complex.

Mr. Follmer commented it is unrealistic to think that a B-3 use would be more of an aggravation to the apartment complexes behind the proposed two sites than what the apartment complexes are to any B-3 use that might lease the proposed two sites. The intensity and activities the apartments in this area makes things difficult. Therefore, he feels the area needs some first class development.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing to Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case 2102-M-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Grosser	-	Yes	Mr. Fitch	-	Yes

Ms. Karcher noted that this case would go before the City Council on Monday, April 20, 2009.

Plan Case No. 2103-M-09: A request by Clive Follmer to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business District to B-3, General Business District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. She explained the reason for the proposed rezoning request. She stated that most of the information is the same as the previous case (Plan Case 2102-M-09). The proposed rezoning is consistent with the 2005 Comprehensive Plan and with the zoning in the area. It is also consistent with the LaSalle National Bank criteria. City staff recommends the following:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval.*

With no questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Clive Follmer, petitioner, mentioned that Carle Clinic had rented part of his building for a prescription drive up for about ten years. He worked with Carle Clinic to get them to expand their southeast clinic either in an individual building or on the proposed sites. He feels they finally made the right decision, and it has turned out wonderful.

In the B-1, Neighborhood Business, Zoning District, there is 3,500 square foot size limitation for permitted uses. Any use over 3,500 square feet has to get approval of a special or conditional use permit. His building is about 4,500 to 5,000 square feet. Therefore, any business that leased his building would require a special or conditional use permit under the current zoning designation. With the proposed rezoning, it would make the decision for someone that is interested in leasing the building much easier.

He believes it is important for the City to show faith and confidence in the business judgment of investors. The City of Urbana has done a great job in encouraging development in southeast Urbana, and he would like to continue the work.

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

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Chair Pollock commented that it was interesting to hear someone who had an experience in which a property owner did not develop their property because of the restrictive nature of the B-1 Zoning District. It is very clear to him that the B-1 Zoning District is much too restrictive in the commercial district along Philo Road. He supports the motion.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Ms. Karcher pointed out that this case will go before the City Council on April 20, 2009.

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

This case was continued by City staff to the next regularly scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- Rezoning for 708 South Vine Street was denied by City Council.
- Upcoming Cases – Nabor House Final PUD, Sign Text Amendment and a Champaign County Text Amendment regarding Wind Turbines and Wind Farms.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **April 23, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Ben Grosser, Marilyn Upah-Bant
STAFF PRESENT:	Lisa Karcher, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT:	Michael Kinate, Gary Olsen, Anthony Pelihan, David Shier, Susan Taylor, Joshua Vouk

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

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

2. CHANGES TO THE AGENDA

City staff requested that Plan Case No. 2104-T-09 be continued until the next regularly scheduled meeting.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the April 9, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- 2009 Official Zoning Map. Official approved copies of the 2009 Zoning Map were distributed.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

The Chair forwarded this case to the next regularly scheduled Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2105-PUD-09: A request by Nabor House Fraternity for approval of a Final Development Plan for a Planned Unit Development (PUD) located at 1002 South Lincoln Avenue and 805 West Iowa Street in the City's R-7 (University Residential) and R-3 (Single and Two-Family Residential) Zoning Districts.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. The proposed planned unit development (PUD) for a new fraternity house recently came before the Plan Commission as a preliminary plan. Since the petitioner has not made any changes to the approved preliminary PUD, she stated that she would be giving an abbreviated staff report.

She explained the reason for the proposed request. She noted the zoning and current land use of the proposed site. She discussed the minimum development standards and reviewed the criteria according to Section XII-3 of the Urbana Zoning Ordinance to be used in making a decision to approve or deny the proposed request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed Final Development Plan for the Nabor House Fraternity PUD with the following conditions:*
>
> 1. *Construction be in conformance with the approved plans.*
> 2. *The development be completed in full conformity with the conditions approved by the Design Review Board on April 16, 2009.*

Mr. White commented that this is a great project. The petitioner and architect did everything right on it.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing to public comments and/or questions.

Gary Olsen, architect, and Michael Kinate, Vice-President of the Nabor House Fraternity, approached the Plan Commission to answer any questions they may have.

Mr. Olsen noted that their experience has been very positive in working with the neighborhood association and with the Design Review Board. Shirley Stillinger, who serves on the Design Review Board, is a neighbor immediately east of the proposed site. She has been at most of the neighborhood meetings and spoke highly in favor of the proposed plans.

He mentioned that the proposed PUD would be the first under the new regulations for PUDs. This project is also the first to be reviewed by the new Design Review Board for the Lincoln-Busey Corridor. He stated that they are positive about the "first" challenges that they have had. The only challenge that is left is if the Plan Commission does not approve the proposed final PUD, then they would be going against their previous decision and nothing has changed.

Ms. Stake inquired as to when they plan to have the project finished. Mr. Olsen explained that the Nabor House Fraternity really wants to do this project, but they were hesitant to raise the money until the plans were approved by the City. Mr. Kinate added that they anticipate a 3-5 year time frame at the maximum. They will spend a year or two raising funds and then build. The 75th Anniversary of the Nabor House Fraternity will be in 2013-2014, so they have a goal to have the new fraternity house completed by then.

Mr. Olsen pointed out that he is encouraging the Nabor House Fraternity to move on this faster because contractors and suppliers are quite hungry right now. Business is down, and to compete contractors and suppliers are willing to give much better bids on projects. The Nabor House Fraternity will start building as soon as they raise the money.

Mr. Kinate stated that the Nabor House Fraternity's alumni base is very excited about the project. He tries to keep them informed on what is going on. When they purchased the property at 805 West Iowa Street, they were able to pay off the mortgage within two years using donations that the alumni had donated, so they are very hopeful to get a lot of support from the alumni in donations to move forward on the proposed project. Mr. Olsen pointed out that interest rates are much lower right now than they were three years ago when they started the proposed project.

Mr. Kinate stated that they appreciate the City staff's help in presenting the proposed PUD plan to the Plan Commission. There have been no changes since they received approval for the preliminary plans, so he asked for the Plan Commission's approval of the final plans based on the City staff's recommendation.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2105-PUD-09 to the City Council with a recommendation for approval along with the conditions as recommended by City staff. Mr. White seconded the motion.

Mr. Hopkins commented that when the Nabor House Fraternity started making plans for the proposed project, they had already been through a couple of rounds with the Plan Commission and City Council. He thanked the petitioner and the architect for carrying out the plans as they have. One of the testaments is that none of the West Urbana Neighborhood Association

members are present at this meeting. They were present during the first two rounds to speak in opposition, but not this time.

He pointed out that the only reason they are meeting this time to review and make a recommendation on the final PUD proposal is because of the City Council. When City staff presented changes to the PUD ordinance, the Plan Commission recommended that the preliminary and final plans be a one step process. However, City Council rejected that idea. He just wanted to go on record as this being another case to support the Plan Commission's recommendation and to say that they were right.

Roll call on the motion was taken and was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes

The motion was passed by unanimous vote.

Ms. Karcher stated that this case would go before the City Council on May 4, 2009.

8. NEW BUSINESS

CCZBA-634-AT-08: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning wind turbine developments (wind farms).

Lisa Karcher, Planner II, presented this case to the Plan Commission. She began by giving background information on the proposed County text amendment and the process of review. She discussed how wind turbine developments relate to the goals and objectives of the City's 2005 Comprehensive Plan. She also talked about the zoning impact and the issues of concern that result from wind turbine developments. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the findings in the written staff report, staff recommends that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest.*

Mr. Hopkins stated that he does not understand having the overlay district which gives the City the right to protest, because the City can only protest within the Extra-Territorial Jurisdictional (ETJ) Area. Wind turbine developments are not allowed in the ETJ area, so it seems like it does not make any difference to the City. Ms. Karcher said that is correct.

Mr. Hopkins asked if there is someone else that gets protest rights through the overlay district other than through the ETJ. Mr. White said that it refers to land owners in the County that might object to a wind turbine farm being developed next door. However, they will not get the right to protest now that it is a special use permit.

Mr. Hopkins questioned where and when the state legislation that prevents the County from regulating wind turbine farms in the ETJ came about. He is tempted to suggest that the County make explicit that the proposed amendment does not apply to the ETJ. Ms. Karcher responded by saying that it is already specifically stated in the County text amendment itself. So, we do not have to rely on state legislation to enforce this.

Ms. Stake asked for clarification regarding wind farms not being allowed in the ETJ area. Ms. Karcher explained that the state law gives the municipality (the City of Urbana) the right to regulate wind farms or wind generating devices in the ETJ area and takes away the ability by the County. Typically, the City of Urbana has subdivision authority in the ETJ and the County has zoning authority. Wind farms are special circumstances. The City has the right to regulate wind farms if we want to. Because of this, City staff intends to put regulations in place to review future wind farm developments in the ETJ area.

Ms. Stake wondered why we would not want people to be able to protest. She feels that the City needs to adopt a resolution so people can protest. Ms. Karcher said that people have a right to come to the City meetings and speak at public hearings. The difference is that a protest would give the people the right to invoke a super majority vote at the County Board level. Ms. Stake commented that it sounds like the City should be concerned about the people in the County not having a right to protest. They are the ones who would be most likely to have a wind turbine constructed next to their homes. Ms. Karcher pointed out that the City is concerned about how wind turbines would affect the City. We are not looking at whether the people in the County should have a right to protest or not.

Ms. Stake inquired as to what the process would be for someone who wants to construct a wind turbine farm. Ms. Karcher noted that currently an application is only reviewed by the Champaign County Zoning Board of Appeals. According to the proposed text amendment, the state law has changed and states that decisions regarding wind turbine farms should be made by the County Board.

Mr. Fitch asked if the proposed text amendment could still be changed by another group. Ms. Karcher said that it is possible. John Hall, the County Zoning Administrator and Director of Planning and Zoning, told her that it is possible that there will be changes made to the proposed text amendment at the Environment and Land Use Committee (ELUC) meeting. The reason the Plan Commission is reviewing it now is so there will be enough time for the City Council to review it and make a decision before it goes to the County Board on May 21. If it does change at the ELUC meeting, the Plan Commission would still be able to submit something prior to the County Board meeting.

Mr. Fitch commented that he would be interested in having some kind of protection, but he is not sure how to make this happen. Ms. Karcher replied that it would be difficult because it could even change on the County Board floor. If there is something of concern in what is being proposed, the Plan Commission could say that if it changes, then they change their opinion. Mr. Fitch said that he did not have any particular concerns in mind. Chair Pollock remarked that the best way the City can protect themselves is to draw up a text amendment regulating what happens in the ETJ.

Mr. Hopkins inquired if there was a significant change made either at the ELUC meeting or at the County Board meeting, then it would need to come back for public hearings, right? Ms. Karcher said she did not have a definitive answer but that Mr. Hall had indicated to her during their conversations that the City could submit additional comments/protest until the County Board meeting on May 21st.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input. There was none, so Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Burris commented that since wind turbine developments are not allowed in the ETJ, then they will not impact the City residents. Because the City residents will not be affected by it, the Plan Commission and City Council does not need to protest on behalf of City residents. The County has already decided to not give the County residents a right to protest. It is the County's jurisdiction and right to do so. Therefore, it seems like an unnecessary element for the Plan Commission to consider. Ms. Karcher added that if the City protests the proposed text amendment, they would not be protesting the protest rights. It only means that the County Board would have to have a super majority vote to approve the proposed text amendment. It would not impact the right to protest.

Mr. White stated that the only thing he does not like about wind turbine farms is that they destroy bat populations. When the blade goes through the air, it creates a difference in air pressure, which is basically like a vacuum. The air in bats' lungs rapidly expands and so their lungs explode. He likes bats because they eat their body weight in mosquitoes every night. However, just about anything one does to create energy will create a problem on something.

Ms. Stake wondered if there are any other environmental problems that wind turbine farms create. Mr. Fitch mentioned noise. Champaign County is suggesting the setback to be over a football field in length.

Ms. Stake commented that they use up a lot of agricultural farm land as well. Mr. White replied that farmers can farm around the wind turbine farms. Ms. Karcher pointed out that these types of concerns are addressed in the County staff report, such noise, flicker, wildlife impact on birds and bats, etc.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-634-AT-08 to the City Council with a recommendation to defeat a resolution of protest. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes	Mr. Fitch	-	Yes

The motion was passed by unanimous vote.

Ms. Karcher noted that this case would go before the City Council on May 4, 2009.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- Happ Rezoning and the Follmer Rezoning were approved by the City Council on April 20, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **May 7, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Deb Aronson, Glenn Berman, Charles Dodd, Vidar Lerum, Hiram and Jean Paley, Susan Taylor, Kevin and Julia Webster

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested that due to most of the people in the audience being in attendance to hear and possibly testify for the public hearing regarding Plan Case No. 2106-M-09, the Plan Commission should change the agenda items. Mr. Grosser moved that the Plan Commission switch the order of the agenda so that they review and consider Plan Case No. 2106-M-09 under New Public Hearings before reviewing and considering Plan Case No. 2104-T-09 under Continued Public Hearings. Ms. Stake seconded the motion. The motion was approved by a hand vote of 6-1.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the April 23, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Communications Regarding **Plan Case 2104-T-09**
- Excerpts of Article IX. Comprehensive Sign Regulations in the Urbana Zoning Ordinance

Communications Regarding **Plan Case 2106-M-09**
- Email from Glenn Berman
- Email from Deborah Katz-Downie
- Letter from Hiram and Jean Paley
- Email from Michael and Elizabeth Plewa

Other Communications:
- Planning Commissioners Journal – Getting the Density You Want – Spring 2009

5. NEW PUBLIC HEARINGS

Plan Case 2106-M-09: A request by Kevin and Julia Webster to rezone 714 West California Avenue from R-2 (Single-Family Residential) to R-7 (University Residential).

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief explanation for the petitioner's request to rezone the proposed property. He talked about the history of the proposed site and described the site and the surrounding adjacent properties noting the current land uses, existing zoning and future land use designations of each. He noted the definition for "Residential (Urban Pattern)" and pointed out the goals listed in the 2005 Comprehensive Plan that are relevant to the proposed rezoning. He discussed the R-2 (Single-Family Residential) and the R-7 (University Residential) Zoning Districts. He also talked about non-conforming uses and building codes and how they would relate to the proposed site if the rezoning request is approved. He reviewed the LaSalle National Bank Criteria as it pertains to the proposed rezoning. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2106-M-09 to the Urbana City Council with a recommendation for denial.*

Chair Pollock asked for clarification. Is it possible for the petitioners to request a conditional use permit to allow them to use the property as a duplex under the current zoning of R-2? Mr. Engstrom said yes. Chair Pollock commented that the petitioners would then be able to have two four-bedroom units if a conditional use permit was approved and could then rent out all eight bedrooms, correct? Mr. Engstrom said yes.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the public hearing up for public input.

Kevin and Julia Webster, petitioners, approached the Plan Commission. Mr. Webster explained why they purchased the home, which was to provide housing for their two sons while the sons attended the University of Illinois.

When they purchased the home, it had great potential with eight bedrooms and beautiful character. The house was constructed in the 1880s. Their original intent was to have a single-family style atmosphere of living so their sons would feel like they were at home while learning to be responsible. With eight students living in the house, it ran smoothly. Each student was assigned chores to help maintain the house.

Mr. Webster mentioned that they have spent a substantial amount of money to remodel the house (replace all the plumbing and electrical wires, changed the heating system and replaced about 50% of the windows, etc.). They wanted to make it a quality house to not only improve the neighborhood but to make it so it would be easy to rent. Many students find the house on the internet and want to rent a bedroom there because of the character of the house. They try to encourage the graduate students to rent, because they are more interested in having a quite, peaceful area. So, they screen the tenants to get a higher quality of tenants.

There is a beautiful big kitchen, a big dining room and living room and a loft on the third floor. All around the house there are places for the tenants to study. Having eight tenants worked well. It is now harder to get four tenants to do the chores of what eight tenants use to do.

They do not intend to change the single-family house into a rooming house. They are only asking that the rooming house status be returned to the house. There were always eight tenants there. He can say what it was like before they purchased the home, but since then, they have never received a complaint. They have even received citations from the West Urbana Neighborhood Association for progressive thinking. They have been told by many neighbors that they have done a fabulous job in maintaining the neighborhood.

They are not trying to downgrade the neighborhood. In fact, they strongly feel that they are improving the neighborhood and improving the quality of the single-family homes that still reside in the area. He mentioned that they have spent a lot of time and money in remodeling the house. By improving their property, they in turn are improving the neighborhood. Some of the other houses in the neighborhood are not in as near as good condition as theirs.

Mr. Webster stated that they have six parking spaces. Technically they only need four spaces to be legally conforming. So, as far as parking they are not impacting the parking issue in the area.

He said that he hoped to move to Urbana when he retires and have multiple rental properties and be good landlords. They like this neighborhood and like renting to students.

He pointed out that if the City allows the rezoning, it would require them to have a safer building because the City would require them to comply with the stricter fire safety codes. He realizes that the neighbors are worried about their property values, but if you have a landlord who is willing to maintain his rental unit, then it will only increase the neighbors' property values. If they cannot rezone the property and be allowed to rent to eight tenants, then they will not be able to afford to maintain the property, and the property value of the proposed house and of the

neighboring houses will decrease. They are losing approximately $2,600.00 a year. If a property owner does not have the money to repair and improve things on the house, then it will not get done.

Mr. Webster pointed out that they have never had any police calls. Because they screen their tenants, their tenants do not have drinking parties.

The possibility of losing one's legally non-conforming status forces landlords to do things on the sly. They are only trying to improve the neighborhood and keep it good.

Mr. Grosser inquired about the timeline. They purchased the home in 1997 and their two sons moved in. How many people lived there with their sons? Mr. Webster said yes. When their two sons graduated and moved away, he and his wife liked the house so much they decided to continue to rent it out rather than sale it. For six more years, they continued to have eight tenants in the house, because they did not know that they had lost the rooming house status. Then, they received notification that they were being sued by the City of Urbana for having more than four residents in the R-2 Zoning District. So, now they are trying to correct the misunderstanding.

Hiram Paley, of 706 West California Avenue, stated that Mr. Webster is correct in saying that the police have never been called to the proposed property. He was pleased to see the Websters working on the proposed house, and he had the impression that they were converting it back into a single-family residence.

He expressed his concern that if the Webster's petition is granted, then it is a step in the wrong direction. He was hoping that more properties on their street would be converted back to single-family homes. Leal School is still in the neighborhood and is one of the best schools in the City of Urbana. So, he thinks there should be a demand for single-family homes in the area.

He suggested that the Websters increase the rent for the four students by $50.00 a month to compensate for the $2,600.00 they are losing each year. There are some tenants who might love the house so much that they are willing to pay the extra $50.00.

He remarked that if the City approved the rezoning request, then it will open questions about other rezonings in the City. The City would be taking many steps backward from what was the City Council's policy over the last many years of trying to maintain single-family residences in these older neighborhoods.

He is not sure what the rezoning for the proposed property would do to his property values.

Jean Paley, of 706 West California Avenue, stated that everything Mr. Webster said is true. The Websters took a disaster and created something quite wonderful out of it. The house looks great from the outside and from the inside. However, the issue here is not the character of the Websters. The issue is the character of the zoning and what kind of impact the R-7 would have on the neighborhood.

Most people who purchase properties to rent to students do not do what the Websters did. They invested a lot of money into the property to bring it up to code. They screen their tenants.

Whereas, the two adjacent property owners are only interested in how much money they can get out of their properties (rooming houses). The number of people coming and going is much higher than eight unrelated people. The only people within her view who have been fined and disciplined for exceeding the occupancy regulations are the Websters. Why is that?

She does not feel that the Websters will own the house forever. One of the problems is that they would like to sell it someday. Another opportunist such as the other two landlords of rooming houses on the block will probably buy it. Rest assured the house will no longer stay in its pristine condition.

There are many landlords looking for the City to favor the Websters. So, they can then come to the City and ask for an upzoning as well. This is what the single-family homeowners on the block are worried about happening.

Ms. Stake wondered if the City was doing anything about the over-occupancy at the other addresses. Ms. Paley said no. City staff knows about it, but does nothing to fix it. Chair Pollock stated that this is an important issue; however, this is not the venue to do so.

Vidar Lerum, of 404 West Delaware Avenue, remarked that they should not change the zoning one case at a time. Zoning is something that applies to an area and not to a single building. Unfortunately, really good people (the Websters) are involved in this difficult case, but the City needs to look at it with a broader perspective.

He stated that he would have liked to have a site plan for the proposed property. What are the requirements for the Open Space Ratio (OSR) for the proposed lot? Even though the petitioner stated in his testimony that there are six parking spaces, it appears in one of the photos that there may be seven or eight possible parking spaces. Is there enough green space left on the lot to meet the OSR requirements? Mr. Engstrom responded by saying that the OSR for the R-2 Zoning District is .40. The property is currently non-conforming. The OSR for the R-7 Zoning District is .35. So, if the City approves the rezoning request, then the property would become slightly less non-conforming.

Charles Dold, of 708 South Busey Avenue, noted that his family moved here in 1966. He has seen many houses be purchased by parents for their children to live in while attending the University of Illinois. Later the houses became semi party houses. This is not good for the neighborhood. Ownership of the houses change, but the zoning does not, so the new owners can do as they wish in the higher zoned areas.

Rita Mennenga, of 805 West California, applauded the petitioners for what they have done for the neighborhood by improving the proposed property. It looks marvelous. Referring to the 2005 Comprehensive Plan, she pointed out Goal 1.0 states as such, *"Preserve and enhance the character of Urbana's established residential neighborhoods."* The proposed property does not appear to be a rental property because it is so well maintained. She encouraged the Plan Commission to vote to approve the proposed rezoning.

Mr. Webster re-approached the Plan Commission. He responded to Mr. Paley's comments about how the R-7 Zoning District would change the neighborhood and about his suggestion to

increase the rent. Mr. Webster stated that the students are already having a tough time making ends meet. Having the extra tenants allows them to maintain the property and to make improvements. There currently is no maintenance being done on the house, because there is no money. By not allowing them to rent to eight tenants instead of four, the City is forcing them to revert to the type of landlord they do not want. The City does not want landlords who do not maintain their properties.

He and his wife are not interested in selling the house. They plan to keep the house and rent it out for retirement income. He cannot say what will happen when they die, but he plans on having the house for another 20 to 30 years.

He commented that the negative impact comes from them not having the money to put into the house. The house is truly beautiful. He showed pictures of the proposed property before and after they remodeled it.

He read the intent of the R-7 Zoning District found on Page 4 of the written staff report. He pointed out that the R-7 Zoning District has stricter codes. He plans on complying with those codes. He showed pictures of adjacent properties noting the poor or lack of maintenance that has been done to them. The properties are over occupied. One of them has 12 tenants with two tenants living in the basement. He feels that he is being chastised for having a well maintained property.

Mr. Webster stated that they have the same goal as the West Urbana Neighborhood Association, which is to improve the neighborhood. He believes zoning should be done on a case by case basis. If the owner of 712 West California Avenue wants to get rezoned, then they would need to comply with the stricter City codes as well, which could only improve the neighborhood even more.

They plan to maintain their property at 714 West California Avenue. However, they cannot keep it to the character and the standards that they have set for it if they cannot maintain it and improve it. Over the past years, they have taken all of the income from the house and put it back into the house. The objective is to improve the neighborhood and they are doing their part.

Mr. Paley re-approached the Plan Commission. He commented that he is sympathetic to the petitioners. He stated that if the zoning stays as it currently is, then the neighbors will know what to expect, but if the rezoning is approved, then the neighbors have no idea what will happen.

He expressed his concern for what approving this request for spot rezoning would do to other areas in the City. Many property owners would love to rezone their properties from R-2 to R-7. If the City grants the proposed request, then they will be setting a precedent. He agrees with Mr. Lemur in that zoning refers to an area or a zone rather than an individual property. He suggested that the Websters could apply for a conditional use permit to allow a duplex use in the R-2 Zoning District.

He referred to the two letters, one written by Henry Symanski and one written by Dave Barr, and are included in with the application submitted by the petitioners. Both letters imply that the

Websters are considering selling the property. Yet, Mr. Webster had previously testified that they want to move here after retiring and own multiple rental properties to use as retirement income. This is very contradicting, and he is not sure what to think.

Deb Aronson, of 409 West California Avenue, voiced her concern about other cases where people have purchased properties with the intention of living in them; then turn around and rent the properties to other people. Her point is that people can have all kinds of good intentions and the situation changes. She feels that this is important for the Plan Commission to keep in mind when considering the proposed rezoning request.

Another point is that Mr. Webster talked about having trouble making enough income from the house to maintain it. She noticed that the Websters advertise the house as an eight-bedroom rooming house. They have been fined twice for having eight people living in the house at one time. It seems clear from the advertisement that they intend to keep renting out all eight bedrooms. She is unclear about how long they have only had four tenants, so she is not confident about Mr. Webster's statements about the cost of maintaining the house versus the income they can get from the renters.

Mr. Webster approached the Plan Commission again to respond to Mr. Paley's concern. They were at one time looking to sell the house, because they could not make ends meet on it. Mr. Barr and Mr. Symanski suggested that they talk to the City about getting the zoning changed. After talking with City staff, he and his wife felt it would be the best thing to do. This way they could keep the house.

They were informed by the real estate agents that they would have a difficult time selling it as a single-family house. They want to keep the house, because they love it. They love the neighborhood. If they were intent on selling the house, then that is what they would have done.

Ms. Stake asked why the Websters advertise for eight people. Mr. Webster said they currently can only rent to four tenants, but the house is in fact an eight bedroom house. They are not lying about how many bedrooms there are in their advertisement, because it is the truth.

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

Ms. Stake commented that she has also heard that the petitioners have been caught twice and cited by the City for violating the Zoning Ordinance by using the house as a rooming house. Chair Pollock cautioned everyone that this case is about the rezoning and not about the history of what is going on in the house. Mr. Engstrom replied by saying that the petitioners have paid a court fine. Subsequent to that, one of the City's Housing Inspectors did find six people living there. City staff sent the Websters a letter and they brought it into conformance right away.

Robert Myers, Planning Manager, pointed out that City staff follows up on code enforcement in two ways. The first one is through complaints by neighbors, passersby, tenants, etc. of over-occupancy or building code problems. The housing inspectors respond to these complaints right away by going to the property in question and completing an inspection.

The second way to follow up on code enforcement is through the Property Maintenance Program. The Housing Inspectors inspect all of the rental properties throughout the City of Urbana. This takes some time to accomplish.

In the mean time, if you know of a violation occurring, you can call 384-2436 to make a report. A Housing Inspector will follow up with you after performing an inspection with the results. Sometimes there is a code violation and sometimes there is not.

Ms. Stake agrees that zoning should not be considered case-by-case (spot zoning). The City rezoned this area for single-family residential and that is what they would like it to continue to be. If the City would approve this case based on the petitioners being good people with good intentions, it would create a precedent for developers to do the same thing.

This area is very fragile. It is a wonderful place to live. It is a good residential area. People from all sides want to change it. The City needs to stay with the Zoning Ordinance to protect the neighborhood and keep it safe. She can remember when Lincoln Avenue served as the buffer between the R-7, University Residential, and the R-2, Single-Family Residential, Zoning Districts. Now, Busey Avenue serves as the buffer. She hopes that the other members of the Plan Commission and the City Council consider what this would do to this residential neighborhood. She encouraged the other Plan Commission members to vote for denial of the proposed rezoning.

Mr. Grosser commented that the City definitely wants landlords who maintain and improve their properties. The Websters have significantly improved the proposed property. So, he has sympathy with the petitioners' plight and feels this is an unfortunate situation. He reiterated that it is not the petitioners that the Plan Commission should consider, but rather it is the zoning of the property. Whenever the Plan Commission considers a rezoning request, they look at what the Comprehensive Plan says and what are the implications for the property in perpetuity. With any petitioner with the best intention, something could happen and the petitioner could sell the property, and anything could be built or changed there based on the current zoning at the time.

The Downtown to Campus Plan could not be any clearer. He believes that if the proposed property was zoned R-7 at the time, the City would have down zoned the property to R-2. The property was left at R-2 because that is what the residents in the West Urbana Neighborhood area wanted it to be long term. The Comprehensive Plan incorporated the Downtown to Campus Plan and specifically specifies that it should be "single-family".

Because of these things, Mr. Grosser did not see any justification for changing the zoning to a higher zone despite the fact that it has been non-conforming use that would be equivalent to an R-7 Zoning District.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2106-M-09 to the City Council with a recommendation for denial. Ms. Stake seconded the motion.

Mr. Hopkins felt that the basis for which they are arguing is that the way the proposed property is currently zoned is the City's long-standing, articulated intent for this area. This has been

demonstrated in all sorts of things over the last 30 years. But they cannot lose sight that this intent is in many ways unnatural of what the area wants to be. The City is going to be fighting these issues that do not make sense. Much of what the Plan Commission heard from the petitioner makes sense. It makes sense for the place. It makes sense for the quality of the investment and for reducing the total number of trips by having higher density closer to the campus. It makes sense from ideas of community. In many ways, this is what the neighborhood wants to be, but the City decided to fight it and create something else which is special and unusual. One of the side affects of that commitment are cases like this. He just wants to acknowledge this because he thinks it says two things: 1) The Websters are doing something that from a point of view that isn't embedded into this 30 years of history makes great sense and 2) It also says to the people who live in the neighborhood and want it to remain single-family residential that they have a big responsibility to take it on and make it work.

He mentioned that he would support the motion for the same reasons other members are.

Ms. Stake felt it is important to mention that it is a historic area as well. They are not only preserving it because it is a great place to live, but because it is a historic area that is very fragile in this community. Many places have been torn down already, and the City needs to protect and preserve some of its history of Urbana. This is one of the special places that they can do this.

Mr. Fitch agreed with Mr. Hopkins comments. He commented on the house. He told the Websters that it is a beautiful home and they are to be commended for the hard work that they have put into it.

Chair Pollock stated that this has turned out to be a difficult case to look at. Mr. Hopkins was accurate in saying that the natural tide in this neighborhood is not opposed to what the Websters would like to do. Unfortunately, the City does not have a W3 Zoning District in which there are landlords who are committed to taking care of their rental properties.

The fact is that the City cannot make zoning decisions based on intentions. If the proposed property were to be rezoned and sold, somewhere down the road, the City could wind up with the same situation there is with some of the other older homes. The Websters are caught in the middle of this. There is no question about the quality of the work that they have done, about their commitment to the neighborhood and their desire to return the house to a one of beauty and use. However, when making zoning decisions, they have to consider what could happen down the road. Therefore, he is going to support the motion.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that this case would go before the City Council on June 1st.

6. OLD BUSINESS

There was none.

7. CONTINUED PUBLIC HEARINGS

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a PowerPoint presentation on the following:

- Purpose and Severability Section
- Overview of Proposed Changes
  - Sign Height
    - Sign Industry Recommendations for Optimal Sign Mounting Height
  - Sign Setbacks
    - Field of Vision
    - Proposed Setback Encroachment
  - Monument Signs Would Be Required
    - Consequences of Requiring Monument Signs
    - Minimum Sign Mounting Height
    - Photos of Monument Signs Being Blocked By Landscaping and Vehicles, Etc.
  - Maximum Size for Institutional Signs
  - Maximum Size of Wall Signs
  - Electronic Display – Allow Color Images and Messages
    - Regulating Dynamic Display

Chair Pollock stated that there are many signs in the City of Urbana that would be grandfathered under the proposed text amendment. Would they be grandfathered indefinitely? Mr. Myers explained that signs which are removed, destroyed or are modified beyond simple maintenance would need to be brought into conformity with the Sign Code.

Mr. Hopkins asked if freestanding pole signs would no longer be allowed. Would monument signs be required in all cases? Mr. Myers responded by saying that pole signs would be allowed for signs oriented toward the interstate. Otherwise, only monument signs would be allowed.

Mr. Hopkins inquired as to why the request for this change came about. Mr. Myers responded that the Mayor has a special interest in creating a more aesthetically pleasing community in terms of signage. Requiring monument signs is intended to improve aesthetics. However, it is not the only solution for aesthetic improvement, and if the Plan Commission feels like there are better solutions, he would appreciate their feedback.

Mr. Fitch questioned whether the annexation agreement for the Meijer site would run with the land or end if Meijer sold the site to another company. Would the other company be able to install the same type and size of sign as the Meijer sign that currently exists? Mr. Myers said

that he believed it depends on the details of the annexation agreement. He would have to read the agreement. Chair Pollock pointed out that if the City is interested in the reuse of these types of buildings, then this could be a factor in a building get leased out versus a building sitting empty.

Mr. Myers handed out a two-page document showing some changes that were not included in the written staff report.

Ms. Burris commented that she prefers freedom of choice for this aspect of signage. Although she likes monument signs, she does not feel that monument signs fit every place in the City. She believes the City needs to be flexible in terms of how businesses can display their logo and their company name. She prefers to not have monument signs everywhere in commercial areas.

Mr. White stated that there are some places where pole signs make more sense because monument signs would interfere with a driver's view. Monument signs can block the view of a driver exiting a parking lot.

Chair Pollock said that from this example it is pretty clear that monument signs are not appropriate for every situation. He would like the staff to come back with other options.

Ms. Stake commented that allowing color in electronic display signs is very helpful.

Mr. White questioned the intent of Article IX-4.B (institutional signs). Would the new language still allow a sign to be located on each frontage? Mr. Myers said yes. Mr. White suggested that they keep the following sentence in with the new language, *"There may be one sign per frontage."* Mr. Hopkins pointed out that the new language already states this. Mr. Myers added that City staff is proposing either one monument sign or one wall sign per street frontage with a maximum combined sign size of 25 square feet in total.

Mr. White said that he would like the text amendment to allow 25 square feet per sign per street frontage -- 50 square feet in total. Mr. Hopkins commented that they need to keep in mind that this is for institutional signs in residential zoning districts. He feels that 25 square feet combined for both signs makes sense. Mr. White noted that 25 square feet is not that big.

Chair Pollock inquired about the timeline of the proposed case. Mr. Myers replied that he is fine with the Plan Commission making a recommendation to the City Council now. In terms of requiring monument signs, if the Plan Commission felt like there was consensus they could make a recommendation to remove the requirement from the text amendment. Frankly, he is not sure that City staff would be able to return with an alternative for monument signs to enhance aesthetics.

Mr. Grosser wondered about regulating the brightness of electronic sign displays. He did not find any language in the proposed text amendment doing this. The Assembly Hall sign on Kirby Avenue is really bright. Mr. Myers responded that he has been gathering research on this issue. He is just at the point where he can bring a text amendment forward to regulate brightness. He feels it would be appropriate to bring it as a separate case. He mentioned that he needs further direction on how to move forward on it regarding how to regulate the brightness. It is a technical

aspect that can be complicated. There are light measuring devices that we would need to used, one of which is very expensive. Mr. Grosser commented that the City should move forward with regulating the brightness, especially if the City approves of electronic signs. He is glad to hear that City staff has already begun to consider this.

Mr. Grosser inquired about Article IX-2.A regarding tri-fold billboards. Does the definition for *"Animation or Animated"* prohibit tri-fold type billboards? Mr. Myers responded that tri-fold billboards are not allowed. They tend to break down more in this climate due to ice and snow.

Mr. Grosser asked about Article IX-4.A.3. regarding noncommercial messages. Why does it say that any commercial sign can carry a noncommercial message? Mr. Myers explained that this is a very important aspect to have in the Ordinance. For one it helps guard against lawsuits. The City does not want to be in the situation of having requirements for commercial speech which are less stringent than for noncommercial speech. The proposed language is based on a specific recommendation was an expert in the constitutionality of sign regulations.

Mr. Grosser questioned where to find political yard signs being addressed in the proposed text amendment. He thought it might fall under Section IX-4.J.11. Mr. Myers stated that the Public Works Department explicitly allows temporary signs in the right-of-way, including political signs. In terms of enforcement, the City has always had a steady policy in being lenient with noncommercial speech. We do not want to get into the position of telling people, for instance, that they have to remove a "welcome home" banner. City staff does not feel that we need to define political signs specifically. It is impossible to define what a political sign is without getting into regulating content. Once the City starts regulating signs based on content, then we are setting ourselves up for a lawsuit.

Mr. Grosser explained that the reason he brought this up is because of a political sign recently posted that was about 15 feet wide by five to eight feet tall, located at the corner of Illinois and Race Streets. The election has been over for a while, yet the sign may still be there. Can anyone put a sign up in their yard of any size as long as it's noncommercial? Mr. Myers responded that if it is noncommercial speech and it is not blocking the vision of traffic, then there are no regulations prohibiting it. Mr. Hopkins pointed out that #11 on Page 106 does regulate the size of a noncommercial sign. Mr. Myers reminded him of the handout from earlier. The handout shows that staff wants to delete #11 altogether. Mr. Myers inadvertently left this in from an earlier internal draft.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Hiram Paley, of 706 West California Avenue, commented on the proposed text amendment. He feels that a city might become sterile if there was only one type of sign allowed. He agreed with Ms. Burris' comments. He expressed his concern about flashing signs. He believes they are a real hazard. He drives down the highway going 69 miles per hour and can only read about two-thirds of a message that the state has put on a flashing advisory sign. By the message has changed so he can read the rest of the message, he has already passed the sign. He feels they should use signs on the interstate that give quick messages or allow bigger signs.

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

Ms. Stake referred to Section IX-4.D.5.d. How does the City determine if there is an illumination causing a nuisance? Mr. Myers explained that currently the Zoning Administrator will make a judgment call on whether or not an illuminated sign constitutes a nuisance, as opposed to a dislike of the illumination. It would result from a citizen complaint.

Ms. Stake wondered if an electronic sign would be good for people driving down the street. An ordinary sign would always be there, but electronic signs might not be working all the time. Mr. Myers replied that "old-fashioned" stationary sign are reliable. However, businesses like having the aspect of being able to change the message to let passersby know of specials, etc.

Mr. Fitch asked if the recent lighting ordinance text amendment covers illumination of signs. Mr. Hopkins said it covered lighting on signs, but not lighting emitted from signs.

Mr. Hopkins made a motion that the Plan Commission forward Plan Case No. 2104-T-09 to the Urbana City Council with a recommendation for approval, subject to the change that the requirement for monument signs be deleted. This would leave the City where we currently are in that there are size incentives for monument signs, but they are not required. Ms. Burris explained much of the reasoning for this. He added that being able to see under a sign is much better than not be able to see because of the sign blocking the view. The idea that monument signs are much more aesthetically please is a convention that we have created for ourselves that does not have much of a basis in fact. Mr. White seconded the motion.

Mr. Grosser feels a little less comfortable about moving this case forward in that he likes the idea of improving the aesthetics of signs in general. He also agrees that monument signs do not necessarily mean attractive signs.

Monument signs work well for short signs. The Schnucks Food Court/Starbuck's/Gas Station monument sign deals with having a 16 foot monument sign by having the Starbuck's logo at the bottom; however, one cannot see a third of it due to the landscaping. Although the Schnuck's Crossing sign on poles, with the poles wrapped in stucco, is 25 feet tall, it looks nice. He would much prefer this over a 16-foot monument sign with a blank expanse blocking his view. He will vote in favor of the motion. However, he would prefer for City staff to go back and look for other options to improve the aesthetics of signs without the mandate that they all have to be monument signs.

Mr. Hopkins stated that the Plan Commission will see the Sign Ordinance again. The Plan Commission should not view this as the last chance to change it. Regulating aesthetics is a really difficult thing to do; and when it is tied to speech, then it is even more difficult. His hunch is that since City staff has not come up with a brilliant break through in making signs more aesthetically appealing, then the Plan Commission should move ahead with what they have.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote.

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 10:13 p.m.

Respectfully submitted,

Robert Myers

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **May 21, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Dannie Otto, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Ben Grosser, Lew Hopkins
STAFF PRESENT:	Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Al and Arlene Anderson, Roosevelt Bender, Nina Bond, Nadine Butler, William Conner, Ryan Culton, Dana Gillan, Marcel Grant, Bishop Lloyd Gwin, Brenda Hubbard, Keisha Jackson, Marc and Shelby Johnson, Terrance and Mary Jones, Ruthann Lampkin, Berdie Lewis, Juanita Mason, LoSonia McBride, La'Rufus Mitchell, Evelyn Moore, Sheena Oatis, Elise Parsons, Darrell and Christina Poe, Perzavia Praylow, David Spence, Susan Taylor, Todd and Leah Taylor, Sheronda Williams, Delight Young

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present. He then welcomed Dannie Otto as the newest member of the Plan Commission.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the May 7, 2009 regular meeting as presented. Mr. White seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2107-SU-09: A request by the Church of the Living God for a Special Use Permit to establish a church at 1701 North Carver Drive in the R-3 Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with an explanation for the special use permit request and a brief history of the proposed site. He described the proposed site and the adjacent surrounding properties by noting the zoning, existing land use and future land use designation of all. He discussed the development regulations regarding site access, parking and landscaping, drainage, and setback, floor area ratio and open space ratio requirements. He reviewed the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff's recommendation and with the following conditions:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2107-SU-09 to the Urbana City Council with a recommendation for approval with the following conditions:

1. *That the layout of the facility shall closely resemble the submitted Site Development Plan and attached to the written staff report as Exhibit D. Any significant deviation from the approved Site Development Plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.*

2. *That an engineered drainage plan, including proper conveyance and detention of stormwater from the site shall be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and shall be subject to the review and approval of the Urbana Zoning Administrator and Urbana City Engineer.*

3. *That Federal Drive shall serve as the exclusive vehicular access to/from the site to minimize impacts upon the adjacent residential neighborhood, until such time as vehicular access from the west is developed. Vehicular access via Carver Drive and Dorie Miller Drive shall be prohibited.*

4. *That a landscape plan shall be prepared and constructed to provide screening to adjacent residential properties to the east and south, subject to the review and approval of the Urbana Zoning Administrator in consultation with the Urbana City Arborist.*

Chair Pollock asked if there had been any conditions about fencing in either of the previous two requests. Mr. Engstrom said that he does not recall reading anything about fencing, but that the prior approvals had required a landscape plan.

Ms. Stake asked if the conditions require the petitioners to save the existing trees on the site. Mr. Engstrom replied that this requirement was not in the proposed conditions.

Mr. Otto asked about Condition #5 (from the previous approval), regarding a requirement for pedestrian connectivity plan. Was a pedestrian connectivity plan going to be required this time? Mr. Engstrom clarified that Condition #1 says they must conform to site plan, which requires them to provide sidewalks as shown. Since the pedestrian connections are shown on the site plan, an additional connectivity plan is unnecessary.

Ms. Upah-Bant asked if Federal Drive is adequate for the amount of traffic that will be generated. Mr. Engstrom replied that Federal Drive is wide enough to accommodate the traffic, and that pedestrian sidewalks would help cut down on automobile traffic.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Bishop Lloyd Gwin, of 1109 North Fourth Street in Champaign, stated that he is the pastor of the Church of the Living God. He stated that they have been here before and that this will be the final request. In reference to the trees, most of the trees are quite a distance away from the proposed parking lot so they will try to keep them. They plan to beautify what is there and not take away from what currently exists.

Mr. White asked about the capital campaign to finance the new church. Bishop Gwin said they started about 10 years ago and are ready to move forward.

Mr. Fitch noted that parking requirements are based on the number of seats and that the proposed sanctuary will seat almost 1,200 people. Do they currently have that many members? If so, they should consider being televised. Bishop Gwin replied that they are on television. They currently have two services every Sunday with about 300 people per service. The proposed new building would afford the church the opportunity to grow.

David Spence, 70 Glenbrook Lane in Fisher, said that he is the designated project manager for the proposed church development. He believes this project will be an asset to the neighborhood and to the community. It will relieve a lot of congestion and parking problems at their current location. The Church of the Living God has a long history of working in the community and wants to do this project to help the youth in the area.

With no further comments from the audience, Chair Pollock closed the public input portion and opened the hearing up for Plan Commission discussion and/or motion.

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2107-SU-09 to the City Council with a recommendation for approval along with the conditions as recommended by City staff. Mr. White seconded the motion.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Mr. Otto	-	Yes

The motion was approved by unanimous vote. Mr. Engstrom noted that this case would go before the City Council on June 1.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom gave a staff report on the following:

- Sign Ordinance Text Amendment will go before the City Council on June 1.
- Rezoning of 714 West California Avenue will also go before the City Council on June 1.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **July 9, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Marilyn Upah-Bant
MEMBERS EXCUSED:	Ben Grosser, Bernadine Stake
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	Andrew Fell; Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the May 21, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Champaign County Land Resource Management Plan
- E-mail from Lisa Karcher regarding the Champaign County Land Resource Management Plan

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a brief explanation of how the proposed text amendment came about. He talked about Dr. Ian Lewin's sign illumination study and how it relates to the standards and regulations being proposed for sign illumination in the City of Urbana. He demonstrated how to measure the brightness of light levels using a foot candle meter. He then discussed how the goals and objectives in the 2005 Comprehensive Plan, how Section IX-1 of the Urbana Zoning Ordinance (regarding Comprehensive Sign regulations) and how the Urbana City Council's Common Goals pertain to the proposed text amendment. He talked about illumination requirements in other municipalities including the City of Champaign and the City of Peoria.

Chair Pollock inquired about how the City would deal with a sign that is too bright if there are no standards. Mr. Myers answered that if the City only required automatic dimming, it would still bring the light level down to a much lower level at night time. However, it could still be operated in a way that would be inappropriate in terms of lighting. This is why it makes sense that in addition to the automatic dimming requirements to have some absolute brightness limits on the amount of light.

Ms. Burris wondered about the electronic sign located at the Assembly Hall. She asked if it has automatic dimming. Mr. Myers replied that he does not know. It seems at night time to be a bright sign. He has not taken measurements of the sign.

Chair Pollock asked if this particular sign is the reason that the City of Champaign approved an ordinance requiring automatic dimming. Mr. Myers explained that the City of Champaign's automatic dimming ordinance pertains only to digital billboards. It does not require automatic dimming for electronic signs. Ms. Burris wondered why the sign at the Assembly Hall was not considered a billboard. Mr. Myers stated that signs are billboards are defined as two distinct things. Another factor with the Assembly Hall sign is that the University of Illinois is a state institution. They do not have to follow any sign code or any municipal code. Because it is located on state property, the University of Illinois is not required to get permits to construct the sign.

Chair Pollock wondered how the City of Urbana would distinguish between the different types of signs if the proposed text amendment is approved. Mr. Myers pointed out that electronic signs, message boards, etc. would all be covered in the proposed text amendment. However, the Urbana Zoning Ordinance does not permit billboards to be digital or tri-faced. They have to be a flat static images on paper. City staff is not proposing to change anything having to do with the timing or frequency of changing messages. The proposed text amendment only deals with the brightness levels for signs.

Mr. Myers continued that although the sign industry commissioned the study, he has not seen any evidence that Dr. Lewin's recommended standards are inadequate. It seems reasonable to adopt and "road test" the recommended standards. If it is found at some future point that the requirements are too low or too high, then the City could modify them. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission forward this application to the City Council with the recommendation for approval.*

Mr. Fitch commented that the Lewin report recommended that each City field test the recommended standards. Did City staff shoot any signs in the City of Urbana? Mr. Myers said no. If the Plan Commission feels it would be beneficial for City staff to field test the proposed levels prior to making a recommendation to the City Council, then he could perform a field test and bring the case back to the Plan Commission at a future date. Mr. Fitch responded that it would be helpful to him. Although Mr. Myers' demonstration on how to measure ambient light levels with a footcandle meter was interesting, he felt that City staff should test actual signs that exist in the community to better understand how much light would be allowed.

Mr. Fitch asked if each new sign would add to the ambient light level. Mr. Myers said yes. Mr. Fitch questioned whether it was conceivable that every new sign could be brighter than the previous sign. Mr. Myers replied that although this would be true, in terms of driver's distraction, any one sign would not be appreciably brighter over any other sign.

Ms. Upah-Bant agreed with Mr. Fitch. She has no concept of how much light could be generated with a 0.3 foot candle requirement. It does not sound very bright to her.

Ms. Burris added that this is one of the reasons why she asked about the Assembly Hall sign. She wanted to try to gauge what a 0.3 light level would be in comparison to the Assembly Hall sign. Mr. Myers commented that this is an interesting example because the sign at the Assembly Hall is out on its own. There are not any other signs in the immediate area. It should cause a spike above ambient levels in terms of brightness. It really sticks out because it is the only lit sign.

Mr. Otto stated that he was trying to understand the difference between the Nit gun and the Footcandle meter. The Footcandle meter measures at 100 feet how much the ambient light is

increased. The Nit gun actually measures the luminous level of a sign. He suggested that City staff measure some signs at night when they are turned off and again when they are turned on.

He stated that it bothers him that City staff would only respond to complaints before checking the light levels from signs. A Nits gun would allow staff to go out and check if a sign is too bright or not. Mr. Myers responded the Plan Commission and City Council could set an absolute limit on the light output of a sign. However, this will not take into effect the other light sources that already exist such as the street lighting, etc. So it could be considered a crude standard. On the other hand, there is no subjectivity with absolute limits.

Mr. Otto could picture several businesses in one area trying to get a driver's attention. Some LED lighting could crank up the luminous level of light (measured by the Nit gun) without necessarily affecting the illuminous level of light at 100 feet. If there is competition, then the owners would want to attract the traffic. Mr. Myers noted that eyes adjust to the brightest object in the field of vision. So for someone driving down the street, their eyes are going to adjust to the light level on the street. A sign that is about the light average is not going to seem that bright. If it is much greater than the average, then it will stick out and seem bright to the eyes. So, he feels this is another factor that works in the favor of using a standard that takes into account the ambient light levels.

Chair Pollock understood that there are two standards. What is the correlation between the standards and the two reports? Mr. Myers explained that there are not two different reports with different standards. The Lewin Report recommends a standard using footcandles and taking into account the ambient or background light.

Chair Pollock stated that he did not fully understand what 0.3 footcandles means. Mr. Myers stated that 0.3 footcandles is the difference between the background light that already exists with the sign turned off versus the sign turned on.

Chair Pollock asked if any of the other cities around the City of Urbana use this standard. Mr. Myers recalled that there are several cities in Illinois that use this standard. It is also recommended in the Lewin Report.

Mr. Otto suggested that the Plan Commission adopt both standards set in Table 2 on Page 8 of the Lewin Report. Mr. Myers commented that they could adopt standards for both eye illuminance and sign luminance, but it seems complicated. Chair Pollock pointed out that the table refers to different lighting zones, which are defined on Page 6 of the report.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Andrew Fell, of Andrew Fell Architecture & Design, mentioned that the issue with the Assembly Hall sign was brought up in the last City of Champaign Zoning Board of Appeals meeting. The University of Illinois installed the sign with no regard for any of the City of Champaign's sign regulations. The Zoning Board of Appeals specifically addressed what their billboard and

electronic sign ordinance would be regarding the brightness and the rate of change directly related to that sign.

Mr. Fell inquired about existing signs. What would happen with them? Mr. Myers said that they cannot require sign owners to go back and install electronic dimming devices on their signs. However, if they already have an electronic dimming device, then they should be required to comply with the proposed light limits, if approved.

Mr. Fell questioned if having an automatic dimming device would cause the brightness level of signs to change as people drive past them. Mr. Myers answered that he understood that the majority of the electronic signs already have dimming devices, and you do not see the brightness level of the signs changing as you drive past. His understanding is that their light sensors read an average over a period of time.

With no further comments from people in the audience, Chair Pollock opened the meeting for Plan Commission discussion and/or motion(s).

Ms. Burris inquired about the new Burger King sign on Philo Road. Mr. Hopkins informed her that the sign has been fixed. Mr. Myers explained the situation with the sign. The sign operator came and installed the sign. He turned it on and left. Burger King had the sign operator return when they held a training session for their shift leaders and managers to learn how to operate the sign.

Mr. Otto questioned how many electronic signs does the City currently have. Mr. Myers said that he does not know. Mr. Otto said that he is curious to know how many signs would be grandfathered. Mr. Myers believes that there are very few existing electronic signs that do not already have a dimming device. Those with the dimming device should be able to comply with the ordinance.

Mr. Fitch stated that this is a good concept. However, he feels that there needs to be an absolute standard to keep the luminous or the upward creep over time in ambient light for reasons of lighting areas beyond what we would like in the aggregate or for a particular sign getting too bright or the issue of competition.

Mr. Hopkins commented that the issue for an electronic sign that matters with respect to ambient light is visibility. He infers that 0.3 is a small amount of light and is sufficient difference from the ambient light to be able to see what is intended to be displayed. He used the example of working on his computer in the sunlight using battery power, he would beef the light up enough so he could see it, but he would not go beyond that because he does not want to run his battery out. So he believes that owners of these signs wants to keep the difference from the ambient light as close to the minimum level that makes it readable because it saves electricity. It saves the life of the light bulb, etc. Headlights, parking lot lighting and all the other signs that are lit are also creating ambient light. His understanding of the proposed ordinance is that everyone will have to set their signs so that the difference from the ambient light to the brightness of their signs are not greater than 0.3. This applies to all who install lighted signs in one area as well, whether they are the first or the last to install their sign. So they are both looking at the same difference.

If the ambient light increases, then the actual projection from all the signs need to turn up the brightness level of the signs. If it gets darker, then the owners decrease the brightness level of their signs.

Mr. Otto believes that the proposed standard would measure how bright a sign would be from an "X" distance. It does not address that although this type of sign does not create much ambient lighting, to the eye it can be very bright. He preferred that City staff research this more prior to the Plan Commission making a recommendation to the Urbana City Council. He wondered if the City of Champaign had a corresponding ordinance. Chair Pollock read in the packet that the City of Champaign only has a requirement that there be a dimming device.

Mr. Fitch remarked that if the ordinance works the way Mr. Hopkins interpreted it, then it addresses one of his major concerns. However, they are still left with the issue of certain areas of the City getting progressively lighter. One area of the City in particular, High Cross Road, is pretty dark right now.

He noted that with regards to grandfathering of signs that do not have dimming devices, there is some language in the Daktronics report about Bemidji, Minnesota. Their statute simply says that *"Legal non-conforming signs without a manufacturer auto dim feature shall comply with this requirement to the extent feasible within the limits of the dynamic display programming"*. Chair Pollock understood this to mean that if you have a dimming device, then you are required to use it. However, if you do not have one, then you are off the hook.

Ms. Upah-Bant did not feel comfortable making a recommendation to City Council. She would like to know how much light can be produced under the 0.3 footcandle requirement. She also feels that the City would be leaving ourselves wide open if we do not have a way to measure it. Mr. Myers said that he can take some measurements and maybe some videos.

Chair Pollock continued this case to a future Plan Commission meeting.

8. NEW BUSINESS

Updated on the Champaign County Land Resource Management Plan

Robert Myers, Planning Manager, gave an overview on what is taking place in Champaign County. The County is in the process of writing and adopting a Land Resource Management Plan that focuses a lot on soil and farmland preservation. There is a steering committee that is made up of 14 members. The Plan deals with areas outside of the cities in Champaign County and beyond what the cities will grow into in the near future. He referred to the proposed Champaign County Future Land Use Map that was displayed on an easel. He mentioned that the Plan recommends to defer land issues inside the sewer service boundary to the City's Comprehensive Plan.

Chair Pollock asked if the sewer service boundary line corresponded to the extra-territorial jurisdiction (ETJ) line. Mr. Myers said no. He showed the different lines on the map.

Chair Pollock wondered why the two lines are not contiguous. Mr. Myers replied that City staff had recommended that the County's plan just deal with land use beyond the 1.5 mile extraterritorial jurisdiction (ETJ), but that the County sees some areas in the ETJ as not being developed within the life of the proposed plan because they are beyond the sewer service boundaries. So the County's land resource management plan does include some areas within but along the margins of ETJs.

Mr. Myers continued with his presentation. He pointed out where the best prime farmland is located on the map.

Ms. Upah-Bant stated that she serves on the plan's steering committee. She pointed out that the large circled numbers on the map represent the total number of projected new households in those areas. She noted that the goal of the Plan is to keep growth contiguous with urban areas and not sprawl into the best prime farmland.

Mr. Myers pointed out where the City's Comprehensive Plan for our ETJ and what the Champaign County Land Resource Management Plan Steering Committee has proposed with the City's ETJ. In the Big Grove area, the County's future land use designations are more detailed than the City's and make sense based on flood plain, forested areas, etc.

City staff has asked County staff to extend the City's future planning area (tan color) further out, which is contiguous for every growth area we believe is in our future. The last difference is that the City's Comprehensive Plan map shows the South Farms as being institutional. The County's map shows it as being agricultural. We should follow the University of Illinois' Plan.

He talked about the timeline. He stated that if the Plan stays on track, it should be presented to the Environment Land Use Committee (ELUC) of the County Commission in January or February of 2010. There is still time for review. City staff will keep the Plan Commission informed of what is going on and will hold a study session later on.

Ms. Upah-Bant commented that she is puzzled why the steering committee is concerned about getting the plan passed through ELUC and getting it to the County Board in the current format. The reason is because many of the steering committee members are township or road commissioners that are pretty well informed about their topics.

Mr. Myers mentioned that one area to keep an eye on is in terms of property rights and development rights (i.e. subdividing of lots). Policies on the maximum number of times an agricultural lot could be subdivided would be covered by a new policy.

With no further comments, Chair Pollock closed this item of business.

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 8:42 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **August 6, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Dannie Otto, Bernadine Stake
MEMBERS EXCUSED:	Jane Burris, Michael Pollock, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	There were none.

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present. Ms. Stake moved that Ben Grosser serve as Acting Chair in the absence of Michael Pollock. Mr. Fitch seconded the motion. The motion was passed by unanimous voice vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Fitch moved to approve the minutes of the July 9, 2009 regular meeting as presented. Mr. Hopkins seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Resolution No. 2008-02-002R Approving the City of Urbana to participate in the development of a Multi-Jurisdictional Hazard Mitigation Plan

- Planning Commissioners Journal – Number 75 Summer 2009
- Inserts of Approved Text Amendments to the Urbana Zoning Ordinance

Acting Chair Grosser welcomed Andrew Fell as the newest Plan Commission member.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, stated that he is still researching sign illumination measurements. He has scheduled to take measurements the following evening. As he will be unavailable for the next Plan Commission meeting on August 20, he asked that they forward this case to the September 10, 2009 Plan Commission meeting. He realizes that this means the case would be continued for another month, but in this case the City is applicant so a delay would not pose a problem.

Mr. Grosser asked which signs Mr. Myers is planning to measure. Mr. Myers stated that he will take measurements at the Burger King sign on Philo Road and the Assembly Hall sign on Florida Ave. Even though the Assembly Hall sign is not located in the City of Urbana, people frequently report that it is too bright, and it would be good to provide a frame of reference.

Mr. Grosser asked whether the Burger King sign has an automatic dimmer. Mr. Myers replied yes.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2110-T-09 to the September 10, 2009 meeting. Mr. Otto seconded the motion. The motion was passed by unanimous voice vote.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2114-CP-09: An application by the Urbana Zoning Administrator to adopt the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan and amend the 2005 Urbana Comprehensive Plan (as amended) by adopting the Hazard Mitigation Plan as an element.

Robert Myers, Planning Manager, presented this case to the Plan Commission. The City currently has a Hazard Mitigation Plan (HMP) that was adopted in 2005. City staff would like to adopt the proposed County Hazard Mitigation Plan as an update to the City's existing plan.

He explained what a hazard mitigation plan is. Instead of being a plan on how to respond to a disaster, a hazard mitigation plan is more about how to avoid damage and injury in the first

place. For instance, rather than being a plan for responding to a flood, a hazard mitigation plan prepares us to stay out of the way of a flood.

The Federal Emergency Management Agency (FEMA) offers both an incentive and a requirement for communities to adopt hazard mitigation plans. They offer mitigation grant funds in two different forms: 1) after a Presidential Declaration of Disaster and 2) on an ongoing basis. FEMA, however, also requires that local communities adopt hazard mitigation plans adopted prior to receiving hazard mitigation funds. Currently, the City of Urbana is the only jurisdiction in Champaign County that has a mitigation plan in effect.

Mr. Myers described the process that the County followed in preparing the draft plan. Although this would be an element of Urbana's Comprehensive Plan, this plan has a different format than most. In part this is because FEMA and ILEMA (Illinois Emergency Management Agency) have particular format and procedural requirements. Also, FEMA and ILEMA require that HAZUS software be used preparing a hazard mitigation plan in order to predict property damage under different scenarios.

Mr. Myers named the top ranked hazards for Champaign County: severe storms, floods, severe winter storms, extreme heat, drought, and earthquake. The community will always be in the path of different natural processes. We need to think in terms of when events will occur rather than if they will occur. He believes that the heart of the proposed HMP is the mitigation strategies. The mitigation strategies for the City of Urbana start on Page 6-23 of the plan. He reviewed some of the strategies listed. He talked about the how the proposed HMP fits in with the City's 2005 Comprehensive Plan. Mr. Myers presented City staff's recommendation as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2114-CP-09 to the Urbana City Council with the following recommendations:*
>
> 1. *Approve the Champaign County Natural Hazard Mitigation Plan, and*
> 2. *Adopt the plan as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Mr. Fitch asked as if the proposed plan would replace the City's existing HMP. Mr. Myers said that the proposed plan would supersede the City's existing hazard mitigation plan.

Mr. Fitch inquired how the public can sign up for text message alerts for weather events. Is there a link on the City's website? How can people sign up? Mr. Myers stated that there is a link and he will send it to everyone. The Fire Department recently made a presentation to the City Council about how people could sign up. Many people at the University of Illinois have already signed up. Mr. Grosser questioned if the list is the same between municipalities. For instance, if he is signed up for the University of Illinois Text Alert System, then would he also be signed up with the City of Urbana's system? Mr. Myers said that there are not two different systems. You only need to sign up once.

Mr. Grosser asked if the City's current HMP has been folded with the Comprehensive Plan document itself. Mr. Myers explained that it is not physically bound as a chapter of the 2005 Comprehensive Plan but was adopted as a separate element of the Comprehensive Plan.

Mr. Grosser wondered how the proposed plan would be amended in the future. Will all 24 jurisdictions have to approve any future changes? Mr. Myers said he was not exactly sure, but he believes that there could be similar county-wide effort for a major update. Having said that, he pointed out that the draft plan itself does not carry any weight. Each jurisdiction (all 24 municipalities, the University of Illinois, Parkland College and Champaign County) is being asked to adopt the proposed plan individually. Once we adopt the proposed plan, it becomes ours to make any changes. Other jurisdictions could also make changes.

Mr. Myers noted that some very minor changes have been made to the draft after this Plan Commission packet item was prepared for distribution. The changes are extremely minor and editorial and have nothing to do with Urbana. For instance, a reference to floodplain in the Village of Foosland was deleted because Foosland doesn't actually include any 100-year floodplan. If the Plan Commission forwards this case on to the City Council, City staff would provide Council with a final draft version reflecting the minor editorial changes.

Mr. Hopkins noticed that on Page 4 of the staff memo, the list of mitigation strategies only contains about half of the table from Chapter 6 in the proposed HMP. Mr. Myers commented that the memo only provides Priority One strategies for Urbana.

Mr. Myers added that the nature of a hazard mitigation plan is a little different in terms of public participation. Although the plan included a public input process, it does not attract the same kinds of crowd that you might expect for a traditional comprehensive plan dealing with the future of neighborhoods, etc. The public process encouraged participation through advertising, hanging posters in libraries, holding a public hearing, and providing an online survey. Although there was some public participation, it was nowhere near the level of participation that the 2005 Comprehensive Plan.

With no further questions for City staff and with no audience, Acting Chair Grosser opened the public hearing up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2114-CP-2009 to the City Council with a recommendation for approval, including the two recommendations suggested by City staff. Ms. Stake seconded the motion.

Mr. Hopkins moved to add a friendly amendment by adding the phrase "as it pertains to the City of Urbana" at the end of the motion. Most of the draft plan does not pertain to the City of Urbana, but some of it does. He would not want to adopt all of it because of this. Adding this phrase would enable the City to better amend it without reference to any other parties. Mr. Myers commented that City staff had discussed this very issue and how to deal with it. If they adopt the entire plan, then some of it pertains to other jurisdictions, and it would be part of the City of Urbana's Comprehensive Plan. We can always say that other communities are outside of our jurisdiction and ignore those portions of the plan. It would be more difficult to adopt just

those sections of the plan pertaining to the City of Urbana because there are scattered sections. Mr. Hopkins remarked that he was trying to come up with a phrase that refers to the content of the proposed plan and not the physical portions of the plan.

Mr. Otto felt that they could just reference the date of the final draft. Whatever other communities do would not alter the City's plan. Mr. Hopkins understands this, but the City of Urbana might want to modify the plan pertaining to our municipality. He does not want to have worry about whether other jurisdictions have to approve our modifications. In other words, he does not want to adopt someone else's plan that we cannot change. Mr. Otto noted that we have already adopted someone else's plan, the 2003 International Code Series, and made modifications to each section (Building Code, Property Maintenance Code, etc.).

Mr. Hopkins stated that although he did not read the proposed plan in its entirety, he is looking at the specific sections for the City of Urbana. He is not sure that he agrees with all of it.

Mr. Otto asked if each community wrote their own mitigation strategies. Mr. Myers responded yes. City staff used Urbana's 2005 hazard mitigation actions as a baseline. City staff -- including Public Works, Fire Department, Police Department and Community Development -- analyzed which ones had been achieved already and which ones still needed to be worked on. Staff came up with some changes and submitted them to be included in the proposed HMP.

Mr. Grosser commented that he also preferred to not adopt an entire plan that has zero relevance as a part of the City's Comprehensive Plan. Therefore, he moved for a friendly amendment to change wording in the second recommendation to read as such, "Adopt portions of the plan that pertain to the City of Urbana as an element of the 2005 Comprehensive Plan as amended." Mr. Fitch and Ms. Stake accepted the friendly amendment as part of the main motion.

Mr. Otto felt the wording would be too vague. Who would determine what is relevant and what is not? He believes that if there is something in the proposed plan that they want to exclude, then they should specify paragraphs or page numbers. Mr. Hopkins pointed out that "relevant" and "pertain to" connote something different. If there is a list on a map that is labeled in the proposed plan as "City of Urbana" then it pertains. If there is a list of actions for the Village of Foosland, then it would not pertain.

Mr. Fitch stated that he understands Mr. Otto's point about generality versus specifics. However, in this case the Plan Commission is an advisory body making a recommendation to the Urbana City Council. He suggested that City staff speak with legal counsel and decide if there is any reason for the City Council to simply take this approach or to get specific and approve certain pages and sections of the proposed plan. Through the Plan Commission's discussion, they have voiced their concerns about adopting a plan with sections that do not pertain to the City of Urbana. They have also established that they cannot amend or implement parts of it irrespective of the other jurisdictions. He stated that he agrees with the language in the friendly amendment.

Mr. Otto asked if it was everyone's understanding that if the City Council adopts this plan that the floodplain requirements would be thereby changed, or would it simply call for the City to

amend the floodplain requirements? Mr. Hopkins said it would be the later. If by "amended" he means the ordinance changed, then it would make it a regulation. By approving the proposed text amendment, they would be amending the 2005 Comprehensive Plan to say that this is what they want to do; which if they haven't thought about whether this is what they really want to do, it kind of makes a joke of amending the plan. He agrees that the City is not actually doing any of the things in the plan except they are formally amending the Comprehensive Plan. The creditability and relevance of the Comprehensive Plan depends in part on whether it says things that they believe they should do.

Mr. Hopkins stated that the Plan Commission should talk about the substance of the content of the proposed plan that pertains to Urbana and about whether they want to recommend that content as an amendment to the Comprehensive Plan. Mr. Otto felt that Mr. Hopkins was raising some good issues and wondered if it might be best to defer action on this case until a later meeting.

Mr. Fell commented that he understands people's reservations. He wondered if a solution might be to recommend that the City Council adopt the plan, exclusive of the portions not pertaining to the City of Urbana. This way they would be approving the plan without the parts that the City does not want. Semantically this could solve the problem.

Mr. Myers clarified some concerns about the substance of the proposed HMP. The Boneyard Creek transfer of development rights already exists and has been on the books in the Zoning Ordinance for years. It is limited to transferring development from one portion of a lot in the floodplain on the Boneyard Creek to the remainder of the lot. It is not a transfer of development right over a large area. Mr. Hopkins questioned why it is in the proposed plan if we already have somewhere else. Mr. Myers replied that they want to offer it as a tool that is already available. They would like to be able to actually use it. The City is going to be carrying forward the Boneyard Creek Master Plan over the next few years, and there may be opportunities along the Boneyard Creek to use this tool.

Mr. Myers also clarified that the draft HMP calls for the City to periodically review and update the building codes pertaining to wind resistance and seismic standards. This is something we already do periodically anyway. Last year, the City Council adopted the 2003 International Building Code. Prior to that we were using the 1997 Code. Through that we adopted a higher wind resistance and seismic requirements already. One example is the clock tower at the courthouse. It took awhile to raise the money to reconstruct the clock tower, and when the plans were initially submitted to the City there was one seismic code. By the time the money was raised the City had adopted a revised seismic. The County's architects had to change their clock tower reconstruction plans to meet the new requirements. The tower was taken down all the way to the ground and rebuilt in compliance with current seismic codes.

Mr. Grosser clarified that some of the things in the Urbana portion of the proposed HMP are included so that the City has them as tools available for what is useful for having a mitigation plan in the first place, such as getting mitigation funds from FEMA, etc. Mr. Myers said that this is correct. It is important for the City to have a plan in order to avoid hazards, but there is also

the need to comply with FEMA requirements and be eligible for grant funds. The mitigation actions for Urbana are not radical in any way. They are actually quite practical.

The one mitigation action which could raise the most concern would be raising the flood elevation requirements by one foot. City staff has been talking about the need for this for a long time. Mr. Myers asked Mr. Fell, as an architect, if he could offer any perspective on this action. Mr. Fell felt that this stipulation could cause a few problems but could be solvable in terms of development. The flood elevation requirements do not come into play that often in Urbana because not too many new buildings are constructed in the floodplain. Mr. Myers commented that the 100-year floodplain in Urbana was limited to Boneyard Creek and the Saline Branch.

Mr. Hopkins stated that these were the two issues that concerned him most (transfer development rights and raising the floodplain by one foot). After hearing what Mr. Myers said about these two, he is now prepared to go forward with this case rather than deferring a decision to another meeting.

Mr. Grosser commented that he would vote in favor of the proposed text amendment. He believes that the language in the motion as amended is now clear. The proposed plan has sections for the City of Urbana as well as for other jurisdictions. It will not cause any great harm and may even offer some protection. He appreciates staff's effort. It sounds like they went to every possible length to involve the public in the process. He restated the motion for clarification. It reads as follows:

> *The Plan Commission forward Plan Case No. 2114-CP-2009 to the Urbana City Council with a recommendation for approval with the following recommendations:*
>
> 1. *Approve the Champaign County Natural Hazard Mitigation Plan, and*
> 2. *Adopt those portions of the plan that pertain to the City of Urbana as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Ms. Stake	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before City Council on August 17, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers gave a staff report on the following:

- Planning Division work items
  - Text amendment for wind turbines within the City and within the Extra-Territorial Jurisdiction (ETJ)
  - Urbana-Champaign Sanitary District (UCSD) Special Use Permit to allow changes to their facilities
  - Text amendment for light and heavy industrial zoning districts
  - Text amendment for loading docks, pedestrian connections across parking lots
  - Urbana Subdivision and Land Development Code Revision
  - Stimulus fund grant applications
    - Climate Showcase Communities Grant – Stimulus Money for Kerr Avenue Subdivision
    - Big Broadband Stimulus Grant – Rings of Hi-Capacity Fiber Optic Communication Cables and extending internet and other communication services to low-income neighborhoods
    - Core Area Mobility Grant – would upgrade streets, sidewalks and bike lanes in the core areas of both cities and the university campus.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **August 20, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Ben Grosser, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant
MEMBERS EXCUSED:	Tyler Fitch
STAFF PRESENT:	Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the August 6, 2009 regular meeting as presented. Mr. Grosser seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

This case was continued to the September 10, 2009 Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2113-T-09: Request by the Zoning Administrator to amend Table VIII-3 and Section VIII-4 of the Urbana Zoning Ordinance to allow access drives serving a single townhouse unit to be up to 18 feet wide or 45% of the lot width, whichever is greater.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He read the definition of *rowhouse/townhouse* from the Zoning Ordinance. He pointed out that the regulations for access drives are found in Table VIII-3. Widths for Access Drives and in Section VIII-4.F of the Urbana Zoning Ordinance. He explained the reason for the proposed text amendment is to improve these two areas to clarify and work better for townhouse units. He discussed the proposed changes in detail. He talked about how the goals and objectives of the 2005 Comprehensive Plan relate to the proposed changes. He read the options of the Plan Commission and presented staff's recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the Urbana City Council.*

Chair Pollock commented that people will be building more and more townhomes. Are they actually building townhomes on 20-foot and/or 30-foot wide lots? Mr. Engstrom answered that it is still allowed in the Zoning Ordinance, but practically, most of the new townhomes are being built on lots that are 30 feet or wider.

Mr. Fell pointed out that many zero-lot-line duplexes are built on lots that are 30 to 40 feet wide. According to the current language, they would not be allowed to have driveways that are 18 feet wide. Wouldn't it be illegal? Wouldn't they be considered a townhome if there are only two units? Mr. Engstrom stated that from the way it is currently written, City staff would consider it a single-family duplex. Each unit could have a primary drive up to 35 feet wide. Mr. Fell believed that this should be amended if not now, then at a later time. It seems to him that they should be allowed to have an 18-foot drive also. Mr. Engstrom replied that they can have an 18-foot drive under the current language. Mr. Fell stated that the proposed amendment would only allow 45% of the lot width, which is not 18 feet.

Lisa Karcher, Planner II, pointed out that Section VIII-4.F indicates that for single-family dwellings, the maximum driveway width is 45% of the lot width. It is basically saying that a duplex or single-family unit would have to be built on a lot at least 40-feet wide in order to get an 18-foot driveway. Mr. Fell responded that many of the duplexes in Stone Creek are on lots that are only 35-feet wide.

Mr. Engstrom commented that this is something that they should address. Ms. Karcher mentioned that they can discuss it at staff level. City staff had discussed this issue when they were reviewing the proposed changes prior to the Plan Commission review. It is staff's opinion that duplexes and single-family units are single-family in nature and they want to preserve this type of neighborhood development. It was a decision at the staff level to keep it this way so that a developer/builder would have to have larger lots or less drive widths for this type of development. Mr. Fell stated that he is not sure that he disagrees with this concept. The fact he is pointing out is that there are buildings that are nonconforming.

Mr. Otto referred to Table VIII-3 where it refers to Common-lot-line rowhouses or townhouses with individual drives. He wondered why under maximum width, it states *"no less than 18 feet"*. Shouldn't it read *"no more than 18 feet"*? Mr. Hopkins understands this to mean that the driveway can be as wide as 45% of the lot width, but if the lot is too narrow that 45% of the lot width is less than 18 feet, then instead of the maximum being 45% of the lot width, the maximum becomes 18 feet. So, the maximum can never fall below 18 feet. He commented that while the wording is confusing, it is correct. Mr. Engstrom replied that City staff tried different wording, and he recommended changing it to *"the greater of"*.

Chair Pollock opened the hearing up for public input and testimony. With no public participation, he closed the hearing for public input and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins suggested that City staff work on some of the issues presented tonight. He is concerned about the following:

1. Wording needs to be cleaned up.
2. We need to account for whether the proposed amendment applies to all zoning categories. If it does not, then to which categories does it apply?
3. There is currently no absolute maximum width for common-lot-line houses. This implies that someone with a 60-foot wide duplex lot would be allowed to build a parking lot in their front yard. We do not want anyone to be able to do this, so we need an absolute maximum for common-lot-line houses.

Ms. Stake commented that we need to do something about new units being built in non-conformity. Mr. Hopkins stated that these units are not non-conforming, but rather non-compliant.

Mr. Otto mentioned that the trend has been for people to have two-car garages. It is easy to understand why people want to have a driveway the width of the garage door. He wondered if

they could write the language to say that a driveway could not be wider than the width of the garage door. Mr. Engstrom said that the City of Champaign does something similar to this. We still need to have an absolute maximum width allowed.

Mr. Otto recommended making the absolute maximum width correspond to the actual need to get in and out of the drive, so people do not pave more of the front lawn than is necessary. Mr. Engstrom replied that City staff discussed this. The reason staff wanted to allow two-car driveways is to make it so that cars can park on the driveways and off the street.

With no further questions or comments from the Plan Commission, Chair Pollock continued Plan Case No. 2113-T-09 to the next scheduled meeting

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lisa Karcher gave a staff report on the following:

- Hazard Mitigation Plan was approved by the City Council on Monday, August 17, 2009.
- Next Plan Commission Meeting is scheduled for September 10, 2009. The cases to be reviewed include the Sign Illumination Text Amendment, the Driveway Width Text Amendment, and a special use permit request submitted by the Urbana-Champaign Sanitary District for an expansion to their facility on University Avenue.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **September 10, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake
MEMBERS EXCUSED:	Dannie Otto, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Mike Little, Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the August 20, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, presented an updated staff report. He presented sign illumination measurements that he took during the daytime as well as at night with the signs turned on and off. The signs he measured included the Burger King sign on South Philo Road (Urbana), the Assembly Hall sign located along Florida Avenue (Champaign) and the sign at The Pines at Stone Creek Commons (Urbana). He discussed a difficulty for enforcing sign illumination using an all-white display. All white sign images might be used for flashing/ attention getting type signs, but City of Urbana ordinances do not allow signs to be operated in this way. Local business managers on night duty are not necessarily trained to create an all-white image display on their electronic sign. As a result, City staff recommends a slight change in the proposed text amendment to require measurement of signs to be taken for the images actually being displayed rather than for all-white images.

Mr. Fell wondered if it made a difference how big a sign is as to how far away one should be when measuring for sign illumination. Should the City require less footcandles for larger signs? The signs at Burger King and the Assembly Hall might be putting out the same intensity of light; however, there is more light with the Assembly Hall sign because it is larger. Mr. Myers pointed out that the Lewin Report, sponsored by the Outdoor Advertising Association of America, recommended measurements at specific distances depending on the size of the sign. These distances have been incorporated in the draft ordinance language. Having said that, when he measured the illumination of the Assembly Hall sign, he did not take into consideration the size of the sign. He stood at 100 feet away. If the Assembly Hall sign is more than 100 sq. ft. in area, he should have taken his measurements from 150 feet. Although the Assembly Hall sign is not located in Urbana, he measured its light because many people refer to it as a very bright electronic sign.

Mr. Fell inquired as to whether a sign the size of the Assembly Hall sign could be constructed in Urbana. Mr. Myers said no. The maximum area of an electronic sign is 50% of the total signage allowance. He believes that all electronic signs that will be constructed in Urbana will be less than the 100 square feet, meaning that their light would be measured at a distance of 100 feet. For instance, a shopping center sign is the largest sign allowed in the City of Urbana, and the maximum size a shopping center sign can be is 150 square feet. So, 50% of 150 square feet equals a 75-square foot electronic display sign.

Mr. Fitch asked if both the Burger King sign and the sign at The Pines at Stone Creek Commons were easily visible even though they met the proposed requirements by a wide margin. Mr. Myers replied yes. Both were perfectly visible.

Mr. Fitch pointed out that if Mr. Myers would have measured the Assembly Hall sign from 150 feet instead of from 100 feet away, some of the advertisement displays might have met the proposed maximum illumination level of 0.3 footcandles. Mr. Myers responded that he's not sure.

With no further questions for City staff, Chair Pollock opened the hearing up for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins stated that he did not understand why a bigger sign should be measured from farther away. He recalled that Mr. Myers made a comment about the City would probably never have an electronic display sign larger than 100 square feet. In the instance of the Assembly Hall sign, if they measured it from 150 feet and it met the proposed requirement, why should it be acceptable? Anyone driving or walking toward it would at 100 feet see glare.

Ms. Stake commented that people can see a big sign farther away. So, it seems like the requirement should be the opposite of what is being proposed. Mr. Myers stated that he believes the reason for the proposed measurements is because 100 feet is considered to be a viewer distance.

Mr. Myers responded that there is a different way to measure an electronic sign's light output, which is with a NITS gun from 4 feet away. This method doesn't seem fair to him because people do not look at electronic signs from 4 feet away, and just measuring the light output doesn't directly correlate with glare. And generally speaking, the larger the sign is the farther away the viewing distance typically is. Mr. Myers mentioned that another drawback of the light output measure method is that it would be impossible to measure the illumination of a sign up in the air if you have to hold the light gun four feet away. NITS guns are also very expensive to purchase.

Mr. Hopkins remarked that he is not suggesting that they change the way sign illumination would be measured. He was only wondering if they need to include a distinction for how different sizes of signs are measured. He assumed that the wording for the proposed text amendment came from a model code, and after hearing Mr. Myer's explanation for the distance distinction, he is willing to leave the language in the proposed text amendment.

Mr. Hopkins recommended that the Plan Commission delete the word *"minimum"* in Section IX-4.C.2 so that it reads as such, *"Animation. Electronic displays shall not be animated as defined by this Article, including a display change frequency of no more than once every three minutes."* Another change he recommended is to change the language in the last line of Section IX-4.C.4.b to read as such, *"The difference between the two readings is the electronic signs illumination level above the ambient light level."* His concern with the proposed language is that *"actual"* implies that one would be measuring the light level, and this is not true. City staff would be computing the difference.

Mr. Hopkins moved that the Plan Commission forward this case to the City Council with a recommendation for approval including the two editorial changes he proposed. Ms. Stake seconded the motion.

Mr. Grosser thanked Mr. Myers for taking sign illumination measurements of the three signs. He now has a better understanding of what .3 footcandles means.

Mr. Fitch thanked Mr. Meyers as well. Taking the measurements of the three signs does help understand the proposed text amendment a little better. However, he is concerned that 0.3

footcandles might be too bright. This is based on the fact that the two signs Mr. Myers measured that met the proposed requirements met the 0.3 footcandles requirement by a long shot. In fact, they were under 0.2 footcandles. There is also the question that one of the displays shown on the Assembly Hall sign might actually meet the proposed requirements depending on where it is measured from. The science of this is beyond him. He does not necessarily want to change this at this time, but he wanted to raise this concern. Maybe City staff could do more research before they present this case to the Urbana City Council.

Mr. Myers responded that one of the displays shown on the Assembly Hall sign measured 0.4 footcandles above ambient light, and while it seemed bright to him it did not cause glare. He could look directly at the display without squinting. Consequently he sees 0.3 footcandles above ambient light as reasonable.

Roll call was taken on the motion and was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on September 21, 2009.

Plan Case No. 2113-T-09: Request by the Zoning Administrator to amend Table VIII-3 and Section VIII-4 of the Urbana Zoning Ordinance to allow access drives serving a single townhouse unit to be up to 18 feet wide or 45% of the lot width, whichever is greater.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. City staff has revised the proposed text amendment in response to the comments made at the previous Plan Commission meeting. Those revisions include:

1. Clarifying language that allows driveway widths to be up to 18 feet
2. Changing Table VIII-3 (Widths for Access Drives) to propose an absolute maximum in terms of feet and not just a percentage amount, and
3. Allowing two-unit common-lot-line townhouses to have access drives up to 18 feet wide.

Mr. Fitch asked if the standard duplex lot requirement being 80 feet is primarily for new construction. Mr. Engstrom said yes. It is aimed at new construction on both new lots and established lots. Under the Zoning Ordinance, in order to establish a duplex, the lot must be 80 feet wide or if platted before 1960 then the lot can be 60 feet wide.

Chair Pollock inquired as to whether there is a definition for *"public and quasi-public"* in the Zoning Ordinance. Robert Myers replied that the Table V-1. Table of Uses in the Zoning Ordinance lists all the permitted uses in that category as "public and quasi-public."

With no further questions for City staff, Chair Pollock opened the hearing for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins stated that Table VIII-3 (Widths for Access Drives) shows the maximum width for rowhouse or townhouse units with individual access drives to be 35 feet. He feels it should have a total set of rules like the other types of lots. Mr. Engstrom replied that the footnote for the maximum widths column states that *"Access drives serving individual townhomes shall not exceed 45% of the total lot width or 18 feet, whichever is greater."*

Mr. Hopkins wondered if the language shown for the maximum width for lots with three or more dwelling units without individual drives and for the widths for public and quasi-public, business and industrial uses is for both types of uses or is there a line missing in the table. Mr. Engstrom said that the two statements shown under the maximum width is for both types of uses. The intent is that for most lots the maximum width would be 24 feet, unless the lot is over 150 feet wide, then the limit would be 50 feet.

Mr. Hopkins asked what the range is for the minimum lot widths for the zoning districts. Mr. Engstrom responded that the Industrial (IN) zoning districts, the minimum is 90 feet. In Agriculture (AG) and the Conservation-Recreation-Education (CRE), the minimum width is 150 feet. In the rest of the zoning districts, the minimums are mostly 60 feet.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2113-T-09 to the Urbana City Council with a recommendation for approval. Mr. Fitch seconded the motion. Roll call on the motion was taken and was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Burris	-	Yes
Mr. Fell	-	Yes			

The motion was passed by unanimous vote. Chair Pollock noted that this case would go before City Council on September 21, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2117-SU-09: Request by the Urbana-Champaign Sanitary District for a Special Use Permit to expand the existing wastewater treatment facility at 1100 East University Avenue in the CRE, Conservation-Education-Recreation Zoning District.

Robert Myers, Planning Manager, presented the special use permit request to the Plan Commission. He began by stating that he sees the application as somewhat of a housekeeping measure. A wastewater treatment plant has been located here for about 75 years. In 2001, the Urbana Champaign Sanitary District adopted a Long Range Facilities Plan for the first time in 25

or more years. The Plan Commission and City Council reviewed the plan in detail at that time, and the City Council officially endorsed the plan. In 2002, the City of Urbana issued a Special Use Permit (SUP) for treatment plan improvements. Phase I and Phase II of the plan's improvements were completed in 2005. The first part of Phase III has also completed as well. The current SUP request is to finish the second half of Phase III as provided in the adopted Long Range Facilities Plan. The proposed improvements would not actually expand the operations outside of the area within which they already operate. Also the processes would not change from their current processes. But their site plan would be different from their approved 2002 Special Use Permit site plan.

He gave additional background information on the UCSD. He pointed out the existing land uses and zoning of the proposed site and of the surrounding properties. Referring to Exhibit A, (Location & Land Use Map) he showed where the UCSD property is located. He also talked about how the proposed special use permit request relates to the 2005 Comprehensive Plan. In terms of location, he pointed out that sewage treatment plants have to be located in very specific locations – basically at the lowest point in the watershed and along a water body. These factors dictate where sewage treatment plants can be located. In terms of effects on neighbors, the plant is relatively well buffered by Ambucs Park, the Landscape Recycling Center property, Saline Brach and its vegetation, and the National Guard Armory. Although there are residences located to the southwest, they have been there for probably as long as a sewage treatment plant has been located on this site. Plus the proposed improvements are designed to lessen noise and odor. So the SUP improvements should lessen effects on neighboring properties. Mr. Myers asked that the Plan Commission allow Mike Little, representative of UCSD, to speak about the specific changes proposed to the approved the site plan.

Mr. Little explained that during Phase IIIB, UCSD would primarily be replacing tankage and other equipment with new technology, better equipment, and better odor control. He then explained the existing sanitary process and how the changes they plan to make would improve the process. He explained each element of the improvements. These include adding a new clarifier to handle heavy rainwater flow, replacing the filtration building, replacing the employee building, adding capacity to the anaerobic digestive system, adding a new holding tank, and adding a vehicle storage building. Changes they are planning to make in Phase IV are adding another clarifier and two activated sludge systems. If new environmental standards are adopted at some point, then they would need to replace several existing facilities. Although these last improvements are somewhat speculative as this may be 10 to 20 years in the future, they are also shown in the submitted site plan in their general configuration.

Mr. Fitch asked if the area of the treatment facility located closest to the adjacent residential properties would smell better. Mr. Little said yes. The neighbors are aware of what changes the UCSD is planning to make. They held a neighborhood meeting when they put together the planning for Phase IIIB and Phase IV.

With no questions for City staff, Chair Pollock opened the hearing for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Ms. Stake moved that the Plan Commission forward Plan Case No. 2117-SU-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Mr. Hopkins asked for clarification as to whether Phase IV is included in the special use permit request. Mr. Myers responded that Phase IV is shown on the Site Plan submitted for the special use permit request. As long as the UCSD builds the Phase IV tanks within the general area shown on the Site Plan, then it will be covered under the proposed special use permit.

Mr. Grosser remarked that he is a big fan of the sewer service. He is happy to pay his sewer bill whenever he gets it.

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Burris	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes			

The motion was passed by unanimous vote. Mr. Myers mentioned that this case would go before the Urbana City Council on September 21, 2009.

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 8:38 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **November 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Marilyn Upah-Bant
MEMBERS EXCUSED:	Dannie Otto, Michael Pollock, Bernadine Stake
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	David Monk, Susan Taylor

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

Mr. Hopkins made a motion to nominate Ben Grosser to serve as temporary Chairperson. Mr. Fitch seconded the motion. The motion was passed by unanimous voice vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Fitch moved to approve the minutes of the September 10, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Planning Commissioner's Journal – Fall 2009

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Presentation by CUUATS staff on the draft Long Range Transportation Plan 2035

Robert Myers, Planning Manager, presented a brief introduction. Mr. Myers explained that the Federal Highway Administration requires that the plan be updated every five years in order for regional governments to receive federal funds for any projects that are considered long range investments that are large and have a regional impact and would need federal or state assistance to do. The last time it was updated was in 2004. He then introduced Eric Halvorsen, CUUATS staff representative.

Mr. Halvorsen began his presentation on the CUUATS Long Range Transportation Plan Update – Choices in 2035. He discussed the following:

- What is the Long Range Transportation Plan?
  - Evolves over the next 25 years
  - Encompasses Champaign, Urbana, Savoy, and Bondville urbanized area
- LRTP Planning Process
- What progress has been made since 2004?
  - 2009 Roadway and Transit Project Status Map
- Land Use and Development – 2035
  - Sustainable Development and Green Infrastructure
- Transportation System – 2035
  - Personal Vehicles
  - Vision Map for Roadways
  - Fiscally Constrained Projects
  - Bicycles/Pedestrians
  - Vision Map #2 – Bicycles/Pedestrians Map
  - Local Public Transit
    - Expand Transit Service Area and Frequency
    - Develop Seamless Network for Active Transportation
    - Reduce Greenhouse Gases
    - Park and Ride
  - Intercity Public Transit
  - Commercial Trucks

  - Rail
  - Air Travel
  - Vision Map #3
- Goals & Objectives
  - Added "Measures of Effectiveness"
- Future Funding Projections
  - Federal Funding Projections
  - State Funding Projections
  - Local Funding Projections
  - Total Projected Local Funding 2010-2035
- Next Steps

Mr. Halvorsen stated that an electronic copy of the plan is available on the web sites of all the municipalities (Champaign, Urbana, and Savoy) and on the Mass-Transit District (MTD) and the Champaign County Regional Planning Commission (CCRPC) websites. Paper copies of the plan are available at the City of Urbana's Community Development Services Department, the Planning Department for the City of Champaign, the Municipal Center for Savoy, MTD, CCRPC and at the two public libraries in Champaign and Urbana.

Acting Chairperson Grosser asked Mr. Halvorsen to cite a specific web address since the meeting is being televised. Mr. Halvorsen stated that people interested in reviewing the plan can go to www.ccrpc.org.

Acting Chairperson Grosser opened the agenda item for public comments and questions.

David Monk, of 115 North Market Street in Champaign, stated that he likes the idea of the plan being regional. He expressed his concern about railroads. He stated that REACH [CREATE] is really getting to the point of deciding where to send their traffic and where the population base is. It is likely that the first leg will come through Champaign. He mentioned that 1/3 of all the freight in the United States goes through Chicago, which is the reason for the REACH ring around. It is happening with freight and passenger lines being parallel, not sharing the same rails. This program would also increase safety because it would be taking semi-trailers off the interstate.

What comes through Champaign? There is a rail that comes from Indianapolis which joins in Champaign and goes onto Bloomington. If REACH eventually hits Bloomington and Springfield, then there will be a route for not only passengers, but for freight as well.

He mentioned that Warren Buffet has bought the rest of the Burlington-Northern Railway. This will change railroading a lot. He also talked about coal traffic.

Mr. Monk stated that the lines have to be straight. Straightness means that the train can move at high speeds on regular tracks. They will need to provide an overpass every two miles, which will allow vehicular traffic to go over the railroad and keep traffic flowing. Champaign-Urbana has a tremendous right-of-way. We could bring recreational tourism in from surrounding towns. There are companies that still use the rail system such as Solo Cup, Humko, etc.

Lastly, he pointed out that there will be a Civil Engineering Railroad Seminar held and the topic will be on the REACH program. There will be a guest speaker from the Canadian National Railroad.

With no further public input, Acting Chair Grosser closed the public input portion and opened it up for Plan Commission comments and/or questions.

Mr. Fitch wondered if the cost estimates included maintenance that would ordinarily occur in addition to improvements or does it only include improvements. Mr. Halvorsen explained that the cost estimates include maintenance, operations and capital improvements.

Mr. Hopkins noticed that the Rail Map implies a route for high-speed rail. The details of the route, as drawn, seem implausible. Is there any significance to where the line is on the map? Mr. Halvorsen stated that the line would follow the most likely route that CCRPC staff has been informed about. They are still investigating whether the route would continue south from Illinois Terminal down to Effingham and then go west.

Mr. Hopkins asked if this would be high speed. Mr. Halvorsen said yes. Mr. Hopkins commented that the line is drawn with a right angle. High speed rails are not going to go in a right angle. Since the point of the angle is shown to be at the Illinois Terminal, it makes the whole thing seem incredibly controversial. He recommended that the maps be changed.

Mr. Hopkins stated that after reading the plan, he understands it to imply that we want to compete for high speed rail access. Mr. Myers noted that he attended a meeting with the High Speed Rail Association. At the meeting, it was mentioned that a high speed rail between Chicago and St. Louis by way of Springfield at 110 mph is pretty much a done deal. What the LRTP is talking about is truly high speed rail that would be 220 mph. There was some talk at the meeting about a high speed rail going from St. Louis to Chicago via Champaign and Effingham. The reason for this is because that route has an existing wide railroad right-of-way. Mr. Hopkins recommended that they take the line representing high speed rail off the map in the proposed LRTP. They could use a symbol similar to the bubble to state that we are tracking high speed rail.

Mr. Hopkins went on to talk about the Road Map. There was an example from southwest Champaign to Carle where vehicle miles might increase and time would decrease. This raises a fundamental problem pointing out the dilemma of vehicle miles versus time. When he looks at the map, graphically what he sees is a circumferential (ring road), because that is what is represented on the map. The example indicates that what we are doing is increasing the accessibility of locations on the circumferential. If a person uses the circumferential to come back into the City it means that the person arrived at some place on the circumferential before arriving back at the City. Mr. Hopkins said he takes from the maps that Carle Hospital would eventually move out of Urbana. He feels this is a problem. Mr. Halvorsen replied that if people are reading the LRTP this way then that is a problem as this is in no way part of the plan.

Mr. Hopkins wondered if there is some way to show that the plan is not dispersing business on the fringe by highlighting other kinds of investments, maintenance, signal timing, etc. that are not shown on the map. Mr. Halvorsen restated that the plan indicates we are making investments in roads like Curtis Road where there is already development, people who live in south or

southwest Champaign and want to access core of the city, then it may be easier and faster to get there by using a newly improved arterial road rather than taking the traditional route and hitting all the stop signs and signals.

Mr. Hopkins commented that this is why we have shopping centers and why the Christie Clinic and Carle Clinic bought land on the fringe to move out there. There is nothing wrong with the logic. In fact, he agrees with it, but the plan is inconsistent with what we are claiming to try to do. Actually the allocation of funds is not as inconsistent as the map makes it look. Mr. Halvorsen pointed out that one of the issues they have with the way the federal funding works is that it is typically allocated to these larger more expensive regional projects which tends to be on the outskirts. When they composed the vision maps they did not supersede local planning processes. They hoped the comprehensive plans and the corridor studies in the municipalities would hold true and curb some of Mr. Hopkins' concerns. Mr. Hopkins stated that one way of doing this would be to extend the radials rather than build the circumferential. They would still be in the fringe and would still be considered regional scale in terms of projects. On the map, there is very little of this.

Mr. Myers remarked that changing the color coding might help communicate better. Some of the green lines shown on the map are radial street projects that have already been completed. The red line represents the arterial streets, of which many already exist such as Windsor Road and Route 130. A newly extended arterial that is represented in the 2005 Comprehensive Plan is Olympian Drive. The Olympian Drive extension is reflected in both the existing 2004 LRTP and in the 2005 Comprehensive Plan. In terms of future land use in those areas, obviously the City is going to follow the Comprehensive Plan.

We want future roadway improvements to be in sync with future land use designations. We do need these improvements for all different sources of transportation. One component of our regional transportation needs is arterial roads. Since this one component is the most expensive, we tend to look to the federal and state governments to help pay for those improvements. If the improvements are not shown in the LRTP, then the projects will not get funded by them.

Acting Chair Grosser noticed that the Stone Creek Subdivision was not included in the map of the Urbanized Boundary. He wondered why. Mr. Halvorsen responded that it could be that Stone Creek Subdivision in 2000 might not have had a high enough population or might not have been developed when the Census Bureau defined the urbanized area. Following Federal guidelines, they base it on a formula of population and density.

Mr. Halvorsen mentioned that the roadway map is the most up-to-date map that Champaign County Regional Planning Commission has in their GIS system. It is basically reflective of any new road that has been added this year. It may be a little misleading when looking at the new roadway map and then see the urbanized boundary area. They illustrated a larger outer boundary to highlight that there are new developments that are not currently incorporated in the LRTP.

Acting Chair Grosser commented that one of the bubbles mentions a possible interchange for Interstate 74 and northwest Champaign. Mr. Halvorsen replied that nothing specific is being proposed right now. The City of Champaign's Northwest Growth Area Plan suggested an interchange for this area. In order to get an interchange there, the City of Champaign would need to do an Interchange Justification Study and there is no funding at this time. The next big

interchange is slated to come in the Urbana location. Mr. Myers added that the Access Justification Study takes about five years.

Acting Chair Grosser inquired as to what the current status is for the I-74 interchange for East Urbana. Mr. Myers responded that the preference expressed by people in the Route 130 Plan was that the interchange would be located on Cottonwood Road or at 1800 East rather than at Route 130. Mr. Halvorsen added that in the recently passed state capital bill from 2010 to 2015, there was money allocated for this particular interchange study. The problem with a capital bill is that you never know if the money is coming or if the government will try to rescind the money at the last minute. Mr. Myers pointed out that Walmart and Menards representatives have indicated that their developments on Route 130 are not reliant on an I-74 interchange at Route 130 but would welcome the additional access if it would be located there.

Acting Chair Grosser wondered what is going on with the Florida Avenue extension to Route 130. Mr. Myers explained that there is a three-party agreement between the two property owners and the City of Urbana. He said he is not sure of the exact status; however, he would get that information for him.

Ms. Upah-Bant asked for more information about the high-capacity bus system. Would it cause spin-off development? Mr. Halvorsen stated that it is a purely transportation driven project. The projects include improving/reconstructing some of the roadways without adding lanes, adding on-street bike lanes, improving the sidewalks, build bus shelters on the routes and provide digital signs showing bus arrivals, etc. MTD partnered with the City of Champaign and with the City of Urbana, so it is really a three part grant through the Tiger Grant Stimulus Program. They call it the Core Area Mobility Project, because it is really the cores, the downtowns, and the core campus area. It is a way to link the two cities and the University as a whole and trying to do it through transit, bike and pedestrian modes instead of through automobiles.

Mr. Myers pointed out that this project has come about in the last year. It is not part of the City's Comprehensive Plan. MTD has an opportunity to increase frequency on their most popular routes. Also within the last year the TIGER Grant has been announced which is a specific pot of money of stimulus funds for large-scale transportation projects. The application has been submitted, and we should receive an answer in February of whether we have been approved. It would be used for improvements such as street reconstruction and bump outs and platforms where buses could load people.

Mr. Myers encouraged the Plan Commission members to read through the plan and provide any additional comments to CUUATS staff. All comments will be taken into consideration and be included in the Appendices. Mr. Grosser wondered if the minutes of this meeting would be included. Mr. Halvorsen said no, it does not include minutes. However, they do include agendas of each meeting they present at and plan to include the City Councils' and Board resolutions.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

APA Midwest Planning Conference – One of the fieldtrips had to do with the CREATE project discussed earlier this evening. He talked about how the freight traffic congestion in Chicago is impacting other cities in the region.
Green Corridors Project Public Workshop will be held on Saturday, November 7th at the Krannert Center from 9:30 am to 12:30 pm.
Sign Illumination Text Amendment was approved by the City Council. They also approved the Driveway Width Text Amendment and the Urbana-Champaign Sanitary District special use permit request.
Preference Requests for Paper or Electronic Copies of the Packets – We are looking for ways to move forward with electronic packets for those who prefer that format. Electronic format saves on the cost of paper and postage and provides a way to efficiently transmit the information.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **DRAFT**

DATE: **December 10, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Andrew Fell, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake
MEMBERS EXCUSED:	Jane Burris, Tyler Fitch, Ben Grosser, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Scott Plunk, Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Otto moved to approve the minutes as presented. Mr. Fell seconded the motion. The minutes of the November 5, 2009 regular meeting were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09: Annexation Agreement and request to rezone upon annexation a 1.6-acre tract of property at 2209 East Perkins Road from Champaign County CR, Conservation-Recreation District to City, R-1, Single-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented these two cases together to the Plan Commission. He gave a brief background and description of the proposed site. He noted the zoning and future land use of the proposed property and of the surrounding properties. He reviewed the LaSalle National Bank criteria as they pertain to the proposed annexation rezoning. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Staff recommends that the Plan Commission forward these two cases to the City Council with a recommendation for approval of the proposed annexation agreement as presented.*

With no questions at this time for City staff, Chair Pollock opened the hearing up for public input. There were no comments or questions from the public. Chair Pollock, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood that the Plan Commission was only considering the rezoning request and not the variance request that is part of the annexation agreement. In making sense of the zoning decision, the construction of a building in a residential zone that has 3,200 square feet of storage and 800 square feet of residence does not make sense as a long-term activity in a residential zoning district. Therefore, he is trying to figure out how much of this the Plan Commission should be dealing with or whether they should just ignore this. Chair Pollock commented that it would be up to each individual member to decide if these concerns of what might happened on the proposed property is reason enough to deny the rezoning request.

Robert Myers, Planning Manager, pointed out that it would be residential storage and not business storage. He recalled the Reynolds annexation where the property owner had a lot of personal storage. This is not such an unusual activity in rural areas. The Comprehensive Plan shows Rural Residential for the future land use. If the property was converted from County CRE to City CRE zoning, then the residential use would not be allowed. The lowest intensity residential district would be R-1, Single-Family Residential.

Mr. Hopkins wondered what it is about the particular expectation of this building that actually requires the proposed variance. Is there a limit on how big a garage can be relative to the other space in a house in the R-1 Zoning District? Mr. Fell responded that he knows through his work that a detached accessory structure can be no more than 750 square feet. Mr. Hopkins pointed out that this is not a detached accessory structure, because the storage area and the residential area will be all one structure.

Mr. Myers noted that the petitioner wants to protect his right to build prior to purchasing the land. The Zoning Ordinance states that residential storage is typically an accessory use. He wants some assurances that the City is okay with the proposed structure before he agrees to annex the property. The annexation agreement is a way of spelling out the rules.

Mr. Fell wondered if the proposed site is annexed, will there be any City responsibility or obligation for City services? Mr. Myers said yes. Chair Pollock stated that police and fire would respond upon annexation of the property. Mr. Myers added that City staff has looked at utility service extensively in terms of sewer. Staff knows what all the steps will be and when the sewer system will be required to be extended to this property.

Chair Pollock asked how far the property is located from an existing sewer line. Mr. Myers replied that the nearest point is basically across the street.

Mr. Otto had City staff to specify what would be required to extend the City services in terms of the sewer system. Mr. Engstrom responded that in terms of sewer service, there is an existing septic system that the Urbana-Champaign Sanitary District (UCSD) will allow the petitioner to reconnect to. When the septic system fails, then the petitioner will be required to hook up the UCSD public sewer, and it will be at the petitioner's cost.

Ms. Stake stated that she did not feel that the rezoning request should be passed. After looking at the variance request in the annexation agreement, she did not feel that she would want the proposed structure next door to her. She feels the rezoning request should be denied because of the variance request. The 3,200 square foot storage area goes against what the Comprehensive Plan shows for the area. She feels that something else would fit much better in this area.

Mr. Hopkins moved that the Plan Commission forward both Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09 to the City Council with a recommendation for approval. Mr. Fell seconded the motion.

Mr. Hopkins commented that he has the same concerns that Ms. Stake raised. However, what helps him think the proposed rezoning and variance are reasonable is the aerial photo (Exhibit B). Other properties that are adjacent to the proposed site are rural residential. He thinks that the City tries to articulate in the Comprehensive Plan the idea that the kind of residential in northeast Urbana is appropriately different and a particular kind of opportunity. A 4,000 square foot building is a big house, but compared to the layouts of some of the adjacent properties, it would be a step in the right direction and maybe an appropriate part of the mix on this road.

The final point is that it is not the Plan Commission's task to consider the details of the specific request for the variance. Therefore, he did not feel that they could get into that aspect of it.

Chair Pollock noticed that the red line, which outlines the subject property on Exhibit B, do not match the black lines, which represent the property lines. He pointed out that the property line goes right through the middle of where the proposed structure would be built. He asked City staff to address this. Mr. Myers explained that a subdivision of the property being completed along with the annexation. The subdivision request will clear up ambiguous property boundaries. Mr. Engstrom added that the property that is shown is from a previous subdivision

plat that was done without permission. The property as outlined in the exhibit is shown as following approval of the subdivision plat.

Ms. Stake does not feel that the rezoning request should be approved. Rural residential does not mean that residents are not bothered by bad development. If she lived in rural residential, she would not want a huge building built next to her property. She feels the proposed structure would be making more of a mess and that by approving this would be a disservice to the other property owners in the area.

Scott Plunk, petitioner, asked permission to speak. With no objection from the Plan Commission, he approached the dais. He mentioned that the existing house is in terrible condition and is uninhabitable. The property was subdivided in 2004. At the time, the owner decided he wanted to take 50 feet off the west side of it and add it to his own residential property. This made the proposed site 153 feet wide. This was not in compliance with Champaign County zoning. So, in coming up with a deal with James Tull, the current owner, to purchase the subject property, he requested 28 feet of that 50 feet to become part of the subject property again. The red line should represent what the proposed property will be after the property is re-platted.

Mr. Plunk talked about the proposed building. He explained that he has a backhoe and plans to use it to clean up the property. He is a single person, so 800 square feet of residential is enough for him. He would like to clean the dead vegetation up this coming winter and construct the new building in the spring.

Mr. Otto inquired as to what the proposed building would look like. Mr. Plunk answered that it would be a pole-type building. It will have a concrete foundation. The façade will have windows, awnings and an overhang.

Mr. Otto asked about the setback from the front property line. Will it be similar to the adjacent properties? Mr. Plunk said that it would be at least 75 feet from Perkins Road. He does not want to be close to the road.

Mr. Otto wondered if it would be similar to the Township building across the street. Mr. Plunk said no. It would not be nearly as tall and he only wants to have one ten foot door. The other doors would be much smaller.

Mr. Otto asked City staff if the adjacent properties had been sent a legal notice about the proposed request. Mr. Engstrom said yes.

Ms. Stake wondered what the plans were for this area being zoned County CR. Chair Pollock pointed out that CR is a zoning designation not a plan. Mr. Myers said that County CR favors open spaces rather than intensive uses of a lot.

Mr. Otto inquired as to whether the petitioner asked the County for a rezoning of the property. Mr. Plunk said that since it is adjacent to the city boundary, it could be annexed. If it remains County CR, then he would not be allowed to build anything on this property. Mr. Engstrom noted that single-family residential is allowed in County CR; however, for this property it would

not be conforming to the minimum lot width of the CR district. This is the reason why it is going forward as an annexation with rezoning to allow for the proposed development in the City.

Mr. Plunk noted that he does not plan to operate a business on the lot. He does not want the headaches. The main reason he has a backhoe is to clean the place up. He does not plan to drive it off the property every day.

Mr. Fell commented that he drives by this property at least twice a day. The property itself is an eyesore. The existing house is uninhabitable. He does not feel that a 4,000 square foot building would be out of place with what is in character of the rest of the neighborhood. One neighbor has 12-bay detached garage. Another neighbor has at least a 4,000 square foot pole barn right beside his house.

Chair Pollock stated that the Plan Commission is not here to pass judgment on what the structure will look like. They are only to decide if the requested zoning district is the highest and best use of the land. This is a rural area. It is a rural residence that is being proposed. Although it might not be what some of them choose to build to live in, this is not the issue. The Comprehensive Plan calls for maintaining this area as a significant wooded area. The proposed plans do not interfere with that and he supports the motion.

Roll call on the motion was as follows:

Chair Pollock	-	Yes	Mr. Otto	-	Yes
Mr. Hopkins	-	Yes	Mr. Fell	-	Yes
Ms. Stake	-	No			

The motion was approved by a vote of 4-1.

Mr. Myers noted that these two cases would go before the City Council on December 21, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Long Range Transportation Plan: CUUATS staff made a presentation to the City Council on the draft Long Range Transportation Plan 2035. CUUATS requests that the Urbana City Council endorse the plan, and the City Council is still considering the plan. The Council will further discuss the Long Range Transportation Plan at their December 21, 2009 Council meeting.

- 2010 Census: The next census will be April 1, 2010. City staff is helping with the census by trying to help clear up discrepancies with addresses. It is really important for everyone to be counted as census results are used for purposes like apportioning Federal and State political representation, and they also help determine how more than $400 billion in federal funding is provided each year to local communities and states. Census results also help the states determine how to portion revenues such as motor fuel taxes and income taxes.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

Plan Commission Minutes

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION APPROVED

DATE: **October 9, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Ben Grosser
STAFF PRESENT:	Robert Myers, Planning Manage; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Connie Eldridge, Grants Management Division Secretary
OTHERS PRESENT:	Brian Adams, Dick Brazee, Cathy Eastman, Tony and Mary Graham, Medford Johnson, Georgia Morgan, Kent Ono, Beverly Rauchfuss, Marc Rogers, John and Candice Sloan, Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the September 4, 2008 meeting as presented. Mr. Hopkins seconded the motion. Mr. Hopkins recommended changing the word “imaging” to “imagining” in the second to last line of the first paragraph on Page 7. The Plan Commission approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- Revision of Section XI-15. Design Review Board of the Urbana Zoning Ordinance

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction and showed the west study area boundary as Lincoln Avenue and the east boundary as one block east of Broadway Avenue. The northern boundary is Country Club Road, and the southern boundary extends along the rail right-of-way south of University Avenue. He explained that the Plan contains goals and strategies similar to the King Park Plan and the Downtown Strategic Plan. The proposed plan, if approved, will become a guiding document for the planning area.

He reviewed the steps in the planning process that have been completed and what phases are left. The phases involved include:

1) **The Background Research Phase –** Research on the neighborhood's history and existing conditions.
2) **The Visioning Phase -** Visioning workshops, resident and business surveys, and open house events to gather public input.
3) **The Plan Concepts Phase -** Staff synthesized information from the surveys and stakeholder interviews. They used this information to try to identify with some trends and issues and to try to create some preliminary goals.
4) **The Draft Plan Preparation Phase** – Preparation of a draft plan with goals and a map. Staff presented these drafts documents to the public to get more input.
5) **Final Plan Preparation Phase** – The draft plan is currently going through the City review process. The proposed plan has been presented to the Community Development Commission and is now before the Plan Commission, which will make a recommendation to the City Council.
6) **Implementation Phase** – This will consist of carrying out strategies identified in the plan, and will guide the City's activities in coming years, help in allocating City funds and prioritize Capital Improvement Plan projects, and provide a basis for review of rezoning requests and building permits.

The plan overview consists of six major components, which are the Background, the Process, Trends and Issues, the Plan Concepts map, Goals and Objectives and the Implementation Strategies, as well as the Appendix.

Mr. Engstrom gave a brief description of the Background and the Process. With Trends and Issues, there are four key topic areas – Land Use and Development, Housing, Mobility and Community Enhancements. He discussed the Plan Concepts Map and the Goals and Objectives. He explained how each of these were created, the comments and ideas of the residents, the stakeholders and City staff that were involved as well as the existing City documents, such as the 2005 Comprehensive Plan and the Development Agreement between the City of Urbana and Carle Foundation Hospital, that support them. The Implementation Strategies are aimed at achieving the Goals and Objectives of the Plan.

Mr. Engstrom discussed the comments and concerns of the Community Development Commission (CDC). During their meeting, a CDC member recommended having homes either facing Crystal Lake Park or on new public open space. The CDC also discussed the potential for a community center. The CDC suggested prioritizing the implementation strategies. Their final comment was that the strategy to promote apartments should be clarified as promoting the maintenance and upgrade of existing apartments.

As for public comments, City staff has received only one comment during the 30 day review period. The comment states that business uses should not expand into the residential areas or into the park, which is something that City staff concurs with.

He read the options of the Plan Commission and gave staff's recommendation, which is as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2088-CP-08 to the Urbana City Council with a recommendation for approval.*

Ms. Upah-Bant quoted Implementation Strategy M12, which states, "*Create safe bicycle path along Lincoln Avenue towards campus.*" She recalled discussing this issue extensively when they reviewed the Urbana Bicycle Plan. It was determined then that Lincoln Avenue was not wide enough, and Goodwin Avenue was should have the bike path instead. Mr. Pollock added that south of University Avenue is not included in the boundary of the proposed Crystal Lake Neighborhood Plan, so why is there a strategy listed for outside the Plan area? If the idea is to hook this path up to a broader vision for a bike path that goes through the Plan area, then he would agree that we need to talk about how to accomplish this on the busiest street in Urbana. Mr. Engstrom replied that the issue for a bike path along Lincoln Avenue to campus came up early in the process, and City staff will take a closer look at why it is still mentioned. Robert Myers, Planning Manager, noted that City staff will ensure that this implementation strategy matches the Bicycle Master Plan.

Mr. Pollock feels it is crucial to discuss the replacement of housing that is removed. The Plan states that removed housing will be replaced one-for-one in a "larger neighborhood." What defines a "larger neighborhood"? Mr. Engstrom explained that City staff had in mind a neighborhood where one could easily walk or bike to Crystal Lake Park or to Carle.

Mr. Pollock referred to H1 in the Implementation Strategies. He did not feel that "encouraging" Carle would be enough to make sure the one to one replacement happens in neighborhoods where homes are removed due to the Carle expansion. The City would need something that would do more than just encourage Carle to do this. Mr. Engstrom responded that Carle will be asking for an amendment to the Development Agreement with the City of Urbana. When this happens, the City would be more specific than just encouraging Carle to be put into the amendment. Mr. Pollock stated that he realizes the proposed plan is kind of a small Comprehensive Plan, and it does not call for this type of specificity. However, he would like to bring this up and make sure it stays at the top of the list.

Mr. Pollock went on to discuss the Community Center. Is any of the planning area inside Tax Increment Financing (TIF) District #3? The purpose for him asking this question is because part of the reason people agreed to take those revenues and use them for business promotion and development was the agreement that some of those funds would get put back into the neighborhood in the form of a community center. He understands that there has been a lot of discussion about this, but this is something that the City committed to years ago already. Mr. Engstrom explained that City staff proposes a community center to go into a larger neighborhood, such as the King Park neighborhood.

Mr. Myers said that he had the answer to Ms. Upah-Bant's earlier question regarding a bike path on Lincoln Avenue. The Urbana Bicycle Master Plan shows that Lincoln Avenue is not slated for either a bicycle lane or route. Instead it shows Goodwin and Coler Avenues as being routes. So Implementation Strategy M12 will be modified to reflect the Bicycle Master Plan.

Ms. Stake felt it would be a good idea to change "encourage" to "require" in Implementation Strategy H1. She did not think that the Plan Commission should let the proposed plan be approved with "encourage" as part of the language in this case. Mr. Pollock pointed out that this is an amendment to the 2005 Comprehensive Plan, and it is not actually a development agreement with Carle. So, he is not sure if they should change the wording or just keep it on the radar, because the Plan Commission will be reviewing a future amendment to the Development Agreement between the City of Urbana and Carle in the next few months. Mr. Myers added that City staff has spoken with representatives from Carle. Carle recognizes that it is important to the Mayor, the City, and to the residents that houses be replaced one-for-one, so they are willing to see that it happens. However, Carle is not sure what role they would play because they are not developers, but they are in agreement with the concept. City staff feels that this should be pinned down in the Development Agreement Amendment with Carle.

Mr. Engstrom reviewed a map with the Commission showing the boundaries of TIF # 3. It only goes to the east side of the Lincoln Avenue right-of-way. If a community center would be partially funded by the TIF District #3 funds, he understood it would need to be located within the District's boundaries.

Chair Pollock opened the hearing up for public input.

Cathy Eastman, of 1311 North Berkley Avenue, requested that the Plan Commission table this item to a future meeting to allow City staff to get some additional feedback from the neighbors east of Broadway Avenue. There are a number of issues and changes to North Broadway mentioned in the proposed plan that would affect the neighborhood to the east, such as additional

sidewalks on the north end, additional street lighting, and a multi-use path. She is concerned that there is a need for additional feedback.

Mr. Myers asked if Ms. Eastman was asking that the boundary of the proposed plan be expanded, or does she just want the residents along the east side of Broadway Avenue to have a second opportunity to look at what is being proposed in the Broadway Avenue Corridor? Ms. Eastman replied that she does not know what the neighborhood's options are. Many of these issues will have an impact on the adjacent neighbors. They are not sure if they will have other opportunities to voice their concerns or if this meeting is their only chance.

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

Chair Pollock asked if this area was originally part of the proposed plan. Mr. Engstrom answered that originally the east boundary for the plan was Broadway Avenue. As part of the feedback from the first visioning session, some neighbors on the east side of Broadway Avenue wanted to be included in the proposed plan, so City staff expanded the boundary to include the block just east of Broadway Avenue. Chair Pollock inquired as to whether the residents in the block where the expansion occurred had been notified about the Plan Commission meeting. Mr. Engstrom said yes. The residents in this area have been notified of every meeting, except for the Visioning session.

Mr. Myers added that if people feel like they need more time for comment, then the Plan Commission could table the item until the next meeting. City staff initially discussed the eastern boundary of the proposed plan quite a bit. They decided that extending the boundary to Cunningham Avenue might dilute the original impetus for the plan, which was a concern for neighbors about the proposed expansion of Carle Hospital.

Chair Pollock realizes that there are other plans in the works at the same time. When we look at what is being planned that would affect the residents along the east side of Broadway Avenue in terms of a multi-use path, sidewalks or other amenities, would that be done in conjunction with the Urbana Park District (UPD) as a reflection of their plan? Is the UPD far enough along that they are aware of what the City is proposing? Or do the changes along Broadway Avenue have anything to do with what the UPD is doing? Mr. Myers responded that the UPD has adopted a long term plan over the next 50 years. The proposed Crystal Lake Neighborhood Plan reflects what the UPD's adopted long-range plan. Subsequent to finishing their plan, some residents have expressed a concern about UPD's plans to purchase properties on Franklin Street, as they become available. But the Crystal Lake Plan reflects the UPD's adopted plan.

Ms. Stake requested that the Plan Commission postpone making a decision regarding this case until the next regularly scheduled meeting. Mr. Fitch agreed. With no objection from the other members of the Plan Commission, Chair Pollock continued this case until October 23, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, presented this case to the Plan Commission. She began by explaining that there are three reasons for the text amendment, which are as follows: 1) Adopt design guidelines for the Lincoln-Busey Corridor, 2) Amend the Zoning Ordinance to enable design review to take place in specified areas by creating a Design Review Board, and 3) Establish the Lincoln-Busey Design Overlay District.

Ms. Bird described the boundary lines of the proposed Lincoln-Busey Corridor. She reviewed the proposed Design Guidelines pointing out that there are five chapters – 1) Introduction, 2) Existing Conditions, 3) The Design Review Process, 4) Design Guidelines and 5) Photo Inventory.

She stated that the text amendment will add Section XI-15, Design Review Board, to the Urbana Zoning Ordinance. This will create a Design Review Board to enable and administer design review for projects in multiple areas and will establish the Lincoln-Busey Corridor Design Review Overlay District. She referred to the revised Section XI-15 handout, which she passed out prior to the start of the meeting.

She read the options of the Plan Commission and noted that although the three components of the proposed text amendment can be discussed together, they should be voted on separately. She presented staff's recommendation, which is as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation to approve the Lincoln-Busey Corridor Design Guidelines, approve the Zoning Ordinance text amendment creating the Design Review Board, and approve the Lincoln-Busey Corridor Design Review Overlay District.*

Chair Pollock commented that this is all within one plan case number. Will the City Council vote on the elements separately in different votes? Ms. Bird said yes.

Mr. Fitch wondered about the process for where the guidelines come from. Were the Lincoln-Busey Design Guidelines basically staff-driven with public input? Ms. Bird replied that is correct. Mr. Fitch asked if this is the process that she would anticipate for future guidelines for other areas. Ms. Bird explained that design guidelines could be appropriate for fragile areas. City staff would work with the residents in the neighborhood or business owners on the design guidelines.

Mr. Fitch stated that he was talking more about procedural protections, such as notice provisions, required public meetings and time tables, etc. He asked how the proposed design guidelines differ from neighborhood conservation districts (NCD). Ms. Bird replied that neighborhood conservation districts are where the property owners come together and decide to apply for a NCD. The proposed design guidelines are really driven by the Urbana City Council.

Mr. Fitch wondered if the proposed Design Review Board would be the arbitrator of any future NCD with design review or would there be a separate review board for NCDs. Ms. Bird said that this is a good question and not something that City staff has discussed.

Chair Pollock asked if a NCD could employ the same type of design guidelines as being proposed in the text amendment. Mr. Myers said yes. The City wrote the NCD Ordinance flexible enough to customize the requirements for the particular needs of an area. Some areas feel that design guidelines are useful while other areas do not. Each area has different needs. Which body would carry out design guidelines would need to be specified for each district.

Chair Pollock questioned if there would be a new design review board for each district. Ms. Bird said no. As proposed, this text amendment would create one Design Review Board that would review design in all areas that have adopted design guidelines. All of the members of the Mixed Office Residential (MOR) Development Review Board except for two (who are specifically appointed to the MOR Development Review Board because they live in or near the MOR Zoning District) would also serve as members of the Design Review Board. There is no requirement that any of the members of the Design Review Board be associated with the neighborhood in which design guidelines have been created for.

Mr. Fitch inquired if one could arrive at the same result using the NCD process or the design review process. Mr. Myers answered yes. However, the Design Review Board deals with one sliver of the planning spectrum. It deals with design for new developments. The NCD is a broader planning tool that could be used potentially for a variety of things.

Ms. Stake wondered if one would change the zoning by adding an overlay district to a property or area. Ms. Bird responded by saying no. This is purely design review to help buildings be compatible with what is located on either side of it. It does not change the underlying zoning. Any project proposals in an overlay district still have to meet the zoning for that particular parcel.

Ms. Stake asked if any of this will come before the Plan Commission or City Council after it has been decided. Ms. Bird stated no.

Ms. Stake commented that it does not help much that the design guidelines "encourage" certain types of development. It should say it either is required or say it is not allowed. Ms. Bird explained that the idea with design guidelines is that each project is going to be unique. If the City writes a set of requirements, then there could be a project that meets all those requirements, but is still a bad project and won't look good in the corridor. If there are guidelines that give the Design Review Board the ability to interpret them and decide whether a project meets the intent, then there will be better chance for projects be appropriate. The intent is for new construction to be compatible with the existing environment.

Ms. Upah-Bant inquired as to how anyone would go about changing the design criteria once it has been approved. Ms. Bird answered that they would need to file a Zoning Ordinance text amendment and staff would bring it before the Plan Commission and the City Council for approval.

Mr. Hopkins talked about the membership of the Design Review Board. He recalled that an owner of a local small business with fewer than 40 employees made sense for the MOR Zoning District for a particular reason. The reason is to get mixed use small businesses by implication to use existing buildings with small footprints. So the City wanted input and understanding from the type of people we wanted to get involved in using those buildings. It's unclear to him why it would make sense to include this requirement on the Design Review Board.

His second question is *"what is the definition of a "community or residential representative"*. Ms. Bird said that staff may need to include that in the section of the Zoning Ordinance that gives definitions of various words used throughout. Mr. Myers added that a community representative could be from community group. A residential representative may be a resident who lives in a particular block of the City or someone who knows what it is like to live in a specific area. Mr. Hopkins pointed out that the Design Review Board is to serve as a city-wide board, so that could mean anyone then. Thus he does not know what they are trying to accomplish with a "community or residential representative.

Ms. Stake stated that it seems in trying to make the Design Review Board serve the entire City, it has become difficult. The Lincoln-Busey Corridor is very different from much of the other areas in the City. It is very important that we keep the existing residential and most of the buildings. It is important to have design guidelines for developers who demolish some of the buildings and construct new buildings. However, this is not what the rest of the City is like, so she feels that the proposed text amendment is trying to do too many things at once. Ms. Bird asked if she was suggesting that there be a separate Design Review Board for the Lincoln-Busey Corridor. Ms. Stake replied yes.

Mr. Myers commented that there are a couple of different elements in trying to specify the composition of the Board. The first is values and the second is technical expertise. If there is someone representing the neighborhood, then they would know what it is like to live in that area, about quality of life issues, etc. The technical side could be covered by members such as an architect or a realtor. A developer/business owner has both technical expertise and knows what values are important to the development community. City staff can better define the difference between a local developer and a developer representative.

Ms. Upah-Bant asked for clarification in that for every neighborhood there would be a set of design guidelines. Ms. Bird replied no. City staff tried to create a Design Review Board that would be able to accommodate reviewing projects in other areas of the City that required, developed and adopted design guidelines. City staff is not suggesting that we develop design guidelines for every neighborhood. The Lincoln-Busey Corridor is unique in that it is under certain pressures because of its location between the University of Illinois and the single-family neighborhood. So, it is a fragile area that design guidelines would help.

Chair Pollock asked about remodeling and alterations to existing structures. So if someone wanted to add a sunroom onto their existing house, they would come in and fill out an application for a building permit. City staff would decide whether or not the sunroom might infringe upon the appearance of the neighborhood or the integrity of the corridor. If they decided that the proposed sunroom affects the neighborhood, then the Design Review Board would meet to discuss that individual request or application. Ms. Bird said that this is correct. However, it would not be City staff that made the preliminary determination of whether a project would

affect the neighborhood or not. It would be the Zoning Administrator and the Chair of the Design Review Board. If they jointly decided that the project did not require the review of the full Design Review Board, then it would be reviewed administratively. If one or both of them decided that it should go to the Design Review Board for review, then it would go before the entire Board.

Chair Pollock asked if the Chair of the Design Review Board would be appointed by the Mayor or designated as such by the Design Review Board. Mr. Hopkins said that the text amendment states that the position of Chair would be elected by the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Georgia Morgan, of 804 West Nevada Street, stated that she also questioned the make-up of the Design Review Board. What is the importance of having a small business owner on the board? What is a community representative? What is a residential representative? She gathered from listening to comments that part of the impetus behind the design is the anticipation that there will be more overlay districts with their own design guidelines in the future. However, there will only be one board reviewing the cases. Is it possible for the membership of the Design Review Board to have an ad hoc member who would be from whatever district that was being considered in place of the small business owner? This would ensure local representation on the board. She inquired about false divided light windows. What are they and why are they so terrible? Ms. Bird responded by saying that false divided light windows have the snap in muntins or muntins between a single pane of glass. In the design community, they are thought to give a false sense. They also do not provide the same depth that the individual divided light windows do. Ms. Bird explained that this is an example of why they would be design guidelines and not requirements.

Ms. Stake inquired as to whether Ms. Morgan had been notified of the public hearing. Ms. Morgan said yes. Ms. Bird remarked that City staff sent notices to all property owners and tenants in the actual Lincoln-Busey corridor as well as to all property owners within 250 feet.

Kent Oto, of 803 West Michigan Avenue, suggested that the Historic Preservation Commission be the review board for this particular design area (Lincoln-Busey Corridor), because in part of the fragile nature of the area and because of the many historic buildings in the neighborhood. He agreed with Ms. Morgan in that it would be easy enough to bring in two people living in a district to review cases for that overlay district as well as a resident of the adjacent living area. He feels that a resident living outside of a district would also have some interest in protecting their homes from encroachment or from the design possibilities that might occur. Having people with design abilities and aesthetic skills and interest on the Design Review Board could be a very positive thing. He did not think that developers, small business owners or architects would be the best type of people to provide that kind of input. Mr. Oto believes from what he has seen that the proposed text amendment would be a very positive thing. The intent is to protect the residents who live in the area from having an institutional design elements introduced into the work done on homes in the corridor.

Ms. Stake agreed. The historic part of the City of Urbana is right along Lincoln Avenue, so it would be good to have the Historic Preservation Commission review any future cases for this district.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that as a resident in the corridor, she feels very reassured of the direction that the text amendment is going. There are differences on the details, but the overall intent is very reassuring. It is important to keep the street and the area a good place to live. She expressed her appreciation for the work that City staff has done on the proposed text amendment.

Brian Adams, of 412 West Elm Street, stated that he lives in the MOR Zoning District and they have design guidelines in place for his neighborhood. There is the Development Review Board to monitor and comment on new developments. He feels it is a good thing. He wishes the City would have had the design guidelines in places years ago, because there have been some pretty unsightly buildings constructed in the area that have destroyed the historical and aesthetic character of the neighborhood. Given the design guidelines currently in place for the MOR Zoning District, it would not be possible to build anymore undesirable buildings in the neighborhood.

Ms. Stake wondered how much area the MOR Design Guidelines cover. Mr. Adams replied by saying that it covers Elm Street, part of Green Street and part of Springfield Avenue. He does not know the exact boundaries of the top of his head.

Ms. Stake asked who is on the Development Review Board for the MOR Zoning District. Mr. Adams answered that he is on the board because he lives in the neighborhood. There is a developer, an architect, nearby neighbor, small business owner, member of the Plan Commission and a member of the Historic Preservation Commission.

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

Mr. Myers noted that there is another element to this proposal. The design guidelines are not only a helpful tool, but having a review process where neighbors can give input can be beneficial as well.

Chair Pollock wondered if the proposed text amendment is flexible enough to allow someone from the neighborhood to serve on the Board. Mr. Myers replied that the text amendment as written calls for a residential representative to serve on the Board, but it does not specify that the representative be from this specific area. However, there will be an opportunity for residents to attend the Board meetings and voice their concerns and opinions.

Ms. Stake asked what the process is for an application. Ms. Bird reviewed the process. When an application comes in, the Zoning Administrator looks at the application and decides whether the application is for a major redevelopment/development, which she would then forward on to the Design Review Board. If the Zoning Administrator has a question of whether or not the application should go before the Board, then she consults with the Chair of the Design Review Board. If they both decided that the proposed project does not require review of the Board, then they would review it and make an administrative decision.

If the application goes to the Board, then City staff would schedule a public hearing, which would involve noticing neighbors and putting up a sign on the property. So, the neighborhood would have a chance to give their input on a project. One example of what could be reviewed administratively would be the addition of a small sunroom on the back of a house. This would be something that would not be viewed from the public street if it was built in scale with the existing house.

Mr. Myers pointed out that the City has a similar process with the Historic Preservation Commission. Minor projects are reviewed administratively, and major projects are reviewed by the Historic Preservation Commission. The Zoning Ordinance specifies what is considered a major project and minor project. The intent of this is to keep very minor changes from going to the Board or Commission. We do not stop the process to discourage maintenance, changes or modifications. Minor changes such as constructing a fence in the backyard shouldn't be a long and difficult process. This also helps City staff manage its workload and devote its manpower to highest priority projects.

Ms. Upah-Bant feels uncomfortable with the appeal process. If an application is denied, it sounds like the only applicant's only choice is to resubmit an application. Ms. Bird stated that there is an appeal process.

Ms. Stake questioned if a person would have to submit an application for work needing to be done if the property is within an overlay district. Ms. Bird said yes. Exterior building projects would need to be reviewed and approved either by the Zoning Administrator or by the Design Review Board depending on the level of the project.

Ms. Stake inquired if there could be someone from the district serve on the Board. Ms. Bird answered that in speaking with the City's Legal Department, the City Attorney did not feel it would be possible to write in the Zoning Ordinance that there would be members switching out. However, it might be possible to write in the text amendment that one of the members is defined in the design guidelines for a district. So, the design guidelines for the Lincoln-Busey Corridor would specify who the person is.

Mr. Hopkins commented that the architect, the developer, the Historic Preservation Commission member and the Plan Commission member makes sense to include on the Design Review Board. This means we would have three empty slots. He doubted that the City would have three districts within five years. So, the additional three slots could be filled by a member from each district. If there are more than three districts, then the City would need to work it out at that point. The text amendment could read, "Citizen representatives must be one from each designated overlay district.

Mr. Fitch expressed concern about the lack of specified process. In other City ordinances, it lists the types of projects that trigger different levels of review. We could borrow some of their ideas. He feels that some sort of procedural depth needs to be added in the formation of the guidelines.

Mr. Hopkins commented that the design guidelines are good. He does not believe that they need to be changed.

With no further comments from the Plan Commission members, Chair Pollock recommended continuing this case to a future Plan Commission meeting. He mentioned that there will not be a public notice for when it comes back to the Plan Commission. Mr. Myers stated that this item will remain on the agenda for the October 23, 2008 Plan Commission meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- **University Avenue Corridor Study** will be held on November 5, 2008 from 6:00 p.m. to 8:00 p.m. at the Illinois Terminal, 4th Floor. MTD is looking at development that enhances mobility. There are two corridors that MTD is reviewing potential development in. They lead from each of the two major downtown areas to University of Illinois' campus.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION APPROVED

DATE: **October 23, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Tyler Fitch, Ben Grosser
STAFF PRESENT:	Lisa Karcher, Planner II, Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner/Historic Preservation Planner; Teri Andel, Planning Secretary
OTHERS PRESENT:	Dick Brazee, Paul Debevec, Ann Reisner, Shirley Stillinger, Gail Taylor

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

The Chair called the meeting to order at 7:35 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the October 9, 2008 meeting. Mr. White seconded the motion. Ms. Stake recommended a change on Page 7 to the second line of the second paragraph from the bottom of the page. She proposed that they add the word "not" before the word "allowed", so that the sentence reads, "It should say it either is required or say it is *not* allowed". The Plan Commission members approved the minutes as amended by unanimous voice vote.

4. COMMUNICATIONS

- Copy of the October 9, 2008 Plan Commission Minutes
- Postcard Announcing Crystal Lake Neighborhood Plan Public Hearing regarding Plan Case No. 2088-CP-08
- Letter from Andrea Antulov regarding Plan Case No. 2088-CP-08
- Photos taken of the property at 601 West Green Street for Plan Case No. 2074-T-08
- Cunningham Avenue Beautification Report
- Looking for Lincoln Notification

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2088-CP-08: A request by the Zoning Administrator to adopt the Crystal Lake Neighborhood Plan as an element of the 2005 Urbana Comprehensive Plan.

Jeff Engstrom, Planner I, presented an updated staff report for this case to the Plan Commission. He gave a brief recap of the discussion held at the previous Plan Commission meeting. He stated that City staff had met with Cathy Eastman who had at the October 9th meeting requested a continuation so that the North Broadway Neighborhood Association could have another opportunity for input. He discussed the outcome of a meeting subsequently held with the North Broadway Neighborhood residents at the Anita Purves Nature Center. Those topics included the installation of missing sidewalks, the installation of a multi-use path along the western side of Broadway Avenue and along Country Club Road, and street lighting to be installed on the east side of Broadway Avenue.

Mr. Engstrom mentioned an update to Implementation Strategy M12 regarding a bicycle path along North Lincoln Avenue. He also addressed the Plan Commission's concern regarding the language use of the word "required" in place of the word "encourage" in Implementation Strategy H1.

Ms. Stake mentioned that she got a phone call from Andrea Antulov. Ms. Antulov had suggested that City staff put the proposed Plan on display at the Lincoln Square Village Mall and/or at the Urbana Free Library for further public review prior to a decision being made. She also mentioned that one time her property is inside the boundary for the proposed plan, and the next time her property is not included. Ms. Stake asked when City staff took all the surveys, was Ms. Antulov's property included? Mr. Engstrom said yes. Ms. Antulov's property was included in the survey. City staff mailed out a postcard about the public hearing 30 days prior to the October 9, 2008 Plan Commission meeting to all the residents within the proposed plan area, so Ms. Antulov should have received one. He handed out a copy of the postcard that had been mailed out.

Ms. Upah-Bant felt bothered by Carle's reluctance to have the word "required" used in the plan rather than "encourage." She did not understand the difference between having it in the plan and having it in the development agreement. If Carle is going to go along with the plan, then why does it matter whether the word "required" is used or not in the plan? City staff discussed this issue with Carle Hospital administrators, and Carle mentioned that they would be amenable to

this approach in the development agreement amendment. Ms. Stake expressed her concern about this issue as well.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. There was none. Chair Pollock then closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. White commented that Carle is one of the major employers in the City of Urbana. There are many people who come to Carle for medical treatment, and some of them or their families stay in hotels and eat at restaurants in the City of Urbana. The wording of the plan almost sounds like the City does not want Carle to be here because they are taking over some houses.

He really does not want to see healthcare dollars be shunted off to pay for replacement housing. So he is adamantly against anything that somehow recommends or requires anything from Carle. He believes it sends the wrong message.

Ms. Stake replied that the housing would still be there. Are they replacing the housing for free? Mr. Engstrom answered that Carle would be supporting the replacement of housing through various means. For instance Carle has supported some units at the Crystal View Terrace. They were instrumental in getting the application approved for their tax credits, and Carle has also pledged to buy computers for Crystal View Terrace's computer lab. However, they will not be building housing there. Ms. Stake stated that she did not understand how this would be supporting replacement housing. Mr. Engstrom explained that nowadays, it is hard to find the right buyers to purchase affordable housing. Carle plans to use their resources to connect their employees and other people they are involved with to help find buyers. This is one method in which they support replacement housing.

Ms. Stake questioned if Carle would be tearing down housing and supporting new. Mr. Engstrom said that over the long term, Carle would be expanding their campus if they get an amendment to their development agreement. Carle would then be tearing down some of the housing that they own. This will be done in phases. When Carle comes to the City to request an expansion of the MIC Zoning District, City staff will ask for an amendment to the development agreement, in which they will try to work out the specific terms for which Carle will support housing replacement.

Ms. Stake wondered if Ms. Antulov's house would be one that might be torn down. Mr. Engstrom replied no. Ms. Antulov's house is not one of the properties owned by Carle. Carle will only be able to tear down properties which they own, and the City would not use eminent domain. Ms. Stake commented that apparently Ms. Antulov's house is located near some homes that would be torn down then. Mr. Engstrom said that is probably correct. Mr. Hopkins pointed out that when Ms. Antulov mentioned that sometimes she was part of the area and other times she is not, she is probably referring to being invited to the meetings that were held by the City of Urbana regarding this case. Chair Pollock pointed out that Ms. Antulov lives in the Crystal Lake Park area on Busey Avenue, but that she is acting as a neighborhood advocate for the residents along Broadway Avenue.

Mr. Hopkins stated that he has two kinds of reactions regarding Carle and housing. The first reaction is that the current statement is inappropriate and misleading. The notion of one for one replacement usually means in housing policy or eminent domain or urban development projects exactly what it says. Each housing unit eliminated by this project will be replaced somewhere else with a housing unit that somebody will pay for. He understands that this is not what is meant in the proposed plan at all, so the wording needs to be changed.

The second reaction is that the term "encourage" belongs in a plan rather than the word "required". One for one replacement, in a development agreement would be a negotiated compact of the agreement. In negotiation, you put a lot of things on the table and work it out between two or more parties for what is going to be in the agreement. So it does not help for a plan to pretend to be an agreement when it is not. It would be misleading to people. A plan cannot actually take the action. A plan is a guiding document.

Chair Pollock agrees that Carle is a valuable asset to the local economy, and we certainly do not want to send a bad message. On the other hand, the proposed plan would be an addendum to an agreement that was already agreed upon and approved through a lot of negotiation. Carle does have a responsibility to the neighborhood. Eventually a real agreement or an amendment to the existing agreement is going to come forward. Mr. Hopkins made a great point in that if the City is going to require in the amendment to the agreement that there be some kind of replacement housing that it should be up front, but it does not necessarily go in a comprehensive plan, which is a guiding document. So, at whatever point an amendment to the agreement comes before the Plan Commission and City Council regardless of what they decide to do with the Comprehensive Plan description of this and based on having been involved in negotiations between Carle and the neighborhood, if it does not require housing replacement, then he will not support it at all at that point.

When he reads the proposed plan, when talking about the language that requires Carle to support housing replacement, it does not state that the City requires Carle to build or to develop. It just states that we require Carle to support replacement housing, which can be a very broad application. "Encourage" is okay for a comprehensive plan, but in an agreement, it does not mean anything.

Mr. White moved that the Plan Commission forward Plan Case 2088-CP-08 to the City Council with a recommendation for approval with the following conditions: 1) Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan and 2) Amend Implementation Strategy M12 to read "<u>Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan</u>". Ms. Upah-Bant seconded the motion.

Chair Pollock suggested a friendly amendment to include the following condition in the motion: *Amend Implementation Strategy H3 to read "<u>Encourage</u> investment in <u>existing</u> rental properties such as apartments at Lincoln and Fairview"*. Mr. Engstrom pointed out that this was something brought up by the Community Development Commission to show the position that the City does not encourage the conversion of housing to multi-family, but that we do encourage investment into the existing rental properties. Mr. White accepted the friendly amendment to the motion. Ms. Upah-Bant agreed as the seconder.

Mr. White moved to amend the motion to take out any and all references to Carle Hospital and the replacement of properties and any of the language that deals with one for one replacement housing, because it sends the wrong message to someone who reads this and happens to be interested in setting up a business. If they are going to do it for Carle, then we need to be consistent and do it for others who purchase homes such as the School District and the Urbana Park District.

Mr. Hopkins stated that he would second the motion if it were a little more specific. Mr. Engstrom responded that the two sections that contain language about one for one replacement housing are H1 and Goal 10.1 on Page 45. Chair Pollock read Goal 10.1, and Mr. White restated his motion to amend to remove Strategy H1. Mr. Hopkins seconded the motion to amend.

Ms. Stake commented that there is a long-standing problem between what the City does for Carle and what the City does for the neighborhood. The neighborhood has had a really difficult time because of Carle. This neighborhood is one of the only integrated, low-income areas. It does not hurt to say that Carle can at least look at it or think about replacement housing. Therefore, she would like to send it to the City Council as it currently is worded. We have had problems with Carle destroying some of the low-income housing, and it does not get replaced. Therefore, she would vote no on the motion to amend.

Mr. Hopkins stated that the reason to keep Goal 10.1 and delete H1 is because Goal 10.1 does not identify the responsibility as being Carle's. Implicitly, since it is the City's plan, the City is saying that this is what we are going to do. It is our responsibility to do it in any number of ways, which might include a development agreement with Carle, but it includes a lot more than this.

The reason it is appropriate to remove Strategy H1 is because it is badly and confusingly worded, and because it is not Carle's responsibility. He stated that he would vote in favor of the amendment.

The motion to amend passed by a hand vote of 3-2. So, the motion now reads:

The Plan Commission forward Plan Case No. 2088-CP-08 to the City Council with a recommendation to approve with the following conditions:

1. *Remove Objective 13.4, concerning additional street lighting on Broadway, from the Plan;*
2. *Amend Implementation Strategy M12 to read "<u>Create safe bicycle path towards the U of I campus along Fairview and Goodwin Avenues, as shown in the Urbana Bicycle Master Plan</u>";*
3. *Amend Implementation Strategy H3 to read "<u>Encourage</u> investment in <u>existing</u> rental properties such as apartments at Lincoln and Fairview"; and*
4. *Remove Strategy H1*

Roll call on the main motion, including the amendment, was as follows:

Mr. Hopkins	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was approved by a voice vote of 3-2. Mr. Engstrom pointed out that this case would go before the City Council on November 3, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner, gave the staff presentation for this case to the Plan Commission. She presented a brief recap of the discussions held at the previous Plan Commission meeting and reviewed the revisions made to the text amendment.

The revisions include changes to the language under Membership, Administrative Review, Process Clarification and other minor word changes to clarify the. Other issues that arose included wanting more detail regarding the process of creating a new design overlay district and adopting new design guidelines. City staff envisions this process as being initiated by the City Council and not by members of a neighborhood.

She talked about City staff currently being involved in creating design guidelines for part of the Historic East Urbana Neighborhood. In creating design guidelines for this district, City staff will follow the same process in which the Lincoln Busey Corridor went through with meetings be held in the beginning to gather public input and notifications being sent out to residents inside the district as well as to those within 250 feet of the district for those meetings.

There was one suggestion that the Historic Preservation Commission be the body to administer design review in the Lincoln-Busey Corridor because it is a relatively historic neighborhood. This would present a couple of difficulties in that historic preservation is very well defined legally. The members of the Historic Preservation Commission can only review projects to do with properties that are legally designated as historic landmarks and districts. This would also create a difficulty with having future design review overlay districts. City staff would prefer to create one board than having different boards for each district because administratively it would make things very difficult.

Ms. Stake stated that she did not understand why it would be difficult to have different boards for each district. Ms. Bird clarified that the City already has quite a few boards and commissions to administer. It is a great deal of work to keep the boards and commissions organized. Also, it is quite difficult to get people who are qualified to want to serve on the boards and commissions. Lastly, there is currently not enough City staff to handle five more boards/commissions.

Ms. Stake said that she believes that there are too many members from the development field. There should be more people on the board from the neighborhood. She also would not want someone from east Urbana to decide what would be best for west Urbana.

Ms. Stake wondered what the fee would be to apply for a design review application. Lisa Karcher, Planner II, stated that the fee amount would be set by the City Council when the proposed district would be approved. Chair Pollock wondered how much the Site Plan application for the MOR, Mixed Office-Residential Zoning District is. Ms. Karcher replied that there is a $150 fee.

Ms. Upah-Bant stated that she is confused about the proposed makeup of the board for the proposed Lincoln-Busey Corridor. Ms. Bird pointed out that City staff is not proposing a design review board specific to the Lincoln-Busey Corridor. It is a City design review board. She explained the reason that City staff left it with two residents (one from each future overlay district) is because the City does not foresee having more than two design review overlay districts. Chair Pollock asked if there were additional overlay districts, then there could be a possibility of a change of two of the seven members. Ms. Bird said yes.

Ms. Stake commented that City staff is recommending that four members would constitute a quorum. However, if one of the four has a conflict of interest, then that would only leave three voting members. She feels that three is not enough. Chair Pollock stated that this means that two of the three voting members could theoretically be making the decision.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input from the audience.

Gail Taylor, of 307 South Orchard Street, stated that the proposed text amendment to add Section XI-15. Design Review Board to the Urbana Zoning Ordinance was lifted from the MOR Ordinance. Living in the MOR Zoning District, she has discovered that property owners have no rights, including the right to have a petition to be heard fairly in a public hearing.

The proposed Design Review Board is setup similarly to the Development Review Board for the MOR Zoning District. The chair of the Design Review Board, depending on their relationship with City staff, could do things to circumvent fair hearings, property owners' rights, and the right to public notice. City staff is only proposing one resident from the proposed district to serve on the Design Review Board. Already it seems like the Board would be stacked.

Ms. Taylor pointed out that even though board and commission members volunteer their time, they still represent different interests in the community. When does a member remove themselves from voting on a case due to conflict of interest?

She talked about the conflict she has with the adaptive reuse of 601 West Green Street and more importantly with the process to get approval for the adaptive reuse. She noted that the Zoning Administrator reviewed and approved the redevelopment plans as a minor work. What is being proposed for the Design Review Board for future overlay districts such as the Lincoln-Busey Corridor mirrors the ordinance for the MOR Zoning District and the Development Review Board.

Ms. Stake wondered if Ms. Taylor had received any notification of what was going to be happening at 601 West Green Street. Ms. Taylor said no. She wants to ensure that the residents and property owners in the Lincoln-Busey Corridor have adequate representation and that there is public notification even if the Zoning Administrator reviews and makes the determination of whether or not to approve a design review application. Chair Pollock pointed out that if there is a basic disagreement with the notification laws on who gets to find out what publicly on any level, then that is within the purview of the City Council. They make those rules and can amend them, and City staff abides by those rules. There is no public notice that is required that does not go out. There is no ignoring of these requirements.

Paul Debevoc, of 708 West California Avenue, commented that the proposed plan is impressive in its detail and in its organization. We should be in favor of the principle of the design guidelines. Fortunately it is a proactive document. There is no controversy or crisis at the moment, so there is no urgency that the proposed plan be adopted immediately. As the previous speaker pointed out, there are parallels between the MOR and the Lincoln-Busey Corridor. He read excerpts from the MOR Ordinance and noted that similar language is in the Design Review Board Ordinance before the Plan Commission. He stated that the difficulty here is in the ambiguity of the language in the two ordinances. He is positive that none of the City staff wakes up in the morning and comes to work with the goal of infuriating the citizens of Urbana. Quite the contrary, he is sure that City staff comes to work with the goal of doing good for the City of Urbana.

He then showed pictures of 601 West Green Street from each of the four directions – north, south, east and west. He commented that the difficulty any one would have looking at the changes being made and wonder how ever could the redevelopment plans not go to the Development Review Board. So he suggested that City staff reword the Ordinance to tell how a project is going to be triggered for review. City staff could choose some parameters. It could be the incremental cost to the building, the amount of the structure that is being dealt with and then choose some level. Quantitative requirements are all over the Zoning Ordinance, such as how tall something can be and what the setback requirements are. So it is not unreasonable to ask City staff to write a statement setting a level for when a project will be forwarded to City Council.

Ms. Stake asked if Mr. Debevoc felt that any redevelopment project should go before the Design Review Board. Mr. Debevoc responded that he did not have enough experience in how onerous that may be. From his own experience, there are many minor work projects (1% effects) that he would not worry about at all. Mr. Debevoc stated that the language in the MOR Ordinance and the language in the Lincoln-Busey Corridor Ordinance are so similar that they do not want to have another divisive, debilitating incident that just recently occurred.

Ann Reisner, of 905 South Busey Avenue, agreed with Mr. Debevoc's comments. There is language in the proposed ordinance that says that joint determinations by the Zoning Administrator and the Chair of the Design Review Board cannot be appealed to the Zoning Board of Appeals. She finds this problematic, because there would be no mechanism to appeal a decision. Ms. Bird explained that this type of determination would be able to be appealed to the Circuit Court, but not to the Zoning Board of Appeals. Ms. Reisner withdrew her complaint about this issue then. She just wanted some mechanism for appeal.

She believes that having an additional resident from the district serve on the board would be a nice balance. She asked City staff to explain their reasoning for taking out the additional resident. Ms. Bird stated that the board was originally envisioned as having a balance between professionals with expertise and residents. The Historic Preservation Commission and Plan Commission members are still citizens even though they serve on a City board. Ms. Reisner stated that she sees a licensed realtor, a developer and an architect might all have interest in growth; whereas the residents would have interest in stability. So, she feels that City staff is balancing off the interest of the neighborhood. So she urged City staff to include one more resident on the board.

With no further comments or questions from the audience members, Chair Pollock closed the public input portion of the hearing. He then asked City staff if they had any additional comments.

Ms. Bird clarified that the MOR design guidelines and text amendment were the starting points used by City staff in creating the proposed ordinance and text amendment. There are some significant differences though. One is that the MOR is a zoning district, and the proposed Lincoln-Busey Corridor would not affect zoning at all. It is purely design, which is significantly different. Another difference is that the Design Review Board would not have the same kind of power that the MOR Development Review Board would have because the MOR Zoning District deals with zoning as well as design.

She pointed out that in trying to address some of the issues that have come up recently with the administrative review, City staff included the language about a decision being made jointly by the Chair of the Design Review Board and the Zoning Administrator. The way that the current MOR Ordinance is written the Zoning Administrator has the authority to grant variances because it is a zoning district. However, no variances would be granted by either the Zoning Administrator or the Design Review Board in the Lincoln-Busey Corridor because it is not about zoning. Therefore any variances a developer/property owner might want would need to go before the Zoning Board of Appeals.

Ms. Bird clarified that the Historic Preservation Commission member, the Plan Commission member, the developer, and the architect that serve on the MOR Development Review Board will also serve on the Design Review Board. The other three members will consist of a realtor and two residents (one from the Lincoln-Busey Corridor Overlay District and one from another neighborhood).

The suggestion that every project go before the Design Review Board would be quite problematic on a number of different levels. One is that for property owners who want to maintain or make minor improvements to their homes, they would first spend a lot of time and effort going before the Design Review Board to get approval. This could create a disincentive for property owners to maintain or improving their properties.

It is also quite a bit of work to prepare the noticing, write memos and give staff presentations to the Board. If this is required so a property owner could repair a step going up to the porch, then it will take a lot of staff time.

Ms. Upah-Bant inquired as to whether "conflict of interest" is legally defined anywhere. What would be an acceptable conflict of interest? Ms. Bird states that the Zoning Ordinance states that a conflict of interest generally has to do with a financial matter. Ms. Upah-Bant stated that if City staff cannot describe what constitutes a "conflict of interest", then how are we to expect board/commission members to know? Would a member have to benefit financially in order for it to be considered a conflict of interest? She would like to see this defined. Ms. Karcher stated that staff can provide clarification.

Ms. Upah-Bant wondered if City staff had any problem with making the Design Review Board bigger by having more members to allow for an additional resident from within the district to serve on the Board. Ms. Bird explained that the reasons City staff left the number of members at seven was to keep the balance of residents to professionals.

Ms. Upah-Bant stated that she likes Mr. Debevoc's suggestion that they use a percentage or somehow quantify how much change is required before the Design Review Board becomes involved. Ms. Bird replied that in all of the other city design overlay district ordinances that she has researched, she has found the language to be very vague. She pointed out that the more you pin down what it is that you want, a project could meet all those requirements and still end up being bad. So the language is written with some flexibility so the Board has the ability to make a good decision.

Ms. Upah-Bant stated that she was surprised to hear that a property owner could possibly be required to come before the Design Review Board every time they wanted to make a repair to their home. They should come up with a list of maintenance and repairs that would be allowed without having to come before the Design Review Board.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for Plan Commission discussion and/or motion(s).

Ms. Stake feels the Design Review Board should have more members than seven. There really needs to be at least two people from the district serving on the Board. She really likes Mr. Hopkins' idea that he mentioned at the previous meeting about having four members – one from each district. Only she wants two from each proposed new district. So, the Design Review Board would keep growing in membership as overlay districts are approved.

She is really concerned about what would be considered a minor project and a major project. Her idea of each is different from other people's ideas. She drove by 601 West Green Street earlier in the day, and she would consider it to be major work. Ms Stake also does not like the Zoning Administrator being allowed to grant variances. Ms. Bird pointed out that the Zoning Administrator does not have this ability in the proposed Lincoln-Busey Corridor Overlay District. The Zoning Administrator only has the power to grant variances in the MOR Zoning District.

Ms. Stake questioned whether notification would be required in the proposed Ordinance when the Zoning Administrator and the Chair of the Design Review Board review and consider approval of future projects. Chair Pollock answered that if the Zoning Administrator and the Chair of the Design Review Board decides that a proposed remodeling or project does not rise to

the level of needing to go before the Design Review Board, then they can make that decision and construction can take place without design review.

Ms. Bird stated that in the Historic Preservation Ordinance there is a chart listing the level of review for specific types of projects. This chart is a guideline for the Zoning Administrator and Chair of the Historic Preservation Commission when a project comes in to determine the level of review that is needed.

Mr. Hopkins asked where in the Zoning Ordinance is the MOR Ordinance located. Jeff Engstrom, Planner I, stated that the Ordinance pertaining to the Development Review Board is located in Article XI of the Zoning Ordinance, which begins on page 140. Ms. Karcher added that the use regulations for the MOR Zoning District are located in Section V-8, which begins on Page 38. Ms. Bird stated that the MOR Design Guidelines are in a separate document.

Mr. Hopkins commented that part of what is framing the discussion for the proposed case is the case that has happened in the MOR Zoning District. It would be useful to him to clarify a little about what happened in that case. People are talking about variances. Were there actually variances granted? Was development review administratively processed? Ms. Bird explained that the case was administratively processed, and in the process, when the Site Plan was first approved two variances were granted by the Zoning Administrator. Later the developer realized that he needed two additional variances, which the Zoning Administrator granted administratively as well. Two of the variances were for the parking lot, one variance had to do with the exterior staircase on the west side of the building, and the fourth variance was for a handicap accessible ramp on the east side of the building.

Mr. Hopkins stated that a variance is a judgment call on a specific requirement, and is often quantitative. The rest of the development review activity and the kind of design review we are talking about for the Lincoln-Busey Corridor are not about variances. Any variance that arises in the Lincoln-Busey Corridor would then need to go before the Zoning Board of Appeals. It is the MOR Ordinance, itself, that gives the Zoning Administrator the right to grant variances. Outside of the MOR Zoning District, the Zoning Administrator does not have the right to grant variances.

He felt that the Plan Commission should work on the wording of the proposed text amendment some more before making a decision. In his opinion, it would be more effective to work on this than at the Committee of the Whole level. Chair Pollock commented that if there are significant changes that the Plan Commission thinks should be made to in the wording or in other elements of the proposal. He does not feel that the Plan Commission should do this on the floor. Therefore, he suggested that the Plan Commission give some indication or direction to the City staff on what they would like to see addressed, allow City staff time to make changes and then bring it back to the Plan Commission at a later date.

Mr. Hopkins pointed that he heard two major concerns, which are an issue with the process and one with the criteria. Regarding the process, notification of building permits is when they are approved. Ms. Bird noted that they are published in the *News-Gazette* but not by the City. The *News-Gazette* chooses to publish them. However, the City does post them on the City of Urbana website. Mr. Hopkins stated that his point is that the content of a building permit is public knowledge once a building permit is approved.

He commented that it is not clear in the proposed Ordinance how it is determined whether a property owner/developer needs to submit an application. His understanding is that when a person submits a building permit application, City staff looks it over and determines whether that person needs to file a design review application as well. So for example, if someone from the Lincoln-Busey Corridor submits a permit application for plumbing repairs, will the application reach the Zoning Administrator? Ms. Bird explained that the application would reach the Zoning Administrator but because of other reasons, not because of being in the Lincoln-Busey Corridor.

Given all this, Mr. Hopkins stated that if the Zoning Administrator and the Chair of the Design Review Board make a determination that what they have before them in the form of a building permit application and an application for design review, then a notice gets published. However, the ordinance does not require notification be published that a design review determination was made by the Zoning Administrator and the Chair of the Design Review Board. The City could require City staff to do this. Then we will have set up a process where (if the notification actually works and is done in a way that people will actually see it) we will have a more reasonable basis for an appeal process. Chair Pollock asked if the publication should be a blurb in the newspaper or some type of notice mailed out to people within a certain area. Mr. Hopkins stated that he hasn't figured this part out yet. What the notification is, it needs to work. Chair Pollock commented that if there is a little notice in the back of the *News-Gazette*, none of the neighbors of the proposed review and construction will see it.

Mr. Hopkins stated that there is another possible step in this in that if an executive decision is made, then the executive has to report that decision to the Design Review Board. Any member of the Board could challenge that executive decision. This will also allow for public notification to be made.

He pointed out a discrepancy in the language of the proposed ordinance. In H.1. Zoning Administrator Review Procedures on Page 150, it states as follows, *"Joint determinations as to whether the application is to be reviewed administratively or by the Board cannot be appealed to the Zoning Board of Appeals."* Staff pointed out that an appeal could be filed with the Circuit Court. However, in J.4. Design Review Board Review Procedures, the first sentence states as such, *"Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C."* He suggested that they note in one of these that an apparent exception exists.

Regarding issues with the criteria, Mr. Hopkins remarked that in design review, it is incredibly difficult to make quantitative thresholds work. We could use a dollar amount. However, one could rewire the entire house without going to the Design Review Board. Rewiring of the house might cost more than a project that would be considered a major work. We could use the criteria of change in square footage. However, we then might miss anything that transforms the face or the design of the building. So he is having a hard time thinking of a way to do this quantitatively.

He believes that the City can still express in some policy fashion the kinds of things we are looking for. One way to do this is by examples. We would want examples of what would and what would not be considered administratively reviewed. They should be focused on trying to

hit the margins of where people would have a tough time of deciding. Another thing that these examples could help make clearer is what is in the Zoning Ordinance by right? And what is in the design review? The design review is not about variances and it is not about whether or not one meets the zoning criteria.

Ms. Stake reiterated that the Design Review Board should have more members, so that there can be two people from the neighborhood serving on the Board. Ms. Upah-Bant agreed. She would think that there would be plenty of people from the neighborhood willing to serve on the Board. Chair Pollock believes that if five of the Board members are to be consistent from one district to another, adding an additional resident should not be a major hurdle, because they are not talking about adding additional professionals.

Mr. White mentioned that the City is currently only talking about two districts. So, we could have two additional residents from each proposed new district serve on the Board. They could add some language to the Design Review Board Ordinance to only allow up to six residents to serve on the Board. He mentioned that having residents from the Historic East Urbana neighborhood working on the Board for the West Urbana area could be very valuable on their input.

Mr. Hopkins talked about the quorum issue. Part of the issue is that conflicts are sometimes announced in the meeting because a Board member discovers a conflict once deliberations begin. He assumed the reason that City staff included language stating as follows, *"Abstaining shall not change the count of Board members present to determine the existence of a quorum"*, to prevent holding meetings over and having to restart them if one of the members of a quorum discovered a conflict interest. He is not sure how the City should handle this issue at this time. He did feel it is important to find out how other Boards and Commissions deal with this issue. One solution might be to raise the requirement of a quorum.

Mr. Hopkins does not believe that the proposed Design Review Board will meet that many times. It is very likely that they may only have one agenda item in the three year term. He expressed concern that there might be an agenda item, in which the Board meets on to make a determination without first being trained on what they are doing. He is also concerned about the notion that we could make up multiple committees, because we would get a very different kind of deliberation. Although he is not necessarily in favor of adding more residents, he would much rather add more residents and have a larger committee than have committees that shift in and out for different cases.

His last concern is about residents serving on the Board. We have to be careful about the notion of residents in the area for two reasons. One is the Lincoln-Busey Corridor is an incredibly small area. He imagines that people think the residents must be single-family home-owners in the district. In fact, the proposed current language would allow a condominium owner. In affect, what we are doing, especially if we add two or more residents of that corridor, is giving a kind of localized control of neighbors to a very specific set of people with a very specific set of attributes to tell the rest of their neighbors what they can do. Chair Pollock added that some of them will also have very specific agendas in some instances.

Mr. Hopkins stated that one way to balance this is by the way we design the makeup of the Board. This is one of the reasons why we do not stack it. Therefore, he is reasonably comfortable with the current makeup of the proposed Design Review Board the way it is designed.

Ms. Stake asked if Mr. Hopkins wanted the developers being the ones with the power. Mr. Hopkins replied that there is only one developer being proposed to be on the Board, so they would not have the power. Ms. Stake feels that the developer goes along with the architect, etc. Chair Pollock commented that no matter what commission you are developing and no matter how you do it, it is by Council approval of a Mayor appointment. We need to assume that we have people working on City commissions and boards that work in the best interest of the public.

Mr. Hopkins argued that another way to think about the proposed Board is that it should have one rental property owner, one tenant, one single-family owner, one across the street owner, one future student trying to do finances and trying to find a place to live without high transportation costs, etc., because when talking about whose interests are being dealt with in this district, it is not just the single-family home owners living in the district. Ms. Stake replied that this is correct, but you can see that this has not been the high priority in the community.

Ms. Upah-Bant mentioned that she would like the conflict of interest defined because it is such a small area. Chair Pollock felt it would be very difficult to define this. In general, for one of the Plan Commission members to declare a conflict of interest, it is up to the individual member to make this determination, to declare a conflict of interest and to act accordingly. Mr. Hopkins believes that defining *"conflict of interest"* because the Lincoln-Busey Corridor is a small area and because of the way the board is being defined.

Ms. Karcher summarized the Plan Commission's concerns to be the following:

1) Board composition, how a quorum is defined, and how conflict of interest is defined and handled.
2) Notification requirements, and
3) Parameters or criteria for administrative decisions.

With no further comments by the Plan Commission, Chair Pollock continued the proposed text amendment case to a future meeting date.

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

Ms. Karcher reported on the following:

- **Rezoning and Comprehensive Plan Amendment for 502, 504 and 508 East Elm Street** were approved by City Council on September 15, 2008.
- **Meijer Subdivision Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- **I-74/Lincoln Avenue Preliminary/Final Plat** was approved by City Council on September 15, 2008.
- **Beautification Corridor Plan for North Cunningham Avenue** was presented to the public and to City Council on October 20, 2008.
- **University Avenue Corridor Study and the White/Springfield Corridor Study Public Meeting** will be held at the Illinois Terminal. The City of Urbana has contracted with the Champaign County Regional Planning Commission to do the corridor study for the University section. The funding for the study is from an Illinois Department of Transportation (IDOT) grant.
- **Looking for Lincoln Ribbon Cutting** will be held on Tuesday, October 28, 2008 at 1:00 pm on the corner of Race and Main Streets.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **November 20, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Don White

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Rich Cahill, Paul Cheng, Paul Debevoc, Brad Gregorica, Hyun Kyang Lee, Shirley Stillinger, Susan Taylor, Crystal Whiters

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the October 23, 2008 meeting as presented. Ms. Upah-Bant seconded the motion. Robert Myers, Planning Manager, recommended the following change to the last paragraph on Page 3: Change "Carle" Park to "Crystal Lake" Park. The minutes of the October 23, 2008 were approved as corrected by unanimous voice vote.

4. COMMUNICATIONS

- Email from Georgia Morgan regarding Plan Case No. 2074-T-08

- Revised Article VI. Development Regulations of the Urbana Zoning Ordinance for Plan Case No. 2063-T-08

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Robert Myers, Planning Manager, presented an updated staff report for the proposed text amendment to the Plan Commission. First, City staff would be willing to add one more resident to the list of members of the Design Review Board. He advised the Plan Commission to think about this. This might increase the chances of the Plan Commission not being able to get a majority vote. An option would be to eliminate one of the professional board members such as the developer or the realtor. Second, staff noted that the language about the prohibition of an appeal of a joint decision of the Zoning Administrator and the Chair of the Board has been eliminated. Third, under administrative review, he recommended striking #3 (*Changing the floor area ratio of an existing principal structure by more than 5%*) from the list of criteria that should be met. Upon reflection, this criteria isn't necessarily related to exterior changes. For instance, attic space converted to a dwelling unit that would change the floor area ratio but would not change the exterior of the property. Most changes to the exterior would trigger a change to the footprint of the existing structure, and this would be covered under Criteria #2 (*Changing the building footprint of an existing principal structure greater than 15%*).

Mr. Grosser questioned what would happen if the Zoning Administrator and the Chair of the Board did not agree. Mr. Myers replied that the Zoning Administrator is designated with making the determinations on the Zoning Ordinance. Consultation with the chair of the Board is necessary, but ultimately the decision would be up to the Zoning Administrator. Like any decision in the Zoning Ordinance, the Zoning Administrator's decision can be appealed. He felt that especially given recent events, the Zoning Administrator will have a heightened sensitivity about whether or not a project is considered a major or minor work and when a project would go before the Board.

Ms. Stake commented that there is not any language in the proposed text amendment that tells them what a minor visible change is. Do other cities have administrative review or do development projects go directly to the Board? Mr. Myers replied that on Page 150 of the Zoning Ordinance, it states that if a project requires a building permit and can be seen from a public right-of-way or alley, if it is construction of a new principal structure, changing of building footprint of an existing principal structure greater than 15% and substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board Chair, then it will be considered a major work and go before the Design Review Board.

Many cities have administrative review. Some do not and every project goes to the Board. This is not something that City staff or the Board would want however, because there are many

projects that are minor works and do not need full review by the Board. It would take longer and is simply unnecessary. If the approval process is a burden to perform simple projects, then people will stop doing exterior maintenance and repairs on their homes.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that she lives in the middle of the Lincoln-Busey Corridor. She cannot come to grips with the makeup of the proposed Design Review Board. She does not see the rationale in having a developer serve on the Board. What role would they play? They could remove the developer and realtor and add two more residents and still have a seven member board.

Rich Cahill, of 307 South Orchard Street, stated that he sees many parallels between the proposed ordinance and the MOR ordinance. He finds it good with what City staff has clarified what would be considered for administrative review, but he also feels that there should be criteria regarding parking and another for the removal of trees. The problem with the notification process is that it is impossible to notify everyone when a project is being administratively reviewed. He did not see Urbana connected with the other municipalities mentioned in the chart on Page 2 of the written staff report. None of them, except maybe College Station, Texas, relate to Champaign-Urbana. He does not have an issue with the makeup of the proposed Design Review Board. He understands the purpose for having a developer and a realtor serve on the Board. He asked staff and Plan Commission to consider tightening up the Administrative Review section. He mentioned that he would like to see some of the changes in the proposed Ordinance be proposed to help fix some of the problems with the MOR Ordinance at a future time.

Paul Debevoc, of 708 West California Avenue, expressed his concern about the administrative review section. He talked about the four criteria that City staff is proposing to be met to determine whether a project could be administratively reviewed or whether it requires full review of the Design Review Board. He projected photos of different properties along West Green Street, including 601 West Green Street which is the property that has created much controversy in the MOR Zoning District. He questioned whether the proposed Ordinance for the Lincoln-Busey Corridor is more stringent than the existing MOR Ordinance. Chair Pollock asked if the redevelopment of the existing structure at 601 West Green Street would have required Board review under the proposed ordinance. Mr. Myers replied yes, he believes it would have.

Chair Pollock questioned if the parking behind 601 West Green Street would require Board review. Mr. Myers said that a parking increase would probably fall under the criteria of substantial change, but if the Plan Commission felt it would be helpful to clarify, then they could add another criteria regarding parking triggering Board review.

Ms. Stake inquired if a developer/property owner could change every side of a house without having the Board review the project. Mr. Myers said it would be possible, yes. For instance, they could install siding without going before the Board. They could also change out all of the windows without triggering Board review. However, if they bumped out all four sides of a

structure, then it might trigger Board review if it affects the footprint of the structure by more than 15%.

The Plan Commission discussed why the sides of 601 W Green were boarded up. Although it appeared as if there were not going to be any windows on the first floor, window openings were boarded just during construction. They also talked about the removal of trees. Chair Pollock asked if removal of trees would trigger Board review in the proposed text amendment. Mr. Myers said no because the City does not have a tree preservation ordinance.

Dick Brazee, of 905 South Busey Avenue, stated that he lives in the middle of the Lincoln-Busey Corridor. His property shares a corner of a property that started the issues with parking about four years ago. The issue at the time was the green space and the paving over that upset the residents in the area. He encouraged the Plan Commission and City staff to continue discussing loss of green space, installing parking lots, and removal of trees as triggering design review.

With no further comments from the public audience, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion.

Ms. Burris stated that she applauds the work that has been done and understands why, but she is not convinced that the proposed ordinance is the right thing to do. This is not a direction in which she wants to go in, so she cannot support the proposed text amendment.

Mr. Hopkins felt that there is still more work to do on the proposed ordinance. He would not want this for his neighborhood for reasons that Ms. Burris is talking about. Many of the things that he has done to his house and to his yard would not have been approved by a Design Review Board. Regarding the membership section of the proposed Ordinance, he finds it intriguing that in order to have a voice and serve on the proposed Design Review Board one must own a property in the district and live in it. This country long ago did away with property ownership requirements for participating in government. Also, he understands that the developer and realtor are positions to counter the notion that only single-family owner-occupants in the districts should have a voice. However, there are other ways to represent the rest of the community other than having a developer and a realtor serve on the board. Why isn't there a renter in the district serving on the board? We need to be really careful about the makeup of the membership. He recommended deleting the requirement of it being an owner-occupant who serves on the board.

Chair Pollock suggested changing the language on page 148 of the proposed Ordinance to read, *"Two residents of Urbana. The residents should include one representative from each design review district who owns ~~and~~ or occupies…."*. Mr. Hopkins stated that this raises a very interesting possibility because it suggests that it could be an owner of a rental property or it could be a renter in the rental property. However, making this change will completely change the politics of what people are trying to accomplish with the proposed Ordinance.

Ms. Stake believes that the problem started with the MOR Zoning District. The idea was to keep the history of the structures by leaving them as they were and not by demolishing them and rebuilding structures. That lowers adjacent property values because of the increase in the noise pollution, the increase in the number of vehicles and the decrease of open green space. She is

concerned about the 28% of properties in the district which are single-family, owner-occupied home owners.

Ms. Burris thought the assumption that renters do not care for their homes is absurd. It is the individuals who live in the structures that make the community, not the people who own them. Ms. Stake replied that she is talking about developers coming in and tearing down the existing structures to build something else. Chair Pollock pointed out that the proposed Ordinance does not change the zoning, so it does not ensure that a structure will not be torn down and something else built in its place if the zoning is appropriate.

Chair Pollock stated that from the discussions they have held so far regarding the proposed text amendment, he wonders what the goal of the proposed text amendment is. Why has it come before the Plan Commission? What is the ultimate goal that they are trying to achieve by passing this kind of legislation? It appears that the Plan Commission members, City staff and the public are not in concert on the answer to these questions. Mr. Myers replied that in the fall of 2006, City Council directed City staff to pursue six strategies to improve the quality of life in West Urbana and other neighborhoods. One of the six strategies was design review in the Lincoln-Busey Corridor. Although the vast majority of the West Urbana Neighborhood was down zoned in the early 1990s – meaning that not much more could be built within the neighborhood -- the Lincoln-Busey Corridor was not rezoned. The zoning is still mixed in the Lincoln-Busey Corridor and there are still some higher zoned properties with less intensive uses. Chair Pollock noted that there were in fact a few properties in the Lincoln-Busey Corridor that were down zoned. If the intention is to prevent large scale development in the mixed area, then they need to ask themselves if the proposed text amendment will accomplish this goal. Mr. Myers pointed out the proposed design guidelines are not intended to prevent large scale development, but that if it happens it should respect its neighbors.

Mr. Hopkins stated that the reason the Lincoln-Busey Corridor is of focus is because it is a transition point. It is the border where things change from one thing to something else. It is also a transition in that it is changing. Therefore, he sees the proposed design guidelines and text amendment as a guide to ensure that the changes would be more acceptable to everyone, but it is not designed to stop change.

Mr. Fitch agreed with Mr. Hopkins. He stated that although he could not speak to the Lincoln-Busey area, but he could speak about the next area to possibly use the design guidelines, which is in the Historic East Urbana Neighborhood. Zoning is the key. Design guidelines just guide the development of new structures to fit in more.

He likes the makeup of the proposed Design Review Board. He would accept changing the wording from “property owner” to “resident” in the language of the proposed ordinance that talks about the makeup of the board.

Mr. Grosser agreed with the discussions of the Plan Commission. He addressed Ms. Stillinger’s question about why a developer would serve on the proposed board. A developer can help answer questions about what the possibilities could be other than what is being proposed on a site plan. A developer offers the logistics of what it means to develop a piece of property.

Having said that, he did not see the purpose for having a real estate professional serve on the Board. He agrees with Mr. Hopkins about not restricting the resident board members to only property owners. A characteristic of this area is that many people who live in the area do not own property. So it would make sense to change "and" to "or." He also would not want this in his neighborhood. However, he feels that it is important that the characteristics of this particular small passage of the City are pretty unique. The people who live in the Lincoln-Busey Corridor want the proposed text amendment as well.

Mr. Fitch suggested the following. Rather than striking #3 in G.4 Applications, they could add to the end *"that substantially change the appearance."* Second, add language to #4 in G.4, so that it reads as such, *"Substantially changing the appearance and/or scale of an existing building including the building, grounds and parking, as determined by the Zoning Administrator…"*. Third, include language that requires the Zoning Administrator to report any administrative review to the Design Review Board, and provides a mechanism for the Design Review Board to override the Zoning Administrator's decision forcing the application process and the Board's consideration.

Mr. Grosser wondered how this would be different from having every project go before the Design Review Board. Mr. Myers responded that Mr. Fitch's third suggestion would cause the building permit application to delay acting on the permit until the next Board meeting, just to insure that administrative approval wasn't overridden. This could mean a delay of a month or so for the Board to meet.

In terms of Mr. Fitch's second recommendation, Mr. Myers said that a building permit application is the trigger for review. A developer and/or property owner would be required to obtain a building permit for everything we've discussed except the removal of trees, because the City does not have a tree preservation ordinance. Parking lots have not always required building permits, but this changed about a year ago and are now required.

Ms. Stake inquired about administrative review. Would the developer/property owner still need to show what they are planning to do? Mr. Myers said yes. They would need to submit an application and the application would have to meet the design guidelines. It would also need to include a site plan of what the project would look like when finished.

Ms. Stake commented that maybe the Design Review Board could meet more than once a month. Mr. Myers replied that we do not want to discourage maintenance and repair. If someone is performing a minor repair such as reroofing a house with exactly the same kind of asphalt shingles, do we really want to take up the Board's time to review it? There is a lot of work that goes on behind the scene. City staff prepares and sends out 60 copies of the packets, notices are published in the *News-Gazette*, hours of preparation of minutes, etc. He suggested that based on comments tonight that parking be added as triggering board review. He feels that along with the other proposed criteria it would catch any major or even medium development project and require it to go before the Board.

Chair Pollock asked if there was any objection to striking #3 criteria (floor area ratio) from the list as recommended by Mr. Myers during his staff presentation. Mr. Hopkins stated that if they

strike #3 from the list, then a case like 601 West Green Street does not necessarily trigger Board review, because the building footprint could be interpreted to include all of the porches. So, if you take all of the porches, it could double the footprint of the building. If you do not have any indicator based on floor area ratio, then there is nothing to trigger with respect to that. So he would be inclined to include such a trigger. But he also feels that 5% may be too small as a change in floor area ratio.

Chair Pollock asked the members of the Plan Commission if they want to send this back to the City staff to make changes, then what do they want to change?

Mr. Hopkins discussed the following issues:

1) G-1 – He feels that this implies that a developer/property owner has to apply for a design review application anywhere in the City. In actuality, it only applies in a design review district. It also begs for a cross reference, where any general rules about applying for a building permit ought to indicate that if a person is applying for a building permit in a design review district, then they are required to apply for design review. They need to either assume or specify that this only applies to projects that require a building permit, and that this is an additional component of a building permit in particular districts. We also need to get the right set of labels associated with triggering this because a building permit does not include plumbing or electrical.

2) G-4a – He suggested changing the language to read as such, *"Design Review Board Review. Applications for the following projects, and ~~where~~ if visible from public rights-of-way other than alleys, shall be subject to review by the Design Review Board."* On the other hand, he did not believe that this phrase should be included because it begs a whole lot of additional complications that they do not want to deal with. How do they decide if something is visible?

3) Zoning Administrator's Decisions – There are two types of decisions that the Zoning Administrator can make. The first one is whether a project needs to go before the Board or not. The second is the actual design review decision. He believes that the Zoning Administrator should report a project to the Design Review Board immediately if she decides that it only requires administrative review. Then the Board members could decide to override her decision and require review by the Board. This process would be different than informing the Board of an administrative decision by the Zoning Administrator and the Chair after a building permit has been issued. He pointed out that you cannot make a building permit retractable a month later when the Board finally meets. This would also help clarify what decision of the Zoning Administrator is appealable. The administrative decision of approval of a project does need to be reported, because it is appealable to the Zoning Board of Appeals. Therefore, he feels that the procedural steps need to be clarified.

Mr. Myers stated that the Zoning Administrator makes literally thousands of administrative decisions a year – day in and day out. Permits are issued. Every single day there are dozens of issues that administrative decisions are made on whether or not they meet the Zoning Ordinance or not. He advised against having to notify everyone of all administrative decision made in the district but said that it shouldn't be a problem just to report to the Board joint determinations of Zoning Administrator and the Chair on design review applications.

Mr. Grosser believed that there should not be any recourse by the Board. So many of the decisions are going to be things that the Board does not want to see or know about. This is the reason why City staff is suggesting that they be administrative review. The answer is to make the administrative review criteria strong, so we are confident that nothing controversial will slip through. We could certainly have the Zoning Administrator report to the Board, the same way City staff reports to the Plan Commission at the end of the meeting. Chair Pollock agreed that by giving the Board the ability to override the joint decision of the Zoning Administrator and the Chair of the Board, they would be compromising the Zoning Administrator's ability to make administrative decisions.

Chair Pollock took a poll to see how many of the Plan Commission members felt the floor area ratio percentage should be higher than 5%. The majority of the Plan Commission agreed.

Chair Pollock took a poll to see how many of the Plan Commission members felt that there should be an additional criteria triggering Board review of parking lots. All of the Plan Commissioners agreed.

Mr. Fitch thought J.2 Application Review Criteria should specify that new guidelines should be reviewed by the Plan Commission as well as amendments to the old guidelines. Mr. Myers stated that he would add that.

Mr. Grosser asked if the design guidelines are part of the ordinance or will it get passed separately. Mr. Myers explained that the design guidelines would be passed at the same time as the Ordinance, except it would be assigned a separate ordinance number.

Ms. Stake inquired about the makeup of the Board again. Mr. Grosser suggested removing the realtor from the list of members. Ms. Upah-Bant believed it might be appropriate to have a real estate agent on the Board, because it would affect their colleagues' income. Mr. Fitch added that a real estate agent could be beneficial in that they could give input as to how a development project would affect the value of the properties around the project site. There was a split in the Plan Commission about whether or not the real estate agent should be removed from the list.

Regarding changing *"and"* to *"or"* in C.d.b on Page 148, Mr. Myers pointed out that the current proposed language states that it *"should"* be single-family owner-occupied residents in the district, but that does not require the two residents to be single-family owner-occupied residents in the district. If they make the requirements too specific, then it makes it more difficult to find people willing to serve on the Board. The majority of the Plan Commission agreed with the language change from *"and"* to *"resident, owner or tenant"*.

Mr. Fitch asked City staff for a count of the number of building permits that were issued in the Lincoln-Busey Corridor over the last year. Mr. Myers said that they could supply that information for the Board.

Mr. Hopkins raised an issue about the word "should" versus "shall." He did not feel that most of the people would recognize what *"should"* really means in terms of an ordinance. Chair Pollock

pointed out that it does not say *"must"* and it leaves some leeway for the Mayor to make sure the Board has enough people to function if there are not residents willing to serve.

With no further discussion, Chair Pollock continued this case to the next scheduled meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed changes through Article II when Robert Myers, Planning Manager, suggested continuing this case to the next scheduled meeting to allow time for the staff report on the Cunningham Avenue Beautification Plan, which is scheduled to go before City Council on December 1, 2008.

Chair Pollock asked Plan Commission members to read through the staff report and attachments related to the proposed text amendment. Rather than Mr. Engstrom going through each revision one by one at the next scheduled meeting, the Plan Commission should come prepared with specific questions or concerns. The Plan Commission agreed, and the case was continued to the next scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Paul Debevoc, of 708 West California Avenue, talked about the proposed omnibus text amendment for the Urbana Zoning Ordinance in Plan Case No. 2063-T-08. He stated that it is a very long document and very hard for a single individual to review all of it.

Listed below are some of his suggestions:

- City staff should come up with some mechanism to have someone sign off on every page of the proposed ordinance.
- He also believes that regarding the zoning map, there should be some list or map available to the public indicating all of the non-conforming properties in the city. There is no easy way to get this information.
- It would be helpful to have a connection to the Assessor's database to make it easier to get information regarding properties.

- An authorized copy of the Zoning Ordinance should be available at the Urbana Free Library.
- Some typos that need to be looked at:
  - Figure 1 (Floor Area Ratio) and Figure 2 (Open Space Ratio) – The drawings should be accurate.
  - Table V-1 (Table of Uses) – Is agriculture really a permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts?
  - Formula for parking space calculation should be looked at again, because it did not calculate correctly.

Regarding open space ratio (OSR) illustration in the definition section, Mr. Myers stated that a certain percentage of a roof and balconies are included into the OSR. There could be a courtyard on the roof designed for people's use. Also, agricultural uses are permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts. This is not a mistake.

10. STAFF REPORT

Mr. Myers reported on the following:

- Crystal Lake Neighborhood Plan was adopted by the City Council on November 17, 2008 as an element of the Comprehensive Plan.

11. STUDY SESSION

Review and Comment on the Cunningham Avenue Beautification Final Report

Ryan Brault, Redevelopment Specialist in the Economic Development Division, presented the final draft of the Cunningham Avenue Beautification Plan to the Plan Commission. He gave a brief introduction and provided background information on the proposed plan. He reviewed the general recommendations and design elements of the plan. He talked about the planning implications and the financial impact.

Chair Pollock inquired about the roundabout that the consultants propose for the intersection at Country Club Road/Perkins Road and Cunningham Avenue. He felt this should be stricken from the plan because it would be a disaster. Mr. Brault responded that the roundabout was identified in the plan as an alternative and which the Illinois Department of Transportation (IDOT) would most probably not allow it to be constructed anyway.

Ms. Stake felt it was wonderful to put in public art and planting trees. She asked if they would use trees indigenous to Illinois. Mr. Brault replied that the plan calls for native plantings. The plan would be to use trees that are indigenous to our specific area.

Mr. Grosser felt it important to clarify that the public art recommendations in the report are only suggestions or possibilities. Decisions on specific art would be up to the Public Arts Commission. Mr. Brault explained that every concept in the plan is a suggestion and is not mandatory. It is a concept plan which is intended to be visionary. However, the plan does

provide a design theme, and City staff does want to try to make real ideas fit the theme of the plan.

He pointed out that the public art piece shown extending over Interstate 74 would most likely not be allowed by IDOT as illustrated. IDOT does not want to allow anything in the right-of-way that would be distracting to drivers as they travel over the bridge. IDOT is willing to work with the City on doing other improvements. For instance, IDOT would allow art work that is affixed to the retainer walls on the sides of bridges. It is integral to the bridge, and it is basically decorative railings and landscaping around the bridge.

Mr. Hopkins mentioned that the new bridge on Curtis Road and Interstate 57 supposedly has some of these features. He asked who is spending their money this way. His reaction is that if he was considering how to spend the City budget or a TIF (Tax Increment Finance) budget to which he was contributing as a developer or a land owner, the priorities do not make sense to him. He does not see why park benches should be installed on what is not -- and probably should not be -- a pedestrian corridor.

Chair Pollock asked if a TIF District is not designed to eliminate blight and promote economic development using the tax funds within the district to pay for the improvements. Mr. Brault said yes. Chair Pollock commented that he did not see that the recommendations in the proposed plan do either one of these. It is very nice to look though.

Chair Pollock inquired as to how much it cost the City to do the study. Mr. Brault said it was around $100,000. Mr. Pollock said that municipalities across the country are suffering because of the current economic situation. It is liable to get worse. He would ask that the City Council question where they spend all revenues such as TIF funds, including the $100,000 it cost to hire a consultant to draw up the proposed plan. Although he likes some of the ideas that the consultants have come up with, he questions whether this is the best place for the City to be dedicating its shrinking resources.

Mr. Brault stated that he will take the Plan Commission's comments and concerns to the City Council. They have already had an opportunity to study the proposed plan in draft form.

Chair Pollock questioned how much money was spent on the plan to prepare drawings and plans for elements that IDOT has never had any intention of approving. He could never imagine IDOT allowing a roundabout on a four lane major access point into Urbana. Mr. Brault replied that the consultants have done roundabouts in other cities. Mr. Hopkins added that the reason IDOT will not allow a roundabout at this intersection is not because it should not be there, but because people in places like Urbana do not know how to use roundabouts. Elsewhere roundabouts work efficiently, even on four lane highways. Mr. Brault pointed out that even the City of Urbana's Public Works Department was skeptical about the roundabout, which is why City staff insisted that the consultant use other intersection treatments in the proposed plan. The consultant and City staff did not receive feedback from IDOT until after the plan was well underway.

Chair Pollock questioned if City staff has any idea of how much funding and matching funding might be available from the state and/or federal government. What would the remaining amount

of cost be for the City of Urbana? Mr. Brault stated that there is not a definite answer at this time. There may be some grants available. Chair Pollock commented that there would be several million dollars at the responsibility of the City, and it would need to be budgeted within the CIP (Capital Improvement Plan). In the face of the other things that the City needs to do -- in terms of infrastructure, repair and maintenance -- he questions whether this would be a wise expenditure. Mr. Brault remarked that there would also need to be much more investment along Cunningham Avenue before the City would be able to have enough TIF funds to implement this plan. The plan is really meant to provide various idea that the City can pick and choose from to have the most impact and be the most beneficial to the City.

Chair Pollock stated that he did not want to be too harsh and rain on anyone's parade because there are some elements in the proposed plan that would help the Cunningham Avenue Corridor that could be done relatively inexpensive. However, on each step of this, he would ask the question in terms of use of TIF funds, what really is the payback in terms of development and increase in tax revenue within the district for what the expected use of the funds is suppose to be.

Mr. Fitch agreed with the commentary. He asked if any of the merchants along Cunningham Avenue had expressed any opposition about driveway closures. Mr. Brault said no. City staff presented the proposed plan in draft form at one of the North Cunningham neighborhood business group meetings. None of the business owners expressed concern about this. It only refers to unused and unnecessary driveways.

With no further comment, the study session ended.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **December 4, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: none

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared with all members present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested changing the order of the agenda. The first change is to move Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 under Item 7. The second change is to follow these two cases with Plan Case No. 2063-T-08 under 5, Continued Public Hearings. Lastly, the Plan Commission will consider Plan Case No. 2074-T-08. With no objections from the other members of the Plan Commission, these changes were approved.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the November 20, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

5. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road.

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Residential Zoning District to City R-3, Single and Two-Family Residential Zoning District upon annexation.

Rebecca Bird, Associate Planner, presented these two cases together to the Plan Commission. She began by briefly introducing the purpose for the proposed annexation agreement and rezoning requests and by providing background information on the proposed site. She talked about the proposed zoning of the property and reviewed the La Salle National Bank criterion that pertains to the proposed rezoning request. The closest portion of the City, about 600 feet away, is zoned R-3, Single and Two Family Residential, which allows duplexes by right if the property meets certain minimum standards. She reviewed the options of the Plan Commission and presented staff's recommendation for both cases.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. No one spoke.

Mr. White noticed that the surrounding properties in the County are single-family residential. Ms. Bird pointed out that the property directly to the west is a duplex. Merl Mennenga, Mennenga Construction, Inc., clarified that there are two duplexes immediately to the west of the proposed site.

Ms. Stake wondered how the two duplexes were allowed in a single-family residential zoning district. Ms. Bird that the duplexes may have also been built prior to the change in the County R-1 Zoning District, which now restricts duplexes, or the duplexes might have obtained special use permits in the County under the current zoning.

Ms. Stake commented that none of the maps show what the surrounding properties are zoned in the County. Is it all single-family residential except for the two properties with duplexes on them? Mr. Myers said that prior to this request, the Mennengas applied with Champaign County for a Special Use Permit so they could hear any concerns from their neighbors. Champaign County approved the Special Use Permit application to construct a duplex; however, due to sewer service permit requirements, the petitioner cannot act upon the Special Use Permit until they get an annexation agreement with the City.

Ms. Stake stated that it appears there are still properties available to build on. Is this correct? Mr. Mennenga answered by saying that all of the lots have buildings on them. There are no

vacant lots. Ms. Stake asked if more duplexes could be built on the empty space of each lot. Mr. Myers said that the County allows only one primary structure per lot.

Ms. Upah-Bant inquired as to whether the duplexes to the west were hooked up to the sanitary sewer. Mr. Mennenga replied that the duplexes to the west are in the County.

Ms. Upah-Bant did not understand why they needed to bring this property into the City. She does not like having spot annexations. Mr. Myers explained that the proposed property would not actually come into the City unless the City's boundaries reached the property at some point in the future. The annexation agreement is required because the City of Champaign and the City of Urbana have agreements with the Sanitary District that they will not provide any permits to connect to the sewer system unless a property is either annexed or has an annexation agreement with the appropriate City.

With no further comment or concerns from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that these cases would be presented to City Council along with the Plan Commission's recommendation on December 15, 2008.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

Article IV. Districts and Boundaries

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received a number of complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking for shopping centers has usually been easily worked out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add "*recycling center*" as a special use in Industrial zoning districts.
5. Move "automobile salvage yard (junkyard)" to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of *"recycling center"* in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for *"junk"* but not *"recycling center."*

Mr. White inquired as to the difference between a *"junkyard"* and a *"recycling center."* Mr. Engstrom read the definition of *"salvage yard"* for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

Article VI. Development Regulations

Section VI-5.B.13 Yards - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

Section VI-5.E.2 Yards – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

Section VI-6.A Screening – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

Section VI-6.C and D Screening – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that buildings constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

Article VII. Standards and Procedures for Conditional and Special Uses

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article VIII. Parking and Access

Table VIII-3. Widths for Access Drives – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

Section VIII-7. Bicycle Parking – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of "*daycare facility*" or is it simply adding "*daycare facility*" to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

Article IX. Comprehensive Sign Regulations and Article X. Nonconformities

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

Article XI. Administration, Enforcement, Amendments and Fees

Section XI-10.B – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers explained that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during

this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

Section XI-12.C – Make some minor word substitutions.

Chair Pollock asked if *"owner-occupant"* refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

Section XI-12.E – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

Section XI-12.F – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which require a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions requires a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is set up so the Board can never pass anything, then can they really improve anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

Section XI-12.H – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

Article XII. Historic Preservation and Article XIII. Special Development Provisions

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff's rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking; a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of in a garage, car parts outdoors, extra cars parked on the street – that's a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that's not necessarily because of the type of home occupation.

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

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make $500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City

staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said $25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes'

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner/Historic Preservation Planner, presented a brief update to the staff report. She reported on the changes made since the last meeting. Those changes include:

- Adding one additional resident to the Design Review Board membership
- Expanding the language to include the installation or enlarging of a parking lot as one of the types of projects that would require review

- Adding language to further clarify what types of projects are subject to what level of review
- Adding language requiring new and amended guidelines to be reviewed by the Plan Commission.

She noted staff's recommendation, which is that *the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval of the Lincoln-Busey Design Guidelines, approval of the Zoning Ordinance text amendment as written in the handout listed under Communications of these minutes, and approval of the Lincoln-Busey Corridor Design Review Overlay District.*

Regarding Section XI-15.F.3, Chair Pollock requested that staff clarify the meaning of the additional language, *"…but in no case shall action be taken by less than 4 votes"* as suggested in the handout. Does this mean that there must be four votes in favor of an action to pass? Or does this simply require four members to vote and a 3-1 vote would pass a motion?

Mr. Grosser pointed out a typographical error on Page 148 under Section XI-15.C.d.b. *"Three"* should be *"Four"* with the revised language adding an additional member. Mr. Hopkins also pointed out that the language in Section XI-15.H.2 and F.3 should be consistent. He pointed out that it is also unclear about whether an abstaining member of the Design Review Board is included in the vote. To be consistent with the MOR Development Review Board, and what was just approved in the previous text amendment, he agreed that an abstaining member should not be included in the vote. He suggested that it read, *"Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total."*

Mr. Hopkins agreed.

Ms. Stake moved that they should change the language in Section XI-15.C.1.d.b to read, *"…The residents ~~should~~ shall include a representative from each design review district who owns ~~or~~ and occupies a residence in the district. If there is only one design review district, other residents ~~should~~ shall own or occupy a residence elsewhere in the ~~City~~ district."* Ms. Upah-Bant seconded the motion.

Ms. Stake feels it is only fair to have at least one person who owns a home in the district to serve on the board. She believes that a person who lives in the district will be more concerned about what happens in the district than say a real estate agent or a local developer.

Chair Pollock commented that a motion was premature since the Plan Commission had not yet held public discussion on this case yet. The motion and second were withdrawn.

Chair Pollock then asked if there were any more questions from the Plan Commission members for City staff.

Ms. Stake wondered why City staff changed the percentage of an increase in the floor area ratio (FAR) of a building used to determine further review of submitted redevelopment plans by the Design Review Board from 5% to 15%. Robert Myers replied that staff was following through

with a request by the Plan Commission to increase the percentage. The Plan Commission has the could change the percentage.

Ms. Stake inquired as to the difference between the FAR (floor area ratio) and the footprint of a building. Mr. Myers explained that the footprint is the outline of the building on a lot. Typically, the footprint includes any portion of the building that touches the ground or extends below the ground. The FAR is the ratio between the total square footage of the building and the lot area. The FAR comes into play because it essentially defines how tall the building can be in the relationship to the lot.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was none. Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Grosser would not like to have eight members for the Design Review Board. It gives more power to deny a case. On a seven-member board, it takes four votes to approve or deny a motion. However, on an eight-member board, it takes four votes to deny and give votes to approve.

Chair Pollock pointed out that the eighth person came from the Plan Commission's desire to have more residential representation on the board. Mr. Grosser responded that he understood this, and he mentioned that he did not feel strongly about what a real estate agent could bring to the board.

MAIN MOTION
Mr. Fitch moved that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

AMENDMENT #1
Mr. Grosser moved to amend the motion by removing the real estate agent from the list of Design Review Board members and keeping it a seven member board in Section XI-15.C.1.d.a (Page 148). Ms. Stake seconded the motion.

Mr. White commented that a real estate professional would be very objective. Ms. Stake pointed out that several citizens have testified at previous meetings expressing their desire to get rid of the real estate agent. She did not feel that a real estate agent was needed either. There is a developer and that is enough.

Roll call on the amendment was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	No
Mr. Grosser	-	Yes	Mr. Hopkins	-	No
Mr. Pollock	-	No	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	No

The motion to amend failed by a vote of 4 – 4.

AMENDMENT #2
Ms. Stake moved to amend the main motion by changing the FAR requirement mentioned in Section XI-15.G.4.a.3 (Page 150) from 15% to 10%. With no second, the motion to amend died.

AMENDMENT #3
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say *"and"* instead of *"or"* and change *"city"* to *"district"*. Ms. Burris seconded the motion to amend.

Ms. Burris recalled having a lengthy discussion during a previous Plan Commission meeting about making the change that is currently in the proposed text amendment. The proposed wording is used because the Plan Commission wanted to allow residents who both rent and own/and live in the area a place on the Design Review Board. Renters should have just as much of a voice as people who own their homes. She feels that the language should remain as it is currently written without any changes. Also, she does not like the idea of changing "city" to "district" because it is a City board. Some of the members should remain City-wide.

Mr. Fitch agreed with Ms. Burris' explanation of why the proposed wording is being suggested by staff.

Ms. Stake disagreed with Ms. Burris' in that the board should not be city-wide. People who care about the Lincoln-Busey Corridor should serve as members on the board. Residents from south Urbana do not care about the Lincoln-Busey Corridor.

Mr. Grosser expressed his concern about the proposed amendment. As currently written, the proposed text amendment would include residents from the Lincoln-Busey district. With the amendment that Ms. Stake is suggesting, if there should ever be three districts, then there would be no option for a renter to serve on the Design Review Board. There would only be owners who occupy their homes serving on the Board. The Mayor will make nominations and the City Council will approve the nominations of the members who serve on the Design Review Board. It is reasonable to presume that the Mayor and the City Council will not approve of a board that has zero owner-occupied residents on it from the district.

Mr. Hopkins understood Section XI-15.C.1.d.b to only apply to the Lincoln-Busey Corridor Design Review Board. If there is another district, then there would be another constitution of a board to serve that district. If this is the case, then the wording proposed in the text amendment does not say this. He mentioned that he does care about what happens in the Lincoln-Busey Corridor, but for different reasons than the residents living there. He cares in that the proposed text amendment is a City ordinance and not a neighborhood self-protection deed restriction. What the City staff is going to enforce and enable to happen in the City affects lots of other things about the City. This includes the City's tax base and who gets to live where, how far students have to commute to campus, and many other things. To say what the City makes happen in one little neighborhood can be decided just by the people who live that neighborhood, it misrepresents what City action is all about.

Ms. Stake feels that the majority of the people in the City care about the City in some sense or another, but as for every other neighborhood, they do not care as much as the person who lives

next door to something that is being built. This is only design review. It does not include all of the other rules for the Lincoln-Busey Corridor. There is going to be change in the Lincoln-Busey Corridor. Some people may like the changes, but some of the people might be disturbed by it. One of the things that the City can do is to have more residents serve on the board so redevelopment plans can be discussed more so there are fewer controversies about what happens when new issues arise.

Mr. Grosser asked City staff for clarification on Mr. Hopkins' previous comment. Ms. Bird explained that the proposed text amendment creates a Design Review Board. It does not create a Lincoln-Busey Design Review Board. The Design Review Board would review design in any district that has adopted design guidelines.

Mr. Grosser asked if the membership would potentially shift if a second district would be created. Ms. Bird said no, not with the way the proposed text amendment is written. Chair Pollock noted that if the motion to amend was approved, then it would change the makeup of the Board. Mr. Grosser then asked if the motion to amend is approved and three districts are created, is it correct that there could not be a renter on the Board. Chair Pollock said that is correct. The only way a renter would be allowed to serve on the Board would be to increase the number of members.

Ms. Stake stated that this was not her intention. She only wants at least one owner-occupant to serve on the Board. Mr. Hopkins pointed out that if they just make the word changes that Ms. Stake proposed, then it does not accomplish what she describes as her intention. Her intention is that there be three residents on a Busey Corridor Board, not a city wide Design Review Board. One of the three residents must be an owner-occupant. The other two members could be owners or occupants (renters) that live in the district. Ms. Stake withdrew her motion to amend.

AMENDMENT #4
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say that three members must be residents who live in the district and at least one of the three should be an owner-occupant. If there are other districts, then the members will be the same except for the three residents. Ms. Upah-Bant seconded the motion.

Mr. Fitch felt this goes back to the very first meeting. This was discussed and the consensus was that this might not be workable to have three people rotating on and off of a board. Mr. Grosser understood the motion to amend to apply only to the Lincoln-Busey Corridor. Ms. Stake commented that she did not understand why this could not be for the whole City if only three people change when a new district is added. Chair Pollock explained that the proposed ordinance is written for a city-wide Design Review Board. Her motion recommends that they change that to be specific to the Lincoln-Busey Corridor. Ms. Stake stated that she did not want that. She wants a city-wide Design Review Board, where the three residential members change from one district to the next, but the other members remain the same. Chair Pollock stated that is not what the language says in the motion to amend.

Ms. Burris did not feel that a rotating Board would do well in making city-wide decisions. It would not be stable enough in making consistent decisions.

Ms. Upah-Bant wondered when they changed it from a Lincoln-Busey Design Review Board to a city-wide Design Review Board. Ms. Bird explained that when City Council first asked City staff to look at this, it was specific to the Lincoln-Busey Corridor. This was several years ago, and since then, there have been discussions about design guidelines and a design review district in the Historic East Urbana Neighborhood (HEUNA) area as well. City staff realized that creating a different board each time a district is proposed would not be the right way to go about it. A city-wide Design Review Board is being proposed.

Mr. Grosser pointed out that the MOR (Mixed Office Residential) Development Review Board currently exists. The proposed text amendment would allow for the Lincoln-Busey Corridor Design Review Board, and eventually there will probably be a HEUNA Design Review Board. He understands Ms. Stake's intentions to be that with each new district a Design Review Board is created with some members in common with the other Design Review Boards and the resident members change from district to district. He does not like that someone from one district could not serve on the Board for another district as part of the residential membership. He also feels that if the City ends up with three or four Design Review Boards, it might become difficult to find people who are interested in serving on them.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend failed by a vote of 1-7.

Mr. Hopkins recalled that part of Ms. Stake's motion to amend was to change *"should"* to *"shall"*. He remembered the Plan Commission discussing this at a previous meeting, and it is not accidental that the permissive *"should"* is used. Mr. Fitch said that is correct. The rationale is that in case the Mayor and City Council could not find anyone who is willing to serve in a given district that they could fill the board with a resident from elsewhere in the City.

AMENDMENT #5
Mr. Hopkins moved to amend the main motion to delete the second 2 in Section XI-15.G.4.c (Page 150), which states *"Visible from no public right-of-way other than an alley"*. Ms. Stake seconded the motion. Chair Pollock asked for a hand vote and the motion to amend passed by unanimous vote.

AMENDMENT #6
Mr. Fitch moved to amend the main motion by changing the language in Section XI-15.C.1.d.b to read, *"A number of residents of Urbana equal to the sum of one resident of each design review district plus one resident from a part of the City not in the design review district."* This would allow one board that would expand only as new design review districts were created. Ms. Upah-Bant seconded the motion.

Mr. Fitch stated that there would be no distinction between owner occupancy. A person from each design review district would have to serve on the Board. All of the resident members would have to live in the City. At least one resident member would have to live outside of any design review district. With this language, the Design Review Board would start with seven members. Only when and if a second district is created that the board would increase to eight members.

Chair Pollock commented that if the Plan Commission approves this motion, then City staff would have to take a look at it, refine any language legally and look at the question of going to seven members to see if it is mentioned anywhere else in the proposed ordinance. Ms. Bird added that City staff would need to look at how they would word the language under Quorum, etc.

Mr. Hopkins stated that this motion seems to solve a problem or two. It gets away from having an eight person board, which the Plan Commission just demonstrated that four people could object and a motion could fail because of it. It completely simplifies the notion of resident in a way that may actually advantageous because it eliminates the non-resident owner as an option. Therefore, he likes it.

Chair Pollock called for a hand vote on the motion. The motion to amend passed by a vote of 5-3.

AMENDMENT #7

Mr. White moved to amend the motion by deleting #5 in Section XI-15.B (Page 147). Mr. Grosser seconded the motion. Ms. Bird stated that this clause simply outlines the difference between the Development Review Board and the Design Review Board. The Design Review Board would only be allowed to review the design of a development project and not the land use.

Mr. Hopkins felt that the reason to include this clause is in the first part of the sentence. Mr. White stated that the first part of the sentence makes sense and understands why it is included. However, they cannot deny a land use that is permitted by right.

Chair Pollock asked if it was the consensus of the Plan Commission to hand this over to the City staff to make sure this is clarified. The Plan Commission members agreed.

Ms. Stake expressed her concern about the administrative review section on Page 150 in Section XI-15.G.4.b. She feels the language is vague. Chair Pollock recalled the Plan Commission having already discussed this at a previous meeting. It is the consensus of the Plan Commission members that this Section has the correct amount of flexibility and the correct amount of definition on this issue.

SUMMARY

Mr. Fitch summarized what the Plan Commission would like to see changed in the proposed text amendment. The changes are as follows: 1) Fix typographical errors in Section XI-15.C.1.b by changing *"three"* to *"four"*; 2) Clarify that an abstention is not counted toward a vote in Section XI-15.F.3; 3) Strike the second 2 in Section XI-15.G.4.c; 4) Replace language in Section XI-15.C.1.d.b; 5) Clarify that Section XI-15.B.5 is not a limitation on permitted land use possibly by eliminating the clause after the comma; and 6) Clarify meaning of additional language in Section XI-15.F.3.

Ms. Bird mentioned that one of the members had inquired at the previous meeting about the number of building permits that have been applied for in the Lincoln-Busey Corridor in the past year. She stated that there have been zero building permits applied for in this area. Mr. Fitch

recalled that this had to do with a discussion about whether the Zoning Administrator's decisions should be appealable to the Design Review Board.

Following discussion, Chair Pollock continued this case to the next Plan Commission meeting. Plan Commissioners agreed that the next regularly-scheduled meeting on December 18, 2008 could be cancelled unless an important issue came up. This case is therefore continued to the January 8, 2009 Plan Commission meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- Cunningham Avenue Beautification Plan was adopted by the City Council on December 1, 2008.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **January 8, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Ben Grosser, Lew Hopkins
STAFF PRESENT:	Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the December 4, 2008 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Crystal Lake Neighborhood Plan Approved and Final Copy

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Chair Pollock reopened this case. He summarized the amendments that were made to the staff recommendation at the previous meeting. Since all except one of the amendments approved by the majority of the Plan Commission during the previous meeting have already been incorporated into the proposed ordinance, they would not reopen the case with motions and amendments on the floor.

Rebecca Bird, Planner I, talked about one of the amendments in particular regarding the changes made to the membership. City Legal staff feels that trying to write the changes would be very complex and trying to interpret it in the future would be very difficult. With each new design overlay district that the City adopts, City staff will have to amend the Zoning Ordinance anyway. So, staff might as well amend the membership numbers at that point. Legal staff felt that the wording should be left as originally structured for the one design overlay district. Therefore, the only recommended change made to the language regarding membership is to change the number of board members to seven rather than having eight.

Ms. Bird reviewed the other changes made to reflect changes recommended at the last Plan Commission meeting. She recommended that the Plan Commission vote on each of the three parts of the case separately or if they wish to vote on it as one case, then to mention the three parts in the motion.

Robert Myers, Planning Manager, clarified the intent of Section XI-15.B.5. He stated that the design review would be an overlay district, and so the Board would deal with design. However, there is still the underlying zoning district, which deals with particular uses. Although the proposed Design Review Board would not be approving uses, the intent is to clarify that the Design Review Board could deny a project design even if it meant that a permitted use would not be approved.

Ms. Upah-Bant asked for an example of this. Mr. Myers presented the following example: There is a property zoned for multi-family residential, but there is a single-family home currently on the property. An application is submitted to replace the single-family house with an apartment building. The apartment building may meet all of the requirements of the underlying zoning district, but if the Design Review Board finds the design of the apartment building to be incompatible with the design guidelines then the project could be denied.

Ms. Stake inquired as to where City staff thought there may be additional design overlay districts in the future. Mr. Myers replied that there has been talk about having design review for the East Urbana neighborhood close to City Hall.

Ms. Stake questioned why City staff feels that adding members to the Design Review Board as design overlay districts are created would be complicated. Mr. Myers stated that this could only be done having a board for each district as they are created, or having one board and switching out members depending on which neighborhood the application came from. Either scenario is complicated for a number of reasons.

The question becomes whether one board could deal with multiple districts. The Historic Preservation Commission deals with multiple districts and landmarks in different neighborhoods. They do not switch out members from one district to the next based on what application comes before them. The Plan Commission reviews cases city-wide, and the City does not need to switch members based on what neighborhood an application comes from.

Ms. Bird noted that the proposed ordinance was written to serve city-wide. There's no reason to create yet another board for such a very small area. City staff researched the Lincoln-Busey area and found, had these rules been in place over the past year, no projects that would have come before the proposed board. If you have a board that meets only once every three years, the board members do not really know what their role is, and it is hard for City staff to give training if the board never meets.

Ms. Stake commented that as the ordinance is currently written, there would not be fair representation of the residents who live in the neighborhood. They would not be letting the people who live in the district have any say in the design of a project. Neighborhood residents know how to solve design problems better than anyone, including City staff. Chair Pollock pointed out that there is a requirement in the proposed ordinance that one of the members on the Design Review Board be a resident of the design review area.

Ms. Upah-Bant asked if a design review district would be created in the Historic East Urbana Neighborhood, then would staff suggest increasing the number of members on the board? Ms. Bird stated that the City would modify the membership of the Design Review Board at that time. It would be easier to deal with this particular issue when another design review overlay district is adopted.

Ms. Stake asked how do we know that City staff will follow through on this? She would rather see it in writing. Chair Pollock replied that any future design overlay districts will have to come before the Plan Commission and the City Council for review. The issue of representation will have to come back before them.

Ms. Upah-Bant expressed her concern about there being no appeal process. Ms. Bird pointed out that the appeal process is listed on Page 152. An appeal would go before the Zoning Board of Appeals. Ms. Stake commented that she would prefer to have two boards review an appeal – the Zoning Board of Appeals and then the City Council. Mr. Myers reviewed the appeal process in the Zoning Ordinance for the Plan Commission members.

Ms. Stake wondered what types of projects do not require a building permit. Ms. Bird said that projects that are not structural in anyway, for example – changing out a window, would not require a building permit.

With no further questions, Chair Pollock opened the hearing up for public comment or questions. There were none. So, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion or motions.

Mr. White moved that the Plan Commission send Plan Case 2074-T-08 to the City Council with a recommendation for denial of all three parts of the case. Ms. Upah-Bant seconded the motion.

Ms. Stake moved to amend the motion to increase the number of members of the proposed Design Review Board to nine, including the members recommended by City staff in addition to a second resident living in the district and a resident who lives within 250 feet of the district. Chair Pollock called for a second to the motion. The motion to amend failed due to lack of a second.

Mr. Fitch moved to amend Section XI-15.C.1.f to change the permissive "should" to "shall" in two places in this same paragraph. Mr. White seconded the motion. Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a vote of 5 to 0.

Chair Pollock commented that there is a reason the proposed case has been back to the Plan Commission five times. He recognized and applauded City staff for the work that has gone into the proposed case. He feels that City staff has done as much with the proposed ordinance as can be done. As he looks at the proposed case he thought about neighborhood conservation districts. In many ways, it is bulky, bureaucratic, onerous, possibly unwieldy, and for the most part unnecessary. From his understanding, the proposed ordinance does not accomplish what most people would like to do, which is to protect single-family residences. He feels the best way to do this is through zoning and not through design review. Therefore, he supports the motion to deny.

Mr. White recalled a comment he had made at the time the neighborhood conservation district ordinance was being reviewed for approval. Sometimes when you are in graduate school, there is a graduate student with a thesis that is a mess. There are times when it really is the advisor's fault for assigning that topic.

Ms. Stake stated that she supports the proposed ordinance. She feels it is important to have design guidelines to make sure that there are not any outrageous projects developed in our neighborhoods.

Roll call on the main motion along with the amendment was as follows:

Mr. Fitch	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion passed by a vote of 3 to 2.

Ms. Bird pointed out that this case would go before the City Council on January 20, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08: A request by Carl and Beverly Andres for an annexation agreement for a 0.41-acre tract located at 1707 East Airport Road, including rezoning from Champaign County AG, Agriculture District, to City R-2, Single-Family Residential Zoning District, upon annexation.

Robert Myers, Planning Manager, presented these two cases together to the Plan Commission. He explained the purpose for the proposed annexation agreement and rezoning, which is due to the failed septic tank that the petitioners experienced last summer. He briefly described the proposed site and the surrounding properties and talked about the proposed rezoning. He presented City staff's recommendation, which was as follows:

> *In Plan Case 2008-A-02/2089-M-08 staff recommends approval of the proposed annexation agreement as presented in the written staff report.*

Ms. Upah-Bant inquired as to why City staff recommends converting the property to R-2, Single-Family Residential, rather than R-1, Single-Family Residential Zoning District. Mr. Myers explained that he believed it was due to the lot size and width. City staff wanted to ensure that the proposed property would conform to the zoning requirements.

Ms. Stake mentioned that the written staff report states the proposed property is "generally" consistent, it "should" not and "should" be and it "appears" to meet the LaSalle National Bank criteria. Why not just say it "is" consistent? "Generally" means what? Mr. Myers replied that it means that the proposed property complies with criteria, but there may be in some small ways that it does not absolutely, positively comply.

Ms. Stake moved that the Plan Commission forward Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08 to the City Council with a recommendation for approval. Mr. White seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers noted that these two cases would go before the City Council on January 20, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Zoning Ordinance Omnibus Text Amendment was adopted by the City Council. City staff is in the process of making copies and will be distributing them soon.
- Mervis Industries Special Use Permit will be presented for review to the Plan Commission on January 22, 2009.
- Lighting Standards Text Amendment will be presented for review to the Plan Commission on January 22, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **January 22, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	There were none.
STAFF PRESENT:	Robert Myers, Planning Manager; Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Tom Falender, Laura Huth, Ken and Rita Mathis, Michael Mervis, James Picillo, Neil Richardson, Susan Taylor, Ted Vacketta

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

The Chair called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present with all members present.

2. CHANGES TO THE AGENDA

City staff requested that Plan Case No. 2081-T-08 regarding lighting standards be forwarded to the February 5, 2009 Plan Commission meeting. With no objections from the Plan Commission members, the request was approved.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the January 8, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Zoning Ordinance – 2008 Republication
- Boneyard Creek Master Plan
- Packet of Information submitted by Mervis Industries for Plan Case No. 2093-SU-08
- Revised Site Plan for Plan Case No. 2093-SU-08

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

This case was forwarded to the February 5, 2009 Plan Commission meeting.

Plan Case No. 2093-SU-08: A request by Mervis Industries for a Special Use Permit to establish a Recycling Center at 3008 North Cunningham Avenue in the City's IN, Industrial Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction and presented background information on the proposed site. He described the site and the surrounding properties noting their current land uses and existing zoning. He discussed how the proposed use relates to the Future Land Use Map designation of "Regional Business" and how it relates to the 2005 Comprehensive Plan. He further discussed the proposed recycling center noting the hours of operation, the layout of the proposed site, landscaping and storm water runoff plans. He reviewed the requirements of a Special Use Permit according to Section VII-4 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff's recommendation, which was as follows:

Staff recommended that the Plan Commission forward Plan Case 2093-SU-08 to the Urbana City Council with a recommendation for approval subject to the following conditions:

1. *The layout and operation shall conform to the Site Plan, as shown in Exhibit D.*
2. *An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code.*
3. *The site shall conform to the requirements for screening and landscaping in Article VI of the Zoning Ordinance.*

Mr. Engstrom noted a revised landscape plan which he distributed to Plan Commission members. He then continued with the final two recommended conditions.

4. *Final traffic layouts shall be subject to the approval of the Illinois Department of Transportation.*
5. *All runoff, noise levels, odors, dust or other emissions shall meet standards set forth by the Illinois Environmental Protection Agency.*

With no questions for City staff, Chair Pollock opened the hearing up for public input and testimony.

Laura Huth, Do Good Consulting, handed out a packet of information regarding Mervis Industries. She stated that she is the consultant for Mervis Industries. They will present a project called Advantage Recycling. She introduced Mervis Industries representatives: Michael Mervis, a fourth-generation operator; Tom Falender, Director of Marketing and Customer Relations; Jim Picillo, Director of Operations; and Ted Vacketta, Engineering and Operations. She gave a brief introduction about Advantage Recycling, a division of Mervis Industries, which is proposing a regional recycling facility. She believes this is a perfect project for the City of Urbana and the "green image" that Urbana has and wants to continue to project. She mentioned that the following presentation was shown to the City of Urbana's Sustainability Advisory Committee about two weeks ago. Mervis also held a neighborhood meeting with nearby residents and met with Rudy and Tom Frasca, the owner and operator of Frasca Airfield.

Mr. Mervis discussed the following topics in a PowerPoint presentation:

- History of Business
- Business' Reputation
- Recycling: Then & Now
- Impact

Mr. Falender discussed the following topics:

- Urbana Project
- Advantage Recycling
- Advantage Customers
- Materials Collected

Mr. Picillo continued the presentation by discussing the following topics:

- Inside an Advantage Facility
- Operations: How it Works
- Employment at Advantage
- ISO 9001:2000 Quality Management

Ms. Huth talked about the following topics:

- Advantages of the proposed Advantage Recycling Center
- Relationship to Urbana's Curbside Program

Mr. Vacketta discussed the following topics:

- Details of the proposed site and of the project
- Hours of Operation
- Estimated Traffic Counts
- Odor, Noise & Dust *(He handed out some steel slag to the Plan Commission members.)*
- Signage
- Exterior Lighting
- Security

Ms. Huth discussed the landscape plan. She felt that this project could be described as "exceptional." This project will far exceed minimum standards. It is a ten acre site with about five of the acres being developed. They plan to leave the remaining five acres as natural open area. They plan to partner with local conservation organizations as well as with other businesses to put in landscaped wide buffers on all four sides of the property. They would like to have some educational signage and some walking paths. She showed a rendering of what they intend the facility and grounds to appear following development. She commented that they plan to salvage as many of the perimeter trees as possible in addition to supplement it with some other plantings.

Ms. Stake asked why it is so important to have all of the security that Mervis Industries is planning for the proposed development. Mr. Mervis replied that when they talk about taking photo IDs and snapshots of everything that comes across their scales, rather than protecting something or someone they are just trying to meet or exceed the local laws. This type of security is deterrence to theft and to help catch thieves who might steal, for instance, a coil from people's air conditioners or the copper downspouts from churches. In terms of security in the evenings, with any site you would want to have a little lighting on the site to make sure that the site remains safe and secure.

Ms. Stake inquired about separation of materials at the source versus separating the materials at the recycling facility. Mr. Mervis stated that it is much more efficient to separate materials at the source. If they allow materials to be brought to the site co-mingled, then they would have to expend energy and resources to separate the materials out again.

Ms. Stake asked if Urbana wanted to insist that all of their materials were separated at the source, then could they be taken to the proposed site and paid for. Mr. Mervis commented that Mervis Industries would like to work with the local community recycling agencies. Whether or not anyone gets paid for their recyclable materials, the most important thing is to keep recyclables from going to the landfill; saving the energy by recycling materials and saving the natural resources by reusing that material and avoiding the need for new raw materials.

Mr. Hopkins asked what the implication would be for the Marco site. Mr. Mervis responded that their goal is to grow both the Marco and the proposed sites and to continue to operate both. Operationally, it would mean that potentially they could move some of their business to the new site, which would free up the space in the phenomenally cramped Marco site, so they could offer more recycling opportunities there. It would also offer some of the efficiency that they can offer at their Goodman and Will site in Terre Haute, IN and at their Advantage site in Danville, IL. Marco has been in business and been located on the same site for 100 years. As the business grew and they developed new customers, the site has become rather cramped. Therefore, it does not operate as efficiently as they would like. It also does not allow them to expand into new opportunities for the community. Mervis Industries has a strong local following in the Marco site. So, there is no intention to close that site.

Mr. Grosser thanked the petitioners for the level of detail that they have presented. He expressed his appreciation for holding a neighborhood meeting. He wondered if there were any concerns expressed by nearby residents at the neighborhood meeting. Mr. Mervis responded that there were no negative comments that came out of the meeting.

Mr. Grosser inquired as to how much someone could receive by bringing in a stove or similar appliance for recycling. Mr. Mervis stated that it depends on the material brought in. An older stove might be made of cast iron, which would bring in one price. A newer stove would bring in a different price. The price varies. There have been phenomenal swings in the value of recyclables over the last five years. The price goes up and down depending on the market fluctuations.

Mr. Grosser wondered if the Marco site currently accepts appliances. Mr. Mervis said yes. They accept appliances such as a water heater or a stove. However, they do not accept appliances with refrigerants still in them. These types of appliances must be drained prior to bringing them in to be recycled. At other locations, they will accept these types of appliances, but not at the Marco site.

Mr. Grosser asked if the proposed site would accept appliances with refrigerants still in them. Mr. Mervis said yes.

Mr. Grosser inquired if the petitioner offers and recycled materials for purchase back to the community. Mr. Mervis said no, because there are problems associated with offering scrap metal for purchase. Most of these problems are related to possible litigation. They will make sure that the materials are recycled and come back to the community in a different form.

Mr. Picillo commented that they have on occasion donated scrap materials to local artists – sculptors and to art departments at some local schools. Mr. Mervis added that they have also donated some of the end-of-life vehicles to local fire departments for training purposes. Mr. Falender noted that it is really important for them to recycle the materials brought into them. Their customers want them to destroy and recycle all the products coming out of industrial locations for obvious reasons.

Ms. Upah-Bant inquired as to whether there is any competition already located in the City of Urbana or in the City of Champaign. Mr. Mervis replied yes. Ms. Upah-Bant asked if the petitioners would be offering anything different than what the competitors are doing. Mr. Mervis said that the proposed new facility would be much more customer friendly than any other similar business in the area.

Ms. Upah-Bant questioned where end-of-life vehicles currently go to now. Mr. Mervis explained that for a while end-of-life vehicles were sitting in backyards. Now, when an end-of-life vehicle comes into one of their facilities, the fluids are drained, any mercury switches are removed, refrigerant is removed, and the vehicle is densified and then sent off-site to an auto shredder. At the auto shredder, the pieces are separated into different materials. An air system will separate the fluff from the seat, the leather from the seats, the dashboard, the remaining glass, etc. Magnets are used to separate aluminum from stainless as well as any copper that may have been used. The clean steel will go back to the steel mill to be remelted and turned into something else. The aluminum, the stainless and the copper will be sent to be remelted as well. The only operation they would be doing with end-of-life vehicles at the proposed site would be to drain them of fluids and stored until they have enough for a load to be sent elsewhere for further processing.

Ms. Upah-Bant wondered if the petitioner would take computer components at the proposed new site. Mr. Mervis said it is there intent to help keep computer components out of the waste stream and specifically out of area landfills.

Ms. Upah-Bant asked if Mervis Industries was currently working with the University of Illinois. Mr. Mervis answered by saying no, not at this time. However, he looks forward to working with them in the future.

Chair Pollock asked how soon a load is moved out. Mr. Mervis replied that as quickly as they can get a load together and send it out. They have no intention of holding scrap at the proposed facility. He mentioned that while they are waiting for enough materials to make a load, materials will be stored in the concrete bins. End-of-life vehicles that have been drained of fluids, mercury switches removed, and batteries removed will be stored on some of the aggregate until they can be shipped out.

Chair Pollock noticed in the packet of information that the petitioner anticipated a steady stream of rolloffs coming in. Are these industrial customers or co-mingled materials from somewhere else? Mr. Mervis explained that if it is one of their own rolloff trucks, then it is probably carrying material and the content is well known to them coming from one of their industrial customers. Other trucks coming in might be farmers cleaning their fields, etc.

With no further public input, Chair Pollock closed the public input portion of the hearing. He then opened the hearing up for Plan Commission discussion and motion(s).

Mr. Myers pointed out that the Plan Commission now had two site plans before them. The revised site plan handed out during the meeting differs slightly from the plan attached as Exhibit E. He recalled a previous case where the Zoning Board of Appeals approved a site plan as part of

a Conditional Use Permit. A nearby neighbor became very upset after the landscaping was installed because the landscaping differed somewhat from the approved plan in terms of the number and location of trees and shrubs. On the new Mervis site plan, maybe half of the trees shown would be on the neighboring properties across property lines. He recommended that the Plan Commission do one of two things. First, they could specify in their motion that the site plan in terms of landscaping is an illustrative drawing and that the petitioner must meet the landscape buffering requirements in the Zoning Ordinance. Second, the Plan Commission could ask that the petitioner submit a new site plan for City Council approval showing exactly the number and location of landscaping.

Chair Pollock commented that since the plan shows plantings in excess of what is required by the Zoning Ordinance that the Plan Commission simply commont that it is an illustration of possibilities or that the petitioner submit a plan that does not show plantings across the property boundary lines. Mr. Myers commented that he didn't want the petitioners to obligate themselves to something that could be onerous or impossible to do.

Mr. Hopkins feels that Condition #3 should be explicit that any landscape plan provided is for illustrative purposes only. In this context, he did not see any reason to be using a particular landscape plan as a requirement of the Special Use Permit. The aspirations of this project are such that the kind of landscape plan being presented now we would not want to hold them to because they will get additional advice as this project goes forward. He believes the landscape plans will be better than what is being proposed.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2093-SU-08 to the Urbana City Council with a recommendation for approval along with the five conditions as recommended by City staff and with the amendment to Condition #3 that *"any landscape plans presented are for illustrative purposes only"*. Ms. Stake seconded the motion.

Mr. Grosser stated that he was really happy to see this and feels it will be a great addition to the City of Urbana. Many of these types of materials end up in landfills. Again, he appreciates the level of detail in the petitioners' presentation. He feels it would be in a great location that is appropriately zoned. It is also located near Interstate 74, which makes it easier for people in the City of Champaign to access as well.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case will go to the City Council on February 2, 2009.

8. NEW BUSINESS

CCZBA-635-AM-08: Request by Country Arbors Nursery, Inc. to amend the Champaign County Zoning Map from AG-1, Agriculture District, to AG-2, Agriculture District, for a 41.5 acre tract of land located at 1742 County Road, 1400 North.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She described the subject property noting the existing zoning of the proposed site and of the surrounding area. She discussed the designation of the subject property on the Future Land Use Map. She reviewed the La Salle National Bank criteria that pertain to the proposed rezoning case. She read the options of the Plan Commission and presented City staff's recommendation.

With no questions from the Plan Commission for City staff, Chair Pollock opened the case up to hear input from the public audience. With none, he opened the agenda item up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Case No. CCZBA-635-AM-08 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion to defeat a resolution of protest was approved by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- The Lincoln-Busey Design Overlay District and Design Review Guidelines were approved by the City Council on Tuesday, January 20, 2009.
- The Zoning Ordinance was republished and distributed. The Plan Commission members should all have received a copy.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **February 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, Don White
MEMBERS EXCUSED:	Jane Burris, Michael Pollock, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Liila Bagby, Gail Barman, Kyle Clapper, Katie Cowlin, Julia Crowley, Ayesha Johns, Katie Keller, Vicki Kesman, Daniel Lima, Sarah Scott, Edward Tsery, Feng Wang, Jack Washington, Jackie Wilkoz

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present with all members present.

NOTE: Ms. Stake moved that Ben Grosser serve as Acting Chair in the absence of Michael Pollock. Mr. Fitch seconded the motion. The Plan Commission agreed by acclamation.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the January 22, 2009 meeting as presented. Mr. Hopkins seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Planning Commissioners Journal – Winter 2009
- Planning Commissioners Journal – Taking a Closer Look – Design & Aesthetics
- Planning Commissioners Journal – Taking a Closer Look – Ethics & the Planning Commission
- Planning Commissioners Journal – Taking a Closer Look – Food, Farmland & Open Space

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He provided a background on the City's regulation of lighting. He cited other nearby cities currently having lighting ordinances and about the benefits of having regulations in place, including security. He discussed energy conservation by directing light where it is needed, lighting context, and light levels. He explained how the proposed ordinance relates to the 2005 Comprehensive Plan. He further discussed the proposed text amendment by reviewing the purpose of the amendment, definitions, applicability, requirements and lighting exceptions. He read the options of the Plan Commission and presented staffs' recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed lighting standards text amendment to the Zoning Ordinance in its entirety.*

Mr. Fitch asked why City staff chose to take the approach of only allowing 33% of the lighting fixtures to be left on after hours rather than lowering light levels altogether. Mr. Engstrom responded by saying that after looking examples of other ordinances, he found that the cities regulate this in different ways, but most of them regulate using the fixture level because it is easier to count the number of lights that are turned on rather than trying to determine the level of a light.

Mr. Fitch asked if a business left the brightest lights on, how would the City deal with this? Mr. Engstrom explained that all lights, including security lights, will be subject to the light trespass limits.

Mr. Fitch inquired about the provision that states, *"Average initial light levels at ground level shall not exceed one foot-candle in residential zoning districts..."*. Does this apply to R-4 Zoning Districts and higher? Mr. Engstrom replied that it applies to usages of multi-family residential, not just the zoning districts.

Mr. Fitch questioned how a person would figure an AVERAGE of one foot-candle. How can you measure the average of a site with a light meter? Mr. Engstrom stated that the only way to

determine light averages is using a computer model. This would be something that the City would require the developers to submit with their site and construction plans.

Ms. Stake inquired as to why City staff would only require businesses to comply on a "complaint basis." Mr. Engstrom pointed out that to proactively inspect for violations, City staff would have to work at night and drive around to look for violations. The City doesn't have that capability.

Mr. Grosser wondered if there would be a device used to measure light levels at a particular point. Mr. Engstrom said yes. City staff has a device that measures light levels in foot-candles.

Mr. Grosser questioned if City staff had considered requiring flag lighting to go off at dusk. Mr. Engstrom explained that it is an accepted practice with the American flag (and possibly with the state flag) that if the flag is not taken down at night, then it needs to be lit.

Mr. Grosser commented that the exception for lighting in single-family residential appears to be primarily concerned with street lighting in areas where there is not currently any street lighting. However, it seems to him that some of the purpose of the proposed text amendment is to avoid light pollution. A large portion of the City is taken up by single-family residential. So, did City staff consider extending the proposed text amendment to the rest of single-family residential lighting? Mr. Engstrom responded that after much discussion, City staff determined that it would be unrealistic to require a lighting plan for outdoor home light fixtures, and practically impossible to enforce.

Robert Myers, Planning Manager, asked how do we make single-family homeowners turn in lighting plans? Many times developers leave it up to the future homebuyers to choose where they would like their homes to be constructed on lots in new single-family subdivisions, which affects where the lighting would be placed. Many home lighting fixtures are put in a single-family home after the development and building plans have been reviewed.

He stated that the proposed text amendment does not pertain to existing development except for nuisance lighting. It really pertains to new commercial, industrial and multi-family development. It would be too complicated and impractical to require it for single-family residential as well.

Ms. Stake asked why the ordinance is written to not take affect until July 2009. Mr. Engstrom responded that there are many projects in the pipeline. The developers of these projects probably already have the lights ordered. Since the development review process is long, it is basically to help ease builders into the new requirements.

With no further questions for City staff from the Plan Commission, Acting Chair Grosser opened the hearing up for public input and testimony. With none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins expressed his concern about the following:

- Section C: The structuring of the Applicability section should be reorganized. It should begin with a general statement and then list the exceptions. The statement that "everyone must submit a lighting plan" should be mentioned under Section D – Requirements.
- When staff talked about using nuisance to enforce one of the examples Mr. Myers gave, was it general nuisance? Was it the notion of nuisance as common law, independent of whether something is in an ordinance or is there a nuisance ordinance that the City has in which there is explicit discussion of lighting? There are references in the proposed text amendment that refers to a rule or common law that he believes can already be enforced. If they are going to rely on the Zoning Ordinance to enforce the lighting regulations, then they need to be specific about what constitutes an exception and what does not. It should also be clear that the proposed text amendment does not in any way undermine a citizen's ability to bring a nuisance complaint about lighting.
- He expressed his concern about the number of fixtures as a way to measure the amount of after hours lighting. He understands that it is easier to count the number of fixtures that are left on. It might make more sense to dim all of the lighting fixtures. Otherwise, the City will be making it necessary for a business to not light all of their property or to light it less uniformly. For security purposes, a business owner would want to do the opposite. Given that this only applies at the building permit stage for commercial and multi-family residential, the calculation of the level of lighting would be on the applicant.
- Section E.4 and E.5 are contradictory and confusing in that the proposed text amendment says one thing and the exceptions listed in the text amendment imply another.
- Regarding Section E.6, he looked up the definition of a "flag" in the Zoning Ordinance. The definition is "any banner held on one side to a pole", which is a physical definition and not a content definition. So, he could have a flag/sign saying anything as big as he wants and he can light it in any way that he wants without restriction. This creates a problem. Mr. Myers stated that the sign ordinance avoids a content basis for regulation, and if they try to define a "flag" as something particular such as the American flag, then we would be regulating content. He mentioned that this same issue has been all the way to the Supreme Court. A land use law expert at Washington University advised City staff to avoid defining the content of a flag. With regards to the size of a flag, the City would be entering slippery territory legally. Mr. Hopkins stated that a couple of ways to approach this would be either to not mention it in the proposed ordinance and the other would be to put it in a list which are subject only to the general nuisance principles of lighting.
- Under Section E.8, he did not understand why ATMs are an exception. Mr. Engstrom explained that an area lighting professional had told him that there are very specific rules for ATMs. ATMs are required to have brighter light levels and even more specific uniformity ratios. City staff felt that they should go by what is in the guidebook and not make ATMs subject to the general provisions. Mr. Hopkins suggested that they word it differently to clarify that lighting standards do apply to ATMs, but that they are required to follow a specific guideline.

Mr. Grosser wondered if there is a definition for "other high risk areas". Mr. Engstrom said the ordinance doesn't define that.

Mr. Grosser asked Mr. Hopkins to clarify his concerns on Section D.2. Was Mr. Hopkins suggesting that staff remove the word "nuisance" from the sentence? He feels that single-family residents should be able to question a light that they see as a nuisance, and the Zoning Ordinance should address this. Mr. Hopkins stated that he believes it is important not to impose the building permit review process on single-family and duplex residential uses. In that sense, the bulk of the proposed ordinance does not apply. However, it goes back to a general principle that exceptions to the ordinance do not change the responsibility to avoid nuisance lighting situations. In other words, the ordinance does not enable or make it permissible to create a nuisance just because a single-family residence is an exception in the ordinance.

Mr. White commented that since the proposed ordinance applies primarily to new business construction, he believed it might be to the City's advantage to have a lighting ordinance that deals primarily with nuisances in residential areas. It should emphasize what outdoor lighting should do, even existing outdoor lighting.

Also, he never understood how one would define a "nuisance". What might be a nuisance to him might not be a nuisance to someone else. However, including language about foot-candles and distance in a Lighting Nuisance Ordinance would be helpful. He realizes that what he is suggesting is different the proposed Lighting Ordinance, and he does not know if the two could be in the same ordinance.

Mr. Fitch agreed that a Lighting Nuisance Ordinance would be helpful. He wondered what would happen if a business or multi-family structure is in fundamental compliance with the proposed ordinance and someone still deems it a nuisance, then what happens? Would they go to court? Should there be language in the proposed ordinance that there is a presumption against nuisance? Mr. Hopkins stated that this is precisely the issue. Mr. White commented that most nuisance complaints come after construction. Many probably even come after a light bulb has been changed. Mr. Engstrom pointed out that the nuisance provisions in the proposed ordinance would be enforceable to any property, not just new construction.

Mr. White felt that the nuisance provisions should be removed from the proposed ordinance and put in a different ordinance of its own. Mr. Grosser mentioned that there is a Nuisance Ordinance in the City Code, but not in the Zoning Ordinance or being proposed as part of the text amendment before them.

Mr. Myers added that the existing Zoning Ordinance requirements for nuisance lighting pertains just to parking lot lighting. Second, Mr. Myers commented that it is hard to create a measurable standard for every potential situation. It would be preferable in some ways to have numerical standards for light trespass, rather than a reference to nuisance lighting, but a reference to nuisance is still necessary to catch situations which might otherwise fall through the cracks using just numerical standards.

Mr. White felt that "light trespass" was clearly defined in terms of foot-candles and distance from the property lines. Mr. Engstrom stated that a light that may be a nuisance to one person might have a lower level and might actually be allowed under the trespass requirements. Mr.

White believes that "light trespass" is one way to solve some of the problems; although it will not solve all of the problems.

Mr. Grosser remarked that he agrees with Mr. White and Mr. Fitch in that something more specific be created for residential areas. He also acknowledged that the Comprehensive Plan directive was specific to commercial uses.

Mr. Myers agreed having a section for lighting nuisances would clarify things for the average person trying to read the Zoning Ordinance and help them understand how it applies and where.

Mr. White commented that it would help define a nuisance of a lighting trespass if they included a table stating the maximum number of foot-candles and distance from the property line. He realizes that they cannot define all nuisances.

Ms. Stake stated that she is really happy to see the Plan Commission take the time to discuss the proposed text amendment. It seems more and more complicated the more they talk about it. She agreed that they need to think about lighting standards for residential as well.

Acting Chair Grosser continued the case to the next scheduled meeting.

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

Mr. Myers reported on the following:

- Mervis Recycling Special Use Permit was approved by the City Council on Monday, February 2, 2009.

11. STUDY SESSION

St. Mary's Road Corridor Plan

Robert Myers, Planning Manager, presented a brief study session on the St. Mary's Road Corridor Plan. He discussed the following topics:

- Study Area
- Study Purpose
- Study Steering Committee
- Study Goals & Objectives
- Existing Conditions Analysis
  - Land Use and Development Findings
  - Transportation Findings
- Public Involvement
- Future Conditions Analysis
- Final Transportation Improvement Projects in Urbana
- Additional Transportation Improvements Projects
  - Near Term Improvements
  - Improvements by 2015
  - Improvements by 2025
  - Improvements by 2035
- Where Are We Now?

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **February 19, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Tyler Fitch
STAFF PRESENT:	Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Liila Bagby, Brian Craine, Justin Gholson, Andrew Fulton, Victor Johnson, Michael Kinate, Georgia Morgan, Phillip Newmark, Danielle Ross, Steve Ross, Bob Stewart, Susan Taylor, Janet Torres, Joshua Vonk, Jack Washington, Trars Wilkinson

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

City staff requested the following:

- Continue Plan Case No. 2081-T-08 to the next Plan Commission meeting scheduled for March 5, 2009.
- Move Plan Case No. 2100-PUD-09 under New Public Hearings to be heard first.

The Plan Commission agreed to the changes.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the February 5, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Letter from William Gray regarding Plan Case No. 2100-PUD-09
- Comments from Dannie Otto regarding Plan Case No. 2097-T-09 (Garage Setback) and Plan Case No. 2098-T-09 (MOR Design Review)

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

This case was continued to the next meeting scheduled for March 5, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2100-PUD-09: A request by the Nabor House Fraternity for approval of a Preliminary Development Plan for the Nabor House Fraternity Planned Unit Development (PUD) located at 1002 South Lincoln Avenue, zoned R-7 – University Residential, and 805 West Iowa Street, zoned R-3 – Single and Two-Family Residential.

Lisa Karcher, Planner II, gave the staff report on this case to the Plan Commission. She gave a description of the proposed site as well as for the surrounding adjacent properties noting their current zoning and land uses. She discussed the applicability of the proposed planned unit development (PUD) to Section XIII-3 of the Urbana Zoning Ordinance, which outlines the requirements for a PUD. Referring to Exhibits D and E, she talked about the existing structure and what the Nabor House Fraternity is proposing to develop. She pointed out that the two existing driveways would be removed and a new curb cut is being proposed further from Lincoln Avenue into the proposed new parking lot. She mentioned that there is a letter from William Gray, City Engineer, concerning traffic safety along Iowa Street, which was handed out prior to the start of the meeting.

Ms. Karcher talked about the goals outlined in Section XIII-3.C of the Urbana Zoning Ordinance and how the proposed PUD is generally consistent with the 2005 Comprehensive Plan. She stated the permitted uses that are listed in Section XIII-3.M of the Urbana Zoning Ordinance and talked about the minimum developments standards and noted the recommended design features. She summarized staffs' findings and read the options of the Plan Commission. She presented staffs' recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan commission recommend approval of the proposed Preliminary Development Plan to the City Council with the approval of the following waivers:*

1. *Maximum height of 37 feet for a principal structure.*
2. *Floor area ratio of 0.66.*

Mr. Grosser asked for clarification regarding whether or not a dormitory would be allowed to be built at 805 West Iowa Street without the PUD classification. Ms. Karcher said no, it would not be allowed.

Ms. Stake wondered if 805 West Iowa Street was still zoned R-3, Single and Two-Family Residential. Ms. Karcher said yes. The underlying zoning will remain R-3. The PUD will just cover the development of the proposed site.

With no further questions from the Plan Commission members for City staff, Chair Pollock opened the hearing up for public input.

Bob Stewart and Michael Kinate, President and Vice-President, respectively, of the Nabor House Fraternity Board, approached the Plan Commission to present their plans and to answer any questions and/or address any concerns. Mr. Stewart talked about the fraternity, which is a cooperative fraternity where the tenants manage the house and perform all of the cooking and cleaning jobs themselves. He, then, gave a brief background on the history of the fraternity and the house.

Mr. Kinate continued the presentation by talking about the history of the fraternity for the past ten years. In 2005, the Board hired Gary Olsen to perform a study of the house to see if it would be feasible to remodel the existing fraternity house. The bottom line of the study is that there are over $500,000 worth of upgrades that would be needed just to bring it up to building code. Based on this study, the Board felt the best course would be to demolish the house that was located at 805 West Iowa Street and the existing fraternity house at 1002 South Lincoln Avenue and build a new fraternity facility that meets all of the current building codes and is energy efficient.

He explained that they need to use part of the 805 West Iowa Street property in order to construct a facility equal in size to the existing fraternity house. The current house is about 8,600 square feet. If they only built on 1002 South Lincoln Avenue, current City codes would only allow them to build a new facility up to 5,400 square feet.

Some of the advantages of building a new facility would be to have lower maintenance costs. They budget around $12,000 annually for maintenance, and he stated that they meet or exceed the budget amount each year. He listed the recent renovations that they have made to the existing facility. These include new carpeting ($10,000) in the main areas of the house and repairing a boiler unit ($4,000 - $5,000). They are looking into using geothermal heating and cooling systems, energy efficient appliances and green building materials in the new facility.

Ms. Upah-Bant wondered if the fraternity was planning to increase their number of residents once the new facility is built since they are planning to build enough rooms to house 48 people. Mr. Kinate replied that there has been some internal discussion about increasing the size of the house. The Board wants to make a small increase in the size of the proposed house from what

they currently have and maybe increase their membership by 2 or 3 people. They decided to ask for what the guidelines would allow and may actually build something smaller.

Ms. Upah-Bant wondered if they had a waiting list. Mr. Stewart responded that it is actually hard to find the type of people who live at the house. They are an agriculture-based fraternity which houses only men. There are more women going into Agriculture and fewer men. They are hoping with a better house, they will be able to fill it.

Ms. Stake asked if the Nabor House Fraternity had spoken with the neighbors. Mr. Kinate said yes. First, they met with their Council member, Charlie Smyth. Then, they met with the neighbors to show them the building plans and address any concerns they may have. The neighbors actually asked for the rain garden to help buffer the parking lot from the single-family neighborhood.

Ms. Stake asked if they would want to change the plans in the future once this is approved. Mr. Kinate explained that they want to have green space where the residents could throw a football around, etc. They really like the layout with the parking closer to the proposed fraternity house. Mr. Stewart understood that they would not be able to change the plans once they are approved without seeking further approval.

Ms. Stake commented that she will be sad to see the existing fraternity house demolished. Mr. Kinate replied that they hope to build another beautiful house to replace it. The existing structure is a great looking house, but it is an older facility that has been expanded over the years. There are a lot of mechanical issues and does not meet the current building codes.

Chair Pollock asked City staff if the petitioner would be able to make any changes if the proposed PUD was approved without further review. Ms. Karcher explained that they would not be able to make any major changes without further review. They would be allowed to make minor changes, but they would not be able to significantly reduce the approved open space setback, off-street parking, loading, etc.

Gary Olsen, architect for the proposed project, showed a slide show of the street front of every property along Lincoln Avenue from Green Street to Florida Avenue, of the proposed site, and of the properties that surround the existing Nabor House Fraternity. He talked about the proposed new facility. He talked about the types of materials and architectural style that would be used to construct the new facility.

He mentioned that they have been studying this project for almost three years and have met with the neighborhood three times after initially meeting with Councilmember Smyth. The Nabor House Fraternity incorporated all of the suggestions made by the neighbors and Mr. Smyth. They spoke with City staff in the Engineering Division to get input about the placement of the parking lot and driveway.

He stated that they plan to go with the larger building for now, but may come back in the final plans asking for a slightly smaller building. Initially the basement would be used for mechanical equipment, storage and laundromat for the residents. Over time, they would like to have some

social equipment, such as a large screen TV perhaps in the basement. They would not use the basement for bedroom space though.

Ms. Stake thanked Mr. Olsen for his presentation. Mr. Grosser thanked the Nabor House representatives for their extensive legwork of talking to the neighbors and to Mr. Smyth.

Mr. Grosser questioned whether they would be over the required Floor Area Ratio (FAR) if the basement was not counted. Mr. Olsen said no, they would not be over.

Mr. Grosser stated that it appears that the chimney encroaches into the setback, is this correct? Ms. Karcher explained that chimneys are allowed to encroach to a certain point. The roof overhang is allowed to encroach as well.

Mr. Olsen added that there are two frontages – one on Lincoln Avenue and the other on Iowa Street. So under the Zoning Ordinance they this project would typically have two front-yard setbacks. They want the new house to be set back the same as the existing house, so it will have a 25-foot setback off of Lincoln Avenue. Chimneys can encroach into setback anyway.

Mr. Kinate noted that they have been planning the new facility for about ten years. They have about 600 alumni. The alumnus has really supported them in this mission. They have been able to raise the money to purchase the property at 805 West Iowa Street and to pay off the mortgage of the property at 1002 South Lincoln Avenue. They currently are debt free. He stated that until they get the development plans approved and know that they can build, it is hard to ask the alumni to raise the substantial funds it will take to build a multi structure that will probably cost $2 million or more. They are hoping once they get approval from the City to start raising the funds and finalize the plans so they can start building in the next four years.

Chair Pollock wondered what would happen to the residents while this project is being built. Mr. Kinate said that the Board has talked about leasing another property for one year to house the current members. He recently spoke with Susan Frobish, who purchased an old fraternity house and remodeled it. Ms. Frobish has offered to rent it to the Nabor House Fraternity if the house is available.

Mr. Olsen talked about the timing of the project. He mentioned that demolition would take place after school would be over and the residents moved out. The project will take about 15 months from start to finish.

Robert Myers, Planning Manager, asked how many people currently sleep in one room. Mr. Kinate explained that there are two dorms. One dorm has 10 to 12 beds, and the other dorm has 24 to 26 beds. Mr. Myers stated that the only reason he asked is because a retroactive building code requirement to install sprinklers in all Urbana dormitories, fraternities and sororities currently lacking them. This is a cost that figured in renovating the existing facility. Mr. Stewart added that none of the mechanical equipment really works either. None of the existing facility is handicap accessible. The new fraternity house would have a full elevator that would be accessible from the basement to the third floor. It would be a fully ADA compliant fraternity house.

Mr. Myers pointed out another positive aspect of the plan, from City staff's perspective, is that two driveways would be combined into one. The new driveway would also be moved further away from the intersection at Lincoln Avenue and Iowa Street.

Ms. Stake wondered about the letter from Mr. Gray. Mr. Stewart stated that the letter confirms exactly what they have done. City staff now agrees with the location and safety of the driveway and parking lot.

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

Mr. White moved that the Plan Commission forward Plan Case No. 2100-PUD-09 to the City Council with a recommendation for approval along with the two waivers as suggested by City staff. Ms. Stake seconded the motion.

Chair Pollock commented that this is a picture perfect way of going about a project like this, especially when there is a lot of neighborhood interest. The Nabor House Fraternity has done a great job, which makes the Plan Commission's job much easier.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was approved. Mr. Myers noted that this case would go before City Council on March 2, 2009.

Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.

Rebecca Bird, Planner I, presented the staff report for the proposed text amendment. She explained that the proposed text amendment came from a previous variance case to allow the construction of a replacement garage to be less than 18 inches from the side-yard property line, which is the minimum required for a side-yard setback in the R-2, Single-Family, Zoning District. The variance was denied by the Zoning Board of Appeals. She mentioned two other variance cases similar to the first that were approved by the Urbana City Council.

Ms. Bird discussed how the proposed Zoning Ordinance text amendment relates to the goals and objectives of the 2005 Comprehensive Plan. She talked about the proposed text amendment and explained what it would allow. She referred to the two photos on the bottom of page 4 of the written staff report to show how garages have traditionally been constructed very near or on the property lines in three example blocks in different areas of the City. She pointed out some of the disadvantages that can occur (such as loss of usable yard space and the creation of an angle that

is difficult to maneuver between the existing driveway and the new garage) under the current standards.

She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the City Council.*

Ms. Stake inquired if a homeowner who currently has a single-car garage would be able to replace it with a two-car garage under the proposed changes. Ms. Bird responded that the justification for the proposed text amendment is to respect the traditional neighborhood pattern. So allowing a single-car garage to be replaced with a two-car garage wouldn't conform with that. In this case, the homeowner could still build a two-car garage, but they would need to construct it 18 inches from the property line.

Mr. White wondered if the proposed 6-inch setback for replacement garages would include the gutters. Ms. Bird said no, but it would include the overhang.

Mr. White asked if there would be an easement on the neighboring property to allow a person to perform maintenance on their garage. Ms. Bird replied that there would not be a formal easement, but in essence, this is what they do now. If a person has a garage on the property line, he or she has to maintain that side of the garage by being on their neighbor's property.

Ms. Upah-Bant questioned whether a property owner who does not currently have a garage would be allowed to have the same privilege of encroaching into the required side-yard setback. Ms. Bird explained that this addresses replacement garages because those were the cases that had come before the Zoning Board of Appeals. City staff did not discuss new garages on narrower lots.

Mr. Grosser asked for clarification in that the proposed text amendment does not require an existing garage to be six inches from the property line. Ms. Bird said that is correct. Mr. Grosser commented that it appears that some of the justification is due to the alignment of existing driveways. It would be costly to move the driveway over to align correctly with the new garage. However, if the existing garage is currently 18 inches from the property line, then everything would be aligned with the 18 inches. Ms. Bird clarified that City staff was thinking about a garage that is currently on the property line, then the property owner would have to move it away to 6 inches.

Mr. Grosser wondered if City staff thought about a case where an adjacent garage is 18 inches from the property line, and a neighboring property wants to build a new garage 6 inches from the property line. Ms. Bird explained that there would always be a minimum of two feet between the two buildings.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Phil Newmark, of 706 West Iowa Street, stated that the impetus for this Zoning Ordinance amendment was a variance application to rebuild his garage. His application did not get a super-majority vote from the Zoning Board of Appeals, which was required to pass his variance request. He appreciates the Plan Commission and City staff taking the time to look into the proposed text amendment. Because there are so many old garages placed on property lines, this really is an issue that City Council needs to deal with. He mentioned that he certainly is in favor of the proposed text amendment.

Georgia Morgan, of 804 West Nevada Street, stated that the walls of her garage and her neighbor's garage are only far enough apart that an opossum can fit, but not a human. If the wind knocked down the neighbor's garage, does the proposed text amendment mean that her neighbor would need to move their garage over? There is only one driveway. Ms. Bird answered by saying that the two garages would need to be two feet apart for building safety and fire reasons.

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

Mr. Hopkins suggested that City staff consider allowing zero lot line garages with a firewall. This would solve some problems that currently exist. Also, two feet between garages is not a good idea for maintenance reasons or for fighting a fire. It is basically a waste of space.

He also suggested that City staff add a condition that says this only applies to garages that are already less than 18 inches from the property line. The reason to do this is because there were three similar cases that the Zoning Board of Appeals treated inconsistently. Inconsistency is a reason to revise the Zoning Ordinance.

He questioned the language about the required two feet between garages. Ms. Bird explained that this has been rewritten a number of times and the word "existing" (garage) had been inadvertently removed. But the intent is that a property owner cannot rebuild an existing garage that is five feet from the property line to be 6 inches from the property line. That can easily be corrected.

Chair Pollock suggested that the Plan Commission continue this case to the next scheduled meeting so City staff can make wording changes and corrections. Mr. Hopkins suggested that City staff also look into the firewall solution and the concept about allowing zero-lot line common wall garages.

Chair Pollock summarized comments from Danny Otto. He then continued the case to the March 5th Plan Commission meeting.

Plan Case No. 2098-T-09: A request by the Zoning Administrator to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the MOR, Mixed-Office Residential Zoning District.

Rebecca Bird, Planner I, presented the proposed text amendment to the Plan Commission. She explained that the proposed text amendment was requested by both the Zoning Board of Appeals and the Mayor following administrative approvals of a project in the MOR, Mixed-Office Residential Zoning District last spring. She reviewed the proposed changes to Section V-8.B and Section V-8.C of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Urbana Zoning Ordinance.*

Mr. Grosser asked for clarification on Section V-8.B.3 regarding installing or enlarging a parking lot. This is only considered in the case of a change in the principle structure on the lot, correct? Ms. Bird said yes.

Ms. Stake is concerned that there is not a definition for "minor" or "major" work. Ms. Bird stated that the existing criteria to determine whether or not a project goes to the Zoning Administrator or to the Board for review is whether or not the project would substantially change the building's appearance and/or scale. This is being clarified by adding three concrete criteria, any one of which would trigger design review by the MOR DRB. For the fourth (current) criteria, staff added in language that the Chair of the Board and the Zoning Administrator together will make the determination as to whether there would be a substantial change or not.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing to listen to public input.

Georgia Morgan, 804 West Nevada Street, urged the Plan Commission to strengthen the Zoning Ordinance by approving the proposed text amendment.

Steve Ross, 609 West Green Street, felt the proposed changes are definite improvements in making projects more quantitative rather than qualitative. The criteria listed in Section V-8.B.1-3 would have caught the project at 601 West Green Street and will catch most of the future adaptive reuse projects.

Chair Pollock summarized comments provided in writing by Danny Otto.

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

Ms. Stake commented that she still does not feel that the proposed text amendment will do the job that they want to achieve. We still need definitions for "major" and "minor". Also, the

proposed text amendment does not say how many variances a property owner could have. It is not written as clearly as it should be. She asked if the neighbors would be notified when a redevelopment case goes before the MOR Development Review Board. Ms. Bird said yes. Any public hearing has to follow the notification process, so any case that goes before the MOR Development Review Board will be required to notify the neighbors.

Ms. Stake inquired as to whether there would be conditions included in the proposed text amendment that requires shade tree planting. Ms. Bird explained that the language in Section VIII-3. Design and Specifications of Off-Street Parking already exists and that City staff is not proposing any changes to it.

Robert Myers, Planning Manager, noted that under the current ordinance, the Zoning Administrator is allowed to grant some minor variances. Under the proposed ordinance, the Zoning Administrator could no longer do this. Only the MOR Development Review Board could do so. That's a major difference between the existing and proposed ordinances.

Ms. Stake wondered if there were a maximum number of variances. Mr. Myers replied that, for example, there are no limits on the maximum number of variances for projects going before the Zoning Board of Appeals. A petitioner has to justify approval of any variance requests.

Mr. Myers commented that everyone says they want infill development, but actually it can be quite difficult. There are layers of rules and approvals needed. The idea behind allowing the MOR Development Review Board to review variance requests pertaining to infill development is to combine the two processes into one and to prevent a petitioner from having to go before both the Zoning Board of Appeals for small variances and before the MOR Development Review Board for design review approval. The City is trying to strike a balance between assurances for what will be built and being so burdensome that we drive infill development away. Ms. Stake stated that she is mainly concerned with the preservation of neighborhoods. One of the problems we have is with the neighbors. The City is not considering the neighborhoods in some of the developments that are being proposed.

Mr. Hopkins asked for clarification about who can grant variances. Ms. Bird explained that the MOR Development Review Board will be able to grant variances pertaining to future developments in the MOR Zoning District. The Zoning Administrator will no longer be permitted to grant variances if the proposed text amendment is approved. Mr. Myers pointed out that the triggers in Section V-8.B. are really about who determines if a redevelopment plan meets the design review standards. Both the Zoning Administrator and the MOR Development Review Board will use the same design guidelines to review projects.

Ms. Burris expressed her concern about what would constitute a maintenance repair that would need to be brought before the Board versus what the Zoning Administrator would review. It currently sounds like everything would go before the Board. As a result she is trying to understand what the Zoning Administrator's responsibility would be. Ms. Bird gave the example of someone wanting to replace a window. If the repair required a building permit, then the Zoning Administrator would determine whether under any of the criteria listed in Section V-8.B. the MOR Board would need to review the application. Just a replacement window would probably only need to be reviewed by the Zoning Administrator. Actually if no structural

changes were made in a repair, then a building permit would not be required and there would be no review process.

Ms. Stake inquired about the difference between the MOR Development Review Board and the Design Review Board. Ms. Bird explained that the Design Review Board reviews designs of development in the Lincoln-Busey Corridor and perhaps other future overlay districts. The MOR Development Review Board reviews designs of development only in the MOR Zoning District.

Mr. White moved that the Plan Commission forward Plan Case No. 2098-T-09 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

Mr. Grosser remarked that he appreciates the changes and the work that City staff has done on this. In some cases, it is a little treacherous territory to try to create conditions based on a single case, but he feels the addition of the fourth criteria will serve as a catch-all.

Ms. Upah-Bant wondered whether the ordinance shouldn't just state outright that the Zoning Administrator doesn't have the power grant variances. Why does the language need to be so oblique? Ms. Bird responded that the Zoning Administrator was only able to grant variances because of a special permission allowed by the Zoning Ordinance. By removing that language, the Zoning Administrator will no longer have that authority.

Chair Pollock noted that there was a comment made that in looking at the proposed text amendment, they are not considering the well being of the neighborhoods. He feels this comment is completely wrong. In fact, they are considering the neighborhoods first and foremost because there was a case where things did not go as the City thought they would have because there were holes in what the City had created. It had not been tested and never been used. City staff did a great job in identifying the problems with the previous text amendment and bringing forth another text amendment to fill those holes to make sure the neighborhoods are protected without being onerous in terms of homeowners do small jobs and maintenance on their homes. The proposed text amendment does substantially limit the ability of the Zoning Administrator to make some of these decisions.

Ms. Stake still felt concern about the ambiguity of the proposed text amendment. 15% is a rather big change. However, she will vote in favor of the proposed text amendment.

Roll call on the motion was taken and was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Hopkins	-	Yes	Mr. Grosser	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on March 2nd.

8. NEW BUSINESS

Case No. CCZBA-611-AM-08: A request by Casey's Retail Company to amend the Champaign County Zoning Map from R-5, Manufactured Home Park to B-4, General Business for a 1.04 acre tract of land located at 2218 East University Avenue.

Rebecca Bird, Planner I, presented this case to the Plan Commission. She began with a brief explanation for the rezoning request. She gave a description of the proposed site and of the surrounding properties noting their current zoning and existing land uses. She talked about the County R-5, Manufactured Home Park, and the County B-4, General Business, Zoning Districts. She discussed how the proposed rezoning would relate to the City of Urbana's 2005 Comprehensive Plan and how it pertains to the La Salle National Bank criteria. She reviewed the Plan Commission's options and presented staff's recommendation, which is as follows:

> *Based upon the findings in the written staff report, staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.*

Ms. Stake questioned why the City is not annexing the property into Urbana's city limits. Ms. Bird answered that the proposed site is not contiguous to the City's boundaries.

Ms. Stake inquired about the issue with screening. Ms. Bird explained that the owners of the single-family house to the north went to the County Zoning Board of Appeals meeting and expressed their concern about screening and about the layout of store. Casey's Retail Company pointed out in that meeting that because this is just a rezoning case and they were not asking for site plan approval, they were just providing a standard site layout. They had not yet fit their standard layout to the proposed site.

With no further questions from the Plan Commission for City staff and with no comments or questions from the members of the audience, Chair Pollock opened the public hearing up for Plan Commission debate and/or motion(s).

Mr. White moved that the Plan Commission forward Case No. CCZBA-611-AM-08 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion.

Mr. Hopkins encouraged City staff to point out to the County Zoning Board of Appeals that they cannot consider a site plan when making a rezoning decision. Also, City staff should take advantage of the opportunities to demonstrate to the single-family homeowner to the north the benefits of annexation. For example, the City's buffering requirements will go into play because of the annexation agreement. There are benefits to having planning services by being part of the City of Urbana. This is an area we would like to annex, and he believes we should take every opportunity we can to advertise our benefits.

Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes
Mr. Grosser	-	Yes			

The motion was passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Judge Webber Park and Weaver Park Annexation Petitions will be reviewed by the City Council on Monday, February 23, 2009 at the Committee of the Whole meeting.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **March 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Ben Grosser, Lew Hopkins, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Justin Gholson, Vicki Kesman, Diana Martinez, Sergio Mendoza, Danielle Ross, Terry Scudieri, Susan Taylor, Zach Woolard

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the February 19, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2081-T-08: Amend the Urbana Zoning Ordinance by adding Section VI-8, Outdoor Lighting Standards.

Jeff Engstrom, Planner I, updated the Plan Commission. He talked about the changes City staff made to the proposed text amendment since first introducing it to the Plan Commission on February 5, 2009. He said that following the previous meeting, City staff presented the draft ordinance to local developers and engineers at the City's Developers' Round Table Luncheon. He gave the staff recommendation, which was as follows:

> *The Plan Commission forward the proposed Zoning Ordinance text amendment to the City Council with a recommendation for approval.*

Mr. Fitch raised a question about the wording of Section E.1 on Page 4 of Exhibit A. It reads, *"Lighting plans shall not be required for the installation or replacement of three fixtures or less than 20 percent of the existing fixtures."* He then asked if staff intended for it to be the lesser of three fixtures or 20%. If it is three fixtures or 20%, then the only way they would exceed 20% would be if there were 12 total fixtures. Four fixtures would be 25%. He suggested that City staff work on this language a little more. Mr. Engstrom explained that City staff intended for it to mean fewer than three fixtures. He will correct the wording.

Chair Pollock wondered what the remedies are for when someone does something that they are not suppose to do. Mr. Engstrom replied that it depends on the violation. Chair Pollock gave the example of someone putting up lights and not shielding them from the residential lots nearby. Mr. Engstrom responded that the City has the ability to order the developer/business owner to install shields after a light is installed. Robert Myers, Planning Manager, added that this would be a violation of the Zoning Ordinance and would be pursued like other violations. He recently encountered a similar issue with the lights in the Meijer store parking lot. City staff asked Meijers to correct several light fixtures which created a nuisance for adjoining residents. They replaced and shielded the fixtures. However, the current Zoning Ordinance standards for lighting are vague and inadequate.

Chair Pollock inquired as to what kind of comments they received at the Developer's Round Table Luncheon. Mr. Engstrom noted that there were two comments. The first comment was about the need to have flexibility in lighting standards for the aged. The second comment was about projects that have already been started. The proposed ordinance takes both of these issues into account.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input. There was none, so Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case No. 2081-T-08 to the Urbana City Council with a recommendation for approval contingent on staff revising the language in

Section E.1 to reflect what was previously discussed. Ms. Burris seconded the motion. Roll call was taken on the motion and was as follows:

Mr. White	-	Yes	Ms. Burris	-	Yes
Mr. Fitch	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that the case will go before the City Council on March 16, 2009.

Plan Case No. 2097-T-09: A request by the Zoning Administrator to amend Section VI-5 of the Urbana Zoning Ordinance regarding replacing existing garages located in the side-yard setback.

Rebecca Bird, Planner I, updated the Plan Commission on this case. She pointed out the changes made to the proposed text amendment since their previous meeting. She presented City staff's recommendation, which was as follows:

> *Based on the evidence presented in the February 13, 2009 staff memorandum to the Plan Commission, staff recommends that the Plan Commission forward Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.*

Ms. Stake asked about fireproof walls being mentioned in the text amendment language. Ms. Bird stated that fire resistant walls are covered under Section VI-5.B.9.b.3, which states, *"Replacement garages meet all applicable building codes."* She mentioned that she had spoken with the City's Building Inspector, Steve Cochran. Mr. Cochran explained that garages built close to the property line would have to be a wall constructed with Type X sheetrock on both sides of the wall. This would be checked on at the plan review stage.

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

Mr. White stated that the only thing that he does not like is that it would allow garages to be close enough to create a place for opossums and raccoons to live. He then moved that the Plan Commission forward Plan Case No. 2097-T-09 to the City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Ms. Stake also wondered about allowing such a small space between garages. Mr. White pointed out that there are some existing garages with very little space between them. He recommended that those property owners consider building attached garages to eliminate the space between the two. Chair Pollock commented that they would save a lot of money by doing so. He stated that City staff responded nicely to the concerns and suggestions of the Plan Commission at a previous meeting.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before the City Council on March 16, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Plan Case No. 2099-M-09: Annual Update of the Official Zoning Map

Robert Myers, Planning Manager, provided a brief overview of the draft 2009 Zoning Map. He noted the map changes reflect a rezoning of about 160 properties in the Historic East Urbana Neighborhood. He presented staff's recommendation, which was as follows:

> *Staff recommends that the Urbana Plan Commission recommend approval of Plan Case No. 2099-M-09 to the Urbana City Council.*

There were no questions for City staff from the Plan Commission. There was no public input. Chair Pollock opened the agenda item up for Plan Commission discussion and/or motion(s).

Chair Pollock commented that he thoroughly reviewed the map and did not find one mistake.

Mr. White moved that the Plan Commission forward Plan Case No. 2099-M-09 to the City Council with a recommendation for approval. Ms. Burris seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers reported that this case would go before the City Council on March 16, 2009.

9. AUDIENCE PARTICIPATION

Mr. White acknowledged undergraduate students in the audience who were attending the Plan Commission meetings for a class at the University of Illinois. This is one of the shortest meetings that he can recall, and they would be welcome to return for a more typical meeting.

10. STAFF REPORT

2008 Plan Commission Annual Report

Robert Myers gave an overview of the 2009 annual report. He commented that it is helpful for the Plan Commission and others to have this report because it contains all the officially approved minutes and ordinances as a reference. Plan Commission packets received throughout the year typically include just drafts of all these documents. He briefly noted some of the major cases that the Plan Commission reviewed in 2008.

Mr. Myers then reported on the following:

- Nabor House Planned Unit Development was approved by the City Council on Monday, March 2, 2009.
- The MOR Text Amendment was approved by the City Council on Monday, March 2, 2009.
- Judge Webber Park and Weaver Park were both annexed into the City by the City Council on March 2, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A RESCHEDULED MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **March 26, 2009**

TIME: **7:30 P.M.**

PLACE: **Urbana City Building – Executive Conference Rooms A & B**
Second Floor
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Don White
MEMBERS EXCUSED:	Bernadine Stake, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Russell Arbuckle, Jeannie Covert, Christopher and Dolores Guest, SeoYeon Kim, Robert Lurvey, DJ and Jann Meyer, Gina Pagliuso, Chris Saunders, Mary Stevens, Chris Stohr, Nancy Westcott

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the March 5, 2009 meeting as presented. Mr. Fitch seconded the motion.

Mr. Fitch commented on second paragraph on page 2 where he talked about the mathematics of the percentages. He pointed out that his calculations were wrong. However, the minutes were transcribed accurately.

The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Communications received for Plan Case No. 2101-M-09:
- Letter from Jeannie Covert and Gina Pagliuso
- Letter from Edward Durkin and Susan F. Lafferty
- Letter from Robert Lurvey
- Email from Sara Metheny
- Letter from Mary Grace Stevens
- Letter from DJ and Jann Meyer
- Email from Mary Stuart

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2101-M-09: A request by MOJO Properties, LLC to rezone 708 South Vine Street from R-3, Single and Two-Family Residential, to R-4, Medium Density Multiple Family Residential.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief background and history of the proposed site. He noted that the lot has been vacant since 1980. He described the proposed development and the surrounding adjacent areas by noting their current zoning and land uses as well as the future zoning designations shown in the 2005 Comprehensive Plan. He discussed the difference in the floor area ratio and open space ratio requirements for both the R-3 and the R-4 zoning districts. He reviewed the La Salle National Bank court case criteria and how it pertains to the proposed rezoning case. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Staff recommends that the Plan Commission forward Plan Case No. 2101-M-09 to the Urbana City Council with a recommendation for approval.*

Mr. White inquired as to whether the property has actually been "for sale" since 1980. Mr. Engstrom responded that he doesn't know did not do a title search on the property so he is unsure of how many owners there have been.

Mr. Hopkins commented that the proposed site is no different from any other parcel development regarding sanitary sewer connection. The only circumstance in which a lateral line would already exist is if this would a replacement building. Mr. Engstrom said that this is true; however, in the older areas of town there are generally lateral lines in place. Robert Myers, Planning Manager, stated that to the best of staff's knowledge there are two sewer lines under the street in this block. One is an Urbana-Champaign Sanitary District (UCSD) interceptor sewer

line. Interceptor lines generally can't be tapped. The second line he believes is an 8-inch City line that has apparently collapsed about mid block. He noted that on the same side of the block as the proposed site, several homes are served by private sewer lines off the back that crosses neighboring properties. Mr. Hopkins said that these lines would be private lateral lines.

Chair Pollock asked if UCSD was responsible for bringing the line to the property line. Mr. Engstrom replied by that if the lateral line needs to be hooked up to the 8-inch line, then the property owner would be responsible for digging up the line to the street and hooking it up.

Chair Pollock wondered if the cost of digging up the line and connecting to the 8-inch sewer line would be the same for the proposed four two-bedroom townhouses as it would be for a duplex.

Mr. Hopkins asked if the 8-inch line has collapsed, then who would be responsible for it. Mr. Myers said he understands from the Public Works Director that it would be the City's responsibility to repair the sewer line itself but the property owner's responsibility to extend and connect a lateral line to it.

Mr. Fitch inquired as to whether the Public Works Department had an opinion about more traffic exiting onto Vine Street. Mr. Engstrom said that the Public Works Department was okay with the proposed development.

Mr. Fitch remarked that it appears on there was an alley that ends at Oregon Street. Does City staff know if the alley was ever vacated? Mr. Engstrom said he did not know.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input.

Chris Saunders, owner of the lot in question, mentioned that he purchased the property along with several other parcels. The previous owner did try to sell this particular parcel by itself for quite some time with no luck. He currently has had the property on the market for approximately three or four months now. He has not received any calls or been contacted by an interested party. He has it listed for $45,000 as a duplex lot.

If he is unsuccessful at selling the property, his goal is to get the maximum use out of the property. He has no desire to build a single-family home on the proposed site, because it would be cost prohibitive to do so. If he develops the lot as a duplex, then he would construct two four-bedroom duplexes, which is the same number of bedrooms as what he is proposing to build if the proposed rezoning request is approved.

The proposed development would cost about $500,000. It would be fairly upscale. The target market would be young professionals rather than students. However, if he builds two four-bedroom units, then he would probably target students, because he would need to fill the units with tenants. At this time, he is not sure if he would proceed with developing the site if the rezoning request is not approved.

Mr. Fitch asked if Mr. Saunders had considered a different building orientation. Mr. Saunders referred this question to his architect, Russ Arbuckle. Mr. Arbuckle replied that they tried laying

the development out in a number of ways, but the proposed orientation is the only way they could get it to work. Other design orientations would not allow them to have the appropriate number of parking spaces that are required.

Mr. Fitch inquired whether the alley in the back of the property is usable or not. Mr. Arbuckle displayed a copy of the original plat. It does not show an alley.

D.J. Meyer, 801 South Vine Street, stated that he has a friend who lives in a house next to an apartment building similar to the proposed plan and his friend has no privacy. In looking at the proposed plans, he sympathizes with the neighbors who live next door to the proposed site. His other concern is that although there is a proposed plan included in the packet of information, there is no guarantee that this is what will be built on the lot. Chair Pollock pointed out that the question for the Plan Commission and the City Council is whether the higher density zoning would be appropriate for the proposed site. They need to take into consideration what can be built on the site if they approve the rezoning request.

Mr. Meyer expressed his concern about the value of his property going down because of all of the surrounding apartment buildings. Another apartment building could add to this demise.

Jann Meyer, 801 South Vine Street, mentioned that they have lived in the area for 19 years. Over this period, she noted that she saw a "For Sale" sign posted on the property for about two years. Therefore, it has not been up for sale for 20 years. If it was, then no one knew about it. She and her husband have spent a lot of time and money converting their home from an apartment back into a single-family home. She does not consider apartment buildings to be part of the neighborhood. She believes that if the proposed rezoning is approved, then it will create a domino effect.

Jeannie Covert, 806 South Vine Street, said that she bought her house about a year ago. They are currently remodeling the interior of their house. She converted her home from a two-unit rental property back into a single-family home. She has noticed that there is an effort to turn more homes back into single-family homes. She mentioned that she owns rental properties and takes pride in being a good landlord by providing a safe, quiet environment for her tenants. She has looked at the homes for sale, including the property in question, in the immediate area and sees the work that needs to be done to improve the value of the neighborhood. She sees enough homes already built that need improvement and she does not understand the logic to develop the vacant lot into an upscale development.

Gina Paliuso, 806 South Vine Street, expressed her concern about the traffic along Vine Street in front of the site and the neighborhood is all single-family residences except for the one duplex. The neighbors take pride in their properties.

Dr. Christopher Guest, 707 South Urbana Avenue, lives directly behind the proposed lot. He pointed out that the proposed parking lot would overlook his back yard. He is not too excited about this. He loves living in the City of Urbana. He loves walking down to the Farmer's Market every Saturday when the weather is nice. Urbana has a small town feel and has quality. He picked the neighborhood he lives in due to the quality of the neighborhood. He stated that there is a lot of neighbor friction about the proposed rezoning, because the petitioner is trying to pack

four units into a lot that is designed for one or two units. It just does not work. He does not like the fact that the petitioner is using the excuse of it being too expensive to find and connect into the sewer line as a selling point on approving the rezoning request. He wants to keep the quality of the homes and of the people high in this particular area. By keeping it lighter residential density would help achieve this. A multi-unit building with medium density would affect the character of the neighborhood.

Chair Pollock inquired about the petition that Dr. Guest has. How many signatures are on the petition? Dr. Guest stated that there are 29 signatures on the petition of people living in the immediate area. Chair Pollock questioned how many of the homes adjacent to the proposed site are owner-occupied. Dr. Guest believes that all of the homes on parcels that abut the proposed site are owner-occupied. He went on to say that Urbana Avenue is not a busy street like Vine Street is. It is a lazy street because it does not hook up with anything else. Kids play in the street.

Nancy Westcott, 801 South Urbana Avenue, commented that Urbana Avenue is mostly single-family owner-occupied homes. The development of the duplex at 505 South Urbana Avenue gives her very little faith in redevelopment of vacant lots. The duplex was constructed from property line to property line with the garages adjacent to the street. It looks hideous next to the refurbished older home.

She fears that once there is a new apartment complex, when another property comes up for sale, then someone will buy it to redevelop it into an apartment complex. If the whole block becomes apartment complexes, then it will destroy the character of Urbana Avenue. It currently is a very quiet street. She is afraid that the character of the neighborhood will change dramatically.

Mary Stevens, 804 South Vine Street, mentioned that she has lived here since 1947. The neighborhood has always been a one-family residential neighborhood. College students living in the area does not appeal to her. The house to the north of her is a rental property now and she dreads summer coming, because the rental property is not kept up. She is against the proposed duplex development.

Robert Lurvey, 710 South Vine Street, pointed out that he lives immediately south of the proposed site. He rents out the downstairs of his home while he and his mother live in the upstairs. The property to the north of the proposed site was former owner-occupied condominiums. The owners have graduated from the University of Illinois and moved on. Hopefully, the next owners will be graduate students as well. He spoke with Mr. Saunders and believes that he operates in good faith. His concern is not with Mr. Saunder's project, but with using zoning as a blunt instrument. The sewer issue is hypothetical. No one knows what is happening with the sewer. To base a zoning decision on this reason would be improper. The LaSalle National Bank criteria only addresses the value of the proposed property and not that of the surrounding properties and the extent to which property values would be diminished. The development of 708 South Vine Street would definitely improve its own property value, but it may be hit or miss as to whether it would increase or decrease the value of his property of that of the property on the north side. He expressed concern about the notification process. Notification of this public hearing was sent to the owners of the property on the north side to that address and not to the owners mailing address, which is different.

Mr. Lurvey described the neighborhood as being duplexes to the south, single-family homes to west and commercial to the far north. If the City wants people to keep refurbishing the older homes, then they need to have a balance. If they keep allowing multi-family units to be built, then the balance will be shifted and the density goes higher and higher.

Mr. Meyer re-approached the Plan Commission to ask a question. He stated that there previously was a home on the proposed lot. Does anyone know whether the home was connected or not to the sewer system? Mr. Myers responded that City staff reviewed their records and had record of when the house was demolished. But their files don't show whether or not a sewer lateral was capped off or abandoned or if there was a septic tank.

Chair Pollock pointed out that regardless of who develops the lot, whether it is the current owner or someone who may buy and develop it in the future, there will have to be a sewer connection made. How does one go about finding if there is already a sewer line? Mr. Engstrom replied that the owner will have to dig where he thinks it might be until he finds it or discovers that there is no line.

Chris Stohr, of 405 East High Street, stated that he worked with the City of Urbana for a long time to preserve single-family homes in the Historic East Urbana Neighborhood Area. It is always discouraging to hear that someone wants to tear down an old house and replace it with an apartment building. Stretching the footprint of a building to the very limits of what is legally allowed and changing the way parking is for an apartment does a lot to bring down the value of the property. It discourages people from spending money on maintaining their own homes. These are some of the most valuable assets that people in this area have. He knows from experience, because he lives next door to an apartment that was built on a owner-occupied single-family lot. So, he hopes that the Plan Commission will listen to the neighbors and residents in the area.

Mr. Saunders re-approached the Plan Commission to speak. He thanked everyone for voicing their concerns. He reiterated that the property is for sale, and he would love to find a buyer for it. His concern is that he would not be requesting a rezoning if he wasn't asking to be able to develop a nicer project. He does not need permission to build a duplex. He can have eight bedrooms either way. However, what he is proposing to build is a lot nicer than a duplex. If he builds a duplex, it will be scaled down. He is not going to build a single-family home on the lot.

Chair Pollock asked if a duplex is constructed, wouldn't another option be for Mr. Saunders to construct a two-unit duplex? Mr. Saunders stated that is correct. He currently manages 706 South Vine Street which is a condo duplex.

Chair Pollock wondered if there would be a difference in terms of repaying the cost of the building between four two-bedroom units and two four-bedroom units. Mr. Saunders answered that there would be a difference in the tenant makeup. It would probably cost the same amount to build each one. The proposed vacant lot is currently costing him about $400 a month to maintain (property taxes, mowing, etc.). This is not the type of property that he looks to purchase and to develop. However, the property was included with a group of properties that he purchased. He now owns the property and he would like to do something with it. It does not

serve the neighborhood by sitting empty. The Urbana Park District is not going to buy it from him for a neighborhood park.

Mr. Grosser questioned if the proposed rezoning is not approved, will Mr. Saunders do something with the property? Mr. Saunders said that he could sit on the property for a long time but would rather not do so. There is a cost involved in keeping a property empty. It is bringing in no income and costing him money. If he develops, he would develop it as a duplex. It would not be as nice as the four-plex he wants to build. It would be a scaled down vinyl structure. Many people have commented that if the rezoning is approved, then he might construct some monstrous building. That is not true. There are a lot of limitations on what he could build in the R-4 Zoning District.

Mr. White commented he assumed it would cost a little more to build condos. Mr. Saunders said that the proposed project would be a $500,000 project. The four units would not be an income producer, and they would be something that he would sell off as owner-occupied housing to young couples, graduate students, etc.

Jeannie Covert re-approached the Plan Commission. She mentioned that they looked up MOJO Properties and found some properties that they manage. The properties are in despair and not well maintained. There is a garbage dumpster on the sidewalk on one of the properties with concrete all the way across the front of it.

Dr. Guest re-approached the Plan Commission. He recalled Mr. Saunders saying that if the proposed rezoning is not approved, then he will build lower quality duplexes. Chair Pollock explained that Mr. Saunders will still have to meet city building code requirements and fire safety requirements. Mr. White added that a developer uses different materials when constructing a building that they plan to sell versus a building that they plan to rent.

Mr. Stohr re-approached the Plan Commission. He recommended that when looking for the sewer line connection, they use extreme caution because if an uncapped sewer line was not taken care of properly, it could create a very big mess for the neighborhood.

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

Mr. Myers asked Dr. Guest if he planned on submitting his petition to the City this evening. He pointed out that in order to be a valid zoning protest, it would need to be submitted to the City Clerk's office and have the right number of signatures of adjoining property owners. Doing so would require a super majority vote of the City Council in order to pass the rezoning request.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2101-M-09 to the City Council with a recommendation for denial. Mr. Grosser seconded the motion. Discussion and comments on the motion followed.

Mr. Hopkins believes that the end question is how change will migrate. When he looks at the zoning map and he sees what is happening as was expressed by the neighborhood at this meeting, a change to higher density is not migrating in this area now. If the proposed rezoning is

approved, then the City would be making a statement that this block should change to higher density. It seems clear to him that the City does not want to make this statement.

Mr. White agrees with Mr. Hopkins, but the neighborhood has an opportunity for higher class owner-occupied condos or for duplexes that would probably not be owner-occupied. He doubts if anyone would build a single-family home on the proposed lot. Therefore, he is in favor of changing the zoning.

Ms. Burris stated that she is opposed to the rezoning request because she sees it as spot zoning. If the proposed rezoning is approved, then it will increase the likelihood that the properties to the left and to the right will change as well. If the block becomes multi-family residential, then it would take so much away from the character of the neighborhood.

Mr. Fitch said it is a close call for him. The balance is to preserve the character of the neighborhood while promoting infill development. It is a difficult thing to do. There is a lot to like about the proposal of condominiums in the neighborhood. He believes there is a place for this type of development but just not on this particular lot. North of Green Street would be ideal because it is already zoned R-4 and is located near downtown Urbana. It would be more beneficial there.

Mr. Grosser feels sympathetic to the neighbors' concerns. Regardless, he did not feel there is a compelling case to change the zoning regardless of who the developer is or what might be built on the proposed lot. It sounds like development is going to happen either way, so he does not feel that changing the zoning is necessary to allow for development of the lot.

Chair Pollock thanked the neighborhood for attending the meeting and voicing their concerns. The 2005 Comprehensive Plan that guides the Plan Commission's decision making is unclear about what type of residential the proposed lot should be. He believes that there is a place for this type of development, and he does not feel that the proposed lot is that place. By denying the proposed rezoning, they are not putting an unfair financial burden on the developer. Therefore, he supports the motion.

Mr. Fitch understood this is business. It is not a charity. The proposed vacant property is costing Mr. Saunders money. If Mr. Saunders should decide to build a duplex, he recommended that Mr. Saunders talk over his plans with City staff so that he can build something nice.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would be forwarded to the City Council on April 6, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers then reported on the following:

- The Garage Replacement Text Amendment was approved by the Urbana City Council.
- The Official Zoning Map Annual Update was approved by the Urbana City Council.
- The Lighting Standards Text Amendment was forwarded to the Committee of the Whole for further discussion.
- Upcoming Plan Cases - Two rezoning cases and a Sign Code Text Amendment for the Plan Commission meeting on April 9th

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **April 9, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Lew Hopkins
STAFF PRESENT:	Lisa Karcher, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT:	Abagail Berman, Julia Crowley, Clive Follmer, Steve Happ, Kahl Kelle, Terrence Scudieri, David Sorensen, Susan Taylor, Laurel Wilson

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the March 26, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2102-M-09: A request by Steve Happ to rezone 2003 and 2005 South Philo Road from B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. She began by describing the proposed site and the surrounding adjacent properties noting their current zoning, as well as current and Comprehensive Plan land use designations. She discussed how the proposed rezoning relates to the goals and objectives of the 2005 Comprehensive Plan and to the goals and policies of the Philo Road Action Plan. She reviewed the LaSalle National Bank criteria that pertain to the rezoning request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2102-M-09 to the Urbana City Council with a recommendation for approval.*

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public input.

Steve Happ, petitioner, stated that he does not have any particular uses in mind at the present time for the two properties. He only wants to make the properties more marketable to get his vacant property reused. Carle was a tenant for a long time, and they were a very good tenant. However, they moved out after constructing a new building of their own.

Chair Pollock wondered if this case and the next case are part of a land assembly program of any kind. Mr. Happ said no. Although the petitioner of the next case (Plan Case No. 2103-M-09) is in the same situation as him, their applications are separate. Ms. Karcher explained that Mr. Happ submitted his petition for rezoning. City staff previously had conversations with Clive Follmer, the petitioner of the next case, regarding what uses could be in his building. So, when Mr. Happ submitted his petition for rezoning, City staff contacted Mr. Follmer and asked if he would be interested in rezoning his properties at this time.

Ms. Upah-Bant mentioned that she has a problem with an adult bookstore use being allowed in this area. Is there anyway that they could take a zoning category and make an exception in it? Ms. Karcher said no. However, there are specific regulations that pertain to adult business uses.

They cannot be within 200 feet of any residential zoning district. So, adult business uses would not be allowed on these properties as they back up to a residential zoning district.

Chair Pollock suggested that the City change adult business uses to require special or conditional use permits. Since this issue comes up regularly, he felt this might be one way to give some additional protection. Ms. Karcher replied that this is possible. It would have to be a decision to change what is allowed in the zoning district. The Plan Condition could not do it as a condition of the approval of the rezoning request.

Mr. White wondered if the Urbana News Bookstore on Cunningham Avenue is allowed. Ms. Karcher responded that there was a recent inquiry about where such uses could be. City staff drew a radius around the Urbana News Bookstore, and they found that there are enough commercial uses around it that is within 200 feet that it is allowed in its current location.

Ms. Karcher reviewed the regulations about adult entertainment uses. Chair Pollock asked if there were any regulations restricting adult entertainment uses to be located near schools. Ms. Karcher said no. However, schools are typically located in the zoning districts that cannot be within 200 feet of adult entertainment uses.

Clive Follmer, petitioner of the next case, mentioned that he owns the property next door to the proposed sites. He talked about the history of the proposed locations and of his two properties next door. He can see anyone's apprehension about some poor uses, but he cannot imagine anyone in their right mind with property ownership at these locations that would want to get into adult entertainment uses. These types of uses do not usually go where there is first class office space.

He stated that the City has done a great job in their work on Philo Road. There are many wonderful developments in Southeast Urbana. He has done $100,000 worth of improvements to his building on the corner of Philo Road and Colorado Avenue to get it ready for first class service. He has been involved in Urbana zoning and in promoting property development during all of his professional practice life in addition to being an attorney.

He believes that City staff has done a very good job in analyzing the issues for Mr. Happ and for himself. It makes sense for the proposed two properties to be zoned the same thing. A developer could very well come in and want to develop both properties as a single complex.

Mr. Follmer commented it is unrealistic to think that a B-3 use would be more of an aggravation to the apartment complexes behind the proposed two sites than what the apartment complexes are to any B-3 use that might lease the proposed two sites. The intensity and activities the apartments in this area makes things difficult. Therefore, he feels the area needs some first class development.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing to Plan Commission discussion and/or motion(s).

Mr. White moved that the Plan Commission forward Plan Case 2102-M-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion. Roll call on the motion was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Grosser	-	Yes	Mr. Fitch	-	Yes

Ms. Karcher noted that this case would go before the City Council on Monday, April 20, 2009.

Plan Case No. 2103-M-09: A request by Clive Follmer to rezone 2001 South Philo Road and 1401 East Harding Drive from B-1, Neighborhood Business District to B-3, General Business District.

Lisa Karcher, Planner II, presented this case to the Plan Commission. She explained the reason for the proposed rezoning request. She stated that most of the information is the same as the previous case (Plan Case 2102-M-09). The proposed rezoning is consistent with the 2005 Comprehensive Plan and with the zoning in the area. It is also consistent with the LaSalle National Bank criteria. City staff recommends the following:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval.*

With no questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Clive Follmer, petitioner, mentioned that Carle Clinic had rented part of his building for a prescription drive up for about ten years. He worked with Carle Clinic to get them to expand their southeast clinic either in an individual building or on the proposed sites. He feels they finally made the right decision, and it has turned out wonderful.

In the B-1, Neighborhood Business, Zoning District, there is 3,500 square foot size limitation for permitted uses. Any use over 3,500 square feet has to get approval of a special or conditional use permit. His building is about 4,500 to 5,000 square feet. Therefore, any business that leased his building would require a special or conditional use permit under the current zoning designation. With the proposed rezoning, it would make the decision for someone that is interested in leasing the building much easier.

He believes it is important for the City to show faith and confidence in the business judgment of investors. The City of Urbana has done a great job in encouraging development in southeast Urbana, and he would like to continue the work.

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

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2103-M-09 to the Urbana City Council with a recommendation for approval. Ms. Stake seconded the motion.

Chair Pollock commented that it was interesting to hear someone who had an experience in which a property owner did not develop their property because of the restrictive nature of the B-1 Zoning District. It is very clear to him that the B-1 Zoning District is much too restrictive in the commercial district along Philo Road. He supports the motion.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Ms. Karcher pointed out that this case will go before the City Council on April 20, 2009.

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

This case was continued by City staff to the next regularly scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- Rezoning for 708 South Vine Street was denied by City Council.
- Upcoming Cases – Nabor House Final PUD, Sign Text Amendment and a Champaign County Text Amendment regarding Wind Turbines and Wind Farms.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **April 23, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Ben Grosser, Marilyn Upah-Bant
STAFF PRESENT:	Lisa Karcher, Planner II; Teri Andel, Planning Secretary
OTHERS PRESENT:	Michael Kinate, Gary Olsen, Anthony Pelihan, David Shier, Susan Taylor, Joshua Vouk

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

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

2. CHANGES TO THE AGENDA

City staff requested that Plan Case No. 2104-T-09 be continued until the next regularly scheduled meeting.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the April 9, 2009 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- 2009 Official Zoning Map. Official approved copies of the 2009 Zoning Map were distributed.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

The Chair forwarded this case to the next regularly scheduled Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 2105-PUD-09: A request by Nabor House Fraternity for approval of a Final Development Plan for a Planned Unit Development (PUD) located at 1002 South Lincoln Avenue and 805 West Iowa Street in the City's R-7 (University Residential) and R-3 (Single and Two-Family Residential) Zoning Districts.

Lisa Karcher, Planner II, presented the staff report for this case to the Plan Commission. The proposed planned unit development (PUD) for a new fraternity house recently came before the Plan Commission as a preliminary plan. Since the petitioner has not made any changes to the approved preliminary PUD, she stated that she would be giving an abbreviated staff report.

She explained the reason for the proposed request. She noted the zoning and current land use of the proposed site. She discussed the minimum development standards and reviewed the criteria according to Section XII-3 of the Urbana Zoning Ordinance to be used in making a decision to approve or deny the proposed request. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the analysis and findings presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed Final Development Plan for the Nabor House Fraternity PUD with the following conditions:*
>
> 1. *Construction be in conformance with the approved plans.*
> 2. *The development be completed in full conformity with the conditions approved by the Design Review Board on April 16, 2009.*

Mr. White commented that this is a great project. The petitioner and architect did everything right on it.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing to public comments and/or questions.

Gary Olsen, architect, and Michael Kinate, Vice-President of the Nabor House Fraternity, approached the Plan Commission to answer any questions they may have.

Mr. Olsen noted that their experience has been very positive in working with the neighborhood association and with the Design Review Board. Shirley Stillinger, who serves on the Design Review Board, is a neighbor immediately east of the proposed site. She has been at most of the neighborhood meetings and spoke highly in favor of the proposed plans.

He mentioned that the proposed PUD would be the first under the new regulations for PUDs. This project is also the first to be reviewed by the new Design Review Board for the Lincoln-Busey Corridor. He stated that they are positive about the "first" challenges that they have had. The only challenge that is left is if the Plan Commission does not approve the proposed final PUD, then they would be going against their previous decision and nothing has changed.

Ms. Stake inquired as to when they plan to have the project finished. Mr. Olsen explained that the Nabor House Fraternity really wants to do this project, but they were hesitant to raise the money until the plans were approved by the City. Mr. Kinate added that they anticipate a 3-5 year time frame at the maximum. They will spend a year or two raising funds and then build. The 75th Anniversary of the Nabor House Fraternity will be in 2013-2014, so they have a goal to have the new fraternity house completed by then.

Mr. Olsen pointed out that he is encouraging the Nabor House Fraternity to move on this faster because contractors and suppliers are quite hungry right now. Business is down, and to compete contractors and suppliers are willing to give much better bids on projects. The Nabor House Fraternity will start building as soon as they raise the money.

Mr. Kinate stated that the Nabor House Fraternity's alumni base is very excited about the project. He tries to keep them informed on what is going on. When they purchased the property at 805 West Iowa Street, they were able to pay off the mortgage within two years using donations that the alumni had donated, so they are very hopeful to get a lot of support from the alumni in donations to move forward on the proposed project. Mr. Olsen pointed out that interest rates are much lower right now than they were three years ago when they started the proposed project.

Mr. Kinate stated that they appreciate the City staff's help in presenting the proposed PUD plan to the Plan Commission. There have been no changes since they received approval for the preliminary plans, so he asked for the Plan Commission's approval of the final plans based on the City staff's recommendation.

With no further comments or questions from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2105-PUD-09 to the City Council with a recommendation for approval along with the conditions as recommended by City staff. Mr. White seconded the motion.

Mr. Hopkins commented that when the Nabor House Fraternity started making plans for the proposed project, they had already been through a couple of rounds with the Plan Commission and City Council. He thanked the petitioner and the architect for carrying out the plans as they have. One of the testaments is that none of the West Urbana Neighborhood Association

members are present at this meeting. They were present during the first two rounds to speak in opposition, but not this time.

He pointed out that the only reason they are meeting this time to review and make a recommendation on the final PUD proposal is because of the City Council. When City staff presented changes to the PUD ordinance, the Plan Commission recommended that the preliminary and final plans be a one step process. However, City Council rejected that idea. He just wanted to go on record as this being another case to support the Plan Commission's recommendation and to say that they were right.

Roll call on the motion was taken and was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes	Ms. Burris	-	Yes

The motion was passed by unanimous vote.

Ms. Karcher stated that this case would go before the City Council on May 4, 2009.

8. NEW BUSINESS

CCZBA-634-AT-08: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning wind turbine developments (wind farms).

Lisa Karcher, Planner II, presented this case to the Plan Commission. She began by giving background information on the proposed County text amendment and the process of review. She discussed how wind turbine developments relate to the goals and objectives of the City's 2005 Comprehensive Plan. She also talked about the zoning impact and the issues of concern that result from wind turbine developments. She read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the findings in the written staff report, staff recommends that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest.*

Mr. Hopkins stated that he does not understand having the overlay district which gives the City the right to protest, because the City can only protest within the Extra-Territorial Jurisdictional (ETJ) Area. Wind turbine developments are not allowed in the ETJ area, so it seems like it does not make any difference to the City. Ms. Karcher said that is correct.

Mr. Hopkins asked if there is someone else that gets protest rights through the overlay district other than through the ETJ. Mr. White said that it refers to land owners in the County that might object to a wind turbine farm being developed next door. However, they will not get the right to protest now that it is a special use permit.

Mr. Hopkins questioned where and when the state legislation that prevents the County from regulating wind turbine farms in the ETJ came about. He is tempted to suggest that the County make explicit that the proposed amendment does not apply to the ETJ. Ms. Karcher responded by saying that it is already specifically stated in the County text amendment itself. So, we do not have to rely on state legislation to enforce this.

Ms. Stake asked for clarification regarding wind farms not being allowed in the ETJ area. Ms. Karcher explained that the state law gives the municipality (the City of Urbana) the right to regulate wind farms or wind generating devices in the ETJ area and takes away the ability by the County. Typically, the City of Urbana has subdivision authority in the ETJ and the County has zoning authority. Wind farms are special circumstances. The City has the right to regulate wind farms if we want to. Because of this, City staff intends to put regulations in place to review future wind farm developments in the ETJ area.

Ms. Stake wondered why we would not want people to be able to protest. She feels that the City needs to adopt a resolution so people can protest. Ms. Karcher said that people have a right to come to the City meetings and speak at public hearings. The difference is that a protest would give the people the right to invoke a super majority vote at the County Board level. Ms. Stake commented that it sounds like the City should be concerned about the people in the County not having a right to protest. They are the ones who would be most likely to have a wind turbine constructed next to their homes. Ms. Karcher pointed out that the City is concerned about how wind turbines would affect the City. We are not looking at whether the people in the County should have a right to protest or not.

Ms. Stake inquired as to what the process would be for someone who wants to construct a wind turbine farm. Ms. Karcher noted that currently an application is only reviewed by the Champaign County Zoning Board of Appeals. According to the proposed text amendment, the state law has changed and states that decisions regarding wind turbine farms should be made by the County Board.

Mr. Fitch asked if the proposed text amendment could still be changed by another group. Ms. Karcher said that it is possible. John Hall, the County Zoning Administrator and Director of Planning and Zoning, told her that it is possible that there will be changes made to the proposed text amendment at the Environment and Land Use Committee (ELUC) meeting. The reason the Plan Commission is reviewing it now is so there will be enough time for the City Council to review it and make a decision before it goes to the County Board on May 21. If it does change at the ELUC meeting, the Plan Commission would still be able to submit something prior to the County Board meeting.

Mr. Fitch commented that he would be interested in having some kind of protection, but he is not sure how to make this happen. Ms. Karcher replied that it would be difficult because it could even change on the County Board floor. If there is something of concern in what is being proposed, the Plan Commission could say that if it changes, then they change their opinion. Mr. Fitch said that he did not have any particular concerns in mind. Chair Pollock remarked that the best way the City can protect themselves is to draw up a text amendment regulating what happens in the ETJ.

Mr. Hopkins inquired if there was a significant change made either at the ELUC meeting or at the County Board meeting, then it would need to come back for public hearings, right? Ms. Karcher said she did not have a definitive answer but that Mr. Hall had indicated to her during their conversations that the City could submit additional comments/protest until the County Board meeting on May 21st.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input. There was none, so Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and motions.

Ms. Burris commented that since wind turbine developments are not allowed in the ETJ, then they will not impact the City residents. Because the City residents will not be affected by it, the Plan Commission and City Council does not need to protest on behalf of City residents. The County has already decided to not give the County residents a right to protest. It is the County's jurisdiction and right to do so. Therefore, it seems like an unnecessary element for the Plan Commission to consider. Ms. Karcher added that if the City protests the proposed text amendment, they would not be protesting the protest rights. It only means that the County Board would have to have a super majority vote to approve the proposed text amendment. It would not impact the right to protest.

Mr. White stated that the only thing he does not like about wind turbine farms is that they destroy bat populations. When the blade goes through the air, it creates a difference in air pressure, which is basically like a vacuum. The air in bats' lungs rapidly expands and so their lungs explode. He likes bats because they eat their body weight in mosquitoes every night. However, just about anything one does to create energy will create a problem on something.

Ms. Stake wondered if there are any other environmental problems that wind turbine farms create. Mr. Fitch mentioned noise. Champaign County is suggesting the setback to be over a football field in length.

Ms. Stake commented that they use up a lot of agricultural farm land as well. Mr. White replied that farmers can farm around the wind turbine farms. Ms. Karcher pointed out that these types of concerns are addressed in the County staff report, such noise, flicker, wildlife impact on birds and bats, etc.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-634-AT-08 to the City Council with a recommendation to defeat a resolution of protest. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes	Mr. Fitch	-	Yes

The motion was passed by unanimous vote.

Ms. Karcher noted that this case would go before the City Council on May 4, 2009.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Karcher reported on the following:

- Happ Rezoning and the Follmer Rezoning were approved by the City Council on April 20, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **May 7, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White
MEMBERS EXCUSED:	Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Deb Aronson, Glenn Berman, Charles Dodd, Vidar Lerum, Hiram and Jean Paley, Susan Taylor, Kevin and Julia Webster

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested that due to most of the people in the audience being in attendance to hear and possibly testify for the public hearing regarding Plan Case No. 2106-M-09, the Plan Commission should change the agenda items. Mr. Grosser moved that the Plan Commission switch the order of the agenda so that they review and consider Plan Case No. 2106-M-09 under New Public Hearings before reviewing and considering Plan Case No. 2104-T-09 under Continued Public Hearings. Ms. Stake seconded the motion. The motion was approved by a hand vote of 6-1.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the April 23, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

Communications Regarding **Plan Case 2104-T-09**
- Excerpts of Article IX. Comprehensive Sign Regulations in the Urbana Zoning Ordinance

Communications Regarding **Plan Case 2106-M-09**
- Email from Glenn Berman
- Email from Deborah Katz-Downie
- Letter from Hiram and Jean Paley
- Email from Michael and Elizabeth Plewa

Other Communications:
- Planning Commissioners Journal – Getting the Density You Want – Spring 2009

5. NEW PUBLIC HEARINGS

Plan Case 2106-M-09: A request by Kevin and Julia Webster to rezone 714 West California Avenue from R-2 (Single-Family Residential) to R-7 (University Residential).

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief explanation for the petitioner's request to rezone the proposed property. He talked about the history of the proposed site and described the site and the surrounding adjacent properties noting the current land uses, existing zoning and future land use designations of each. He noted the definition for "Residential (Urban Pattern)" and pointed out the goals listed in the 2005 Comprehensive Plan that are relevant to the proposed rezoning. He discussed the R-2 (Single-Family Residential) and the R-7 (University Residential) Zoning Districts. He also talked about non-conforming uses and building codes and how they would relate to the proposed site if the rezoning request is approved. He reviewed the LaSalle National Bank Criteria as it pertains to the proposed rezoning. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2106-M-09 to the Urbana City Council with a recommendation for denial.*

Chair Pollock asked for clarification. Is it possible for the petitioners to request a conditional use permit to allow them to use the property as a duplex under the current zoning of R-2? Mr. Engstrom said yes. Chair Pollock commented that the petitioners would then be able to have two four-bedroom units if a conditional use permit was approved and could then rent out all eight bedrooms, correct? Mr. Engstrom said yes.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the public hearing up for public input.

Kevin and Julia Webster, petitioners, approached the Plan Commission. Mr. Webster explained why they purchased the home, which was to provide housing for their two sons while the sons attended the University of Illinois.

When they purchased the home, it had great potential with eight bedrooms and beautiful character. The house was constructed in the 1880s. Their original intent was to have a single-family style atmosphere of living so their sons would feel like they were at home while learning to be responsible. With eight students living in the house, it ran smoothly. Each student was assigned chores to help maintain the house.

Mr. Webster mentioned that they have spent a substantial amount of money to remodel the house (replace all the plumbing and electrical wires, changed the heating system and replaced about 50% of the windows, etc.). They wanted to make it a quality house to not only improve the neighborhood but to make it so it would be easy to rent. Many students find the house on the internet and want to rent a bedroom there because of the character of the house. They try to encourage the graduate students to rent, because they are more interested in having a quite, peaceful area. So, they screen the tenants to get a higher quality of tenants.

There is a beautiful big kitchen, a big dining room and living room and a loft on the third floor. All around the house there are places for the tenants to study. Having eight tenants worked well. It is now harder to get four tenants to do the chores of what eight tenants use to do.

They do not intend to change the single-family house into a rooming house. They are only asking that the rooming house status be returned to the house. There were always eight tenants there. He can say what it was like before they purchased the home, but since then, they have never received a complaint. They have even received citations from the West Urbana Neighborhood Association for progressive thinking. They have been told by many neighbors that they have done a fabulous job in maintaining the neighborhood.

They are not trying to downgrade the neighborhood. In fact, they strongly feel that they are improving the neighborhood and improving the quality of the single-family homes that still reside in the area. He mentioned that they have spent a lot of time and money in remodeling the house. By improving their property, they in turn are improving the neighborhood. Some of the other houses in the neighborhood are not in as near as good condition as theirs.

Mr. Webster stated that they have six parking spaces. Technically they only need four spaces to be legally conforming. So, as far as parking they are not impacting the parking issue in the area.

He said that he hoped to move to Urbana when he retires and have multiple rental properties and be good landlords. They like this neighborhood and like renting to students.

He pointed out that if the City allows the rezoning, it would require them to have a safer building because the City would require them to comply with the stricter fire safety codes. He realizes that the neighbors are worried about their property values, but if you have a landlord who is willing to maintain his rental unit, then it will only increase the neighbors' property values. If they cannot rezone the property and be allowed to rent to eight tenants, then they will not be able to afford to maintain the property, and the property value of the proposed house and of the

neighboring houses will decrease. They are losing approximately $2,600.00 a year. If a property owner does not have the money to repair and improve things on the house, then it will not get done.

Mr. Webster pointed out that they have never had any police calls. Because they screen their tenants, their tenants do not have drinking parties.

The possibility of losing one's legally non-conforming status forces landlords to do things on the sly. They are only trying to improve the neighborhood and keep it good.

Mr. Grosser inquired about the timeline. They purchased the home in 1997 and their two sons moved in. How many people lived there with their sons? Mr. Webster said yes. When their two sons graduated and moved away, he and his wife liked the house so much they decided to continue to rent it out rather than sale it. For six more years, they continued to have eight tenants in the house, because they did not know that they had lost the rooming house status. Then, they received notification that they were being sued by the City of Urbana for having more than four residents in the R-2 Zoning District. So, now they are trying to correct the misunderstanding.

Hiram Paley, of 706 West California Avenue, stated that Mr. Webster is correct in saying that the police have never been called to the proposed property. He was pleased to see the Websters working on the proposed house, and he had the impression that they were converting it back into a single-family residence.

He expressed his concern that if the Webster's petition is granted, then it is a step in the wrong direction. He was hoping that more properties on their street would be converted back to single-family homes. Leal School is still in the neighborhood and is one of the best schools in the City of Urbana. So, he thinks there should be a demand for single-family homes in the area.

He suggested that the Websters increase the rent for the four students by $50.00 a month to compensate for the $2,600.00 they are losing each year. There are some tenants who might love the house so much that they are willing to pay the extra $50.00.

He remarked that if the City approved the rezoning request, then it will open questions about other rezonings in the City. The City would be taking many steps backward from what was the City Council's policy over the last many years of trying to maintain single-family residences in these older neighborhoods.

He is not sure what the rezoning for the proposed property would do to his property values.

Jean Paley, of 706 West California Avenue, stated that everything Mr. Webster said is true. The Websters took a disaster and created something quite wonderful out of it. The house looks great from the outside and from the inside. However, the issue here is not the character of the Websters. The issue is the character of the zoning and what kind of impact the R-7 would have on the neighborhood.

Most people who purchase properties to rent to students do not do what the Websters did. They invested a lot of money into the property to bring it up to code. They screen their tenants.

Whereas, the two adjacent property owners are only interested in how much money they can get out of their properties (rooming houses). The number of people coming and going is much higher than eight unrelated people. The only people within her view who have been fined and disciplined for exceeding the occupancy regulations are the Websters. Why is that?

She does not feel that the Websters will own the house forever. One of the problems is that they would like to sell it someday. Another opportunist such as the other two landlords of rooming houses on the block will probably buy it. Rest assured the house will no longer stay in its pristine condition.

There are many landlords looking for the City to favor the Websters. So, they can then come to the City and ask for an upzoning as well. This is what the single-family homeowners on the block are worried about happening.

Ms. Stake wondered if the City was doing anything about the over-occupancy at the other addresses. Ms. Paley said no. City staff knows about it, but does nothing to fix it. Chair Pollock stated that this is an important issue; however, this is not the venue to do so.

Vidar Lerum, of 404 West Delaware Avenue, remarked that they should not change the zoning one case at a time. Zoning is something that applies to an area and not to a single building. Unfortunately, really good people (the Websters) are involved in this difficult case, but the City needs to look at it with a broader perspective.

He stated that he would have liked to have a site plan for the proposed property. What are the requirements for the Open Space Ratio (OSR) for the proposed lot? Even though the petitioner stated in his testimony that there are six parking spaces, it appears in one of the photos that there may be seven or eight possible parking spaces. Is there enough green space left on the lot to meet the OSR requirements? Mr. Engstrom responded by saying that the OSR for the R-2 Zoning District is .40. The property is currently non-conforming. The OSR for the R-7 Zoning District is .35. So, if the City approves the rezoning request, then the property would become slightly less non-conforming.

Charles Dold, of 708 South Busey Avenue, noted that his family moved here in 1966. He has seen many houses be purchased by parents for their children to live in while attending the University of Illinois. Later the houses became semi party houses. This is not good for the neighborhood. Ownership of the houses change, but the zoning does not, so the new owners can do as they wish in the higher zoned areas.

Rita Mennenga, of 805 West California, applauded the petitioners for what they have done for the neighborhood by improving the proposed property. It looks marvelous. Referring to the 2005 Comprehensive Plan, she pointed out Goal 1.0 states as such, *"Preserve and enhance the character of Urbana's established residential neighborhoods."* The proposed property does not appear to be a rental property because it is so well maintained. She encouraged the Plan Commission to vote to approve the proposed rezoning.

Mr. Webster re-approached the Plan Commission. He responded to Mr. Paley's comments about how the R-7 Zoning District would change the neighborhood and about his suggestion to

increase the rent. Mr. Webster stated that the students are already having a tough time making ends meet. Having the extra tenants allows them to maintain the property and to make improvements. There currently is no maintenance being done on the house, because there is no money. By not allowing them to rent to eight tenants instead of four, the City is forcing them to revert to the type of landlord they do not want. The City does not want landlords who do not maintain their properties.

He and his wife are not interested in selling the house. They plan to keep the house and rent it out for retirement income. He cannot say what will happen when they die, but he plans on having the house for another 20 to 30 years.

He commented that the negative impact comes from them not having the money to put into the house. The house is truly beautiful. He showed pictures of the proposed property before and after they remodeled it.

He read the intent of the R-7 Zoning District found on Page 4 of the written staff report. He pointed out that the R-7 Zoning District has stricter codes. He plans on complying with those codes. He showed pictures of adjacent properties noting the poor or lack of maintenance that has been done to them. The properties are over occupied. One of them has 12 tenants with two tenants living in the basement. He feels that he is being chastised for having a well maintained property.

Mr. Webster stated that they have the same goal as the West Urbana Neighborhood Association, which is to improve the neighborhood. He believes zoning should be done on a case by case basis. If the owner of 712 West California Avenue wants to get rezoned, then they would need to comply with the stricter City codes as well, which could only improve the neighborhood even more.

They plan to maintain their property at 714 West California Avenue. However, they cannot keep it to the character and the standards that they have set for it if they cannot maintain it and improve it. Over the past years, they have taken all of the income from the house and put it back into the house. The objective is to improve the neighborhood and they are doing their part.

Mr. Paley re-approached the Plan Commission. He commented that he is sympathetic to the petitioners. He stated that if the zoning stays as it currently is, then the neighbors will know what to expect, but if the rezoning is approved, then the neighbors have no idea what will happen.

He expressed his concern for what approving this request for spot rezoning would do to other areas in the City. Many property owners would love to rezone their properties from R-2 to R-7. If the City grants the proposed request, then they will be setting a precedent. He agrees with Mr. Lemur in that zoning refers to an area or a zone rather than an individual property. He suggested that the Websters could apply for a conditional use permit to allow a duplex use in the R-2 Zoning District.

He referred to the two letters, one written by Henry Symanski and one written by Dave Barr, and are included in with the application submitted by the petitioners. Both letters imply that the

Websters are considering selling the property. Yet, Mr. Webster had previously testified that they want to move here after retiring and own multiple rental properties to use as retirement income. This is very contradicting, and he is not sure what to think.

Deb Aronson, of 409 West California Avenue, voiced her concern about other cases where people have purchased properties with the intention of living in them; then turn around and rent the properties to other people. Her point is that people can have all kinds of good intentions and the situation changes. She feels that this is important for the Plan Commission to keep in mind when considering the proposed rezoning request.

Another point is that Mr. Webster talked about having trouble making enough income from the house to maintain it. She noticed that the Websters advertise the house as an eight-bedroom rooming house. They have been fined twice for having eight people living in the house at one time. It seems clear from the advertisement that they intend to keep renting out all eight bedrooms. She is unclear about how long they have only had four tenants, so she is not confident about Mr. Webster's statements about the cost of maintaining the house versus the income they can get from the renters.

Mr. Webster approached the Plan Commission again to respond to Mr. Paley's concern. They were at one time looking to sell the house, because they could not make ends meet on it. Mr. Barr and Mr. Symanski suggested that they talk to the City about getting the zoning changed. After talking with City staff, he and his wife felt it would be the best thing to do. This way they could keep the house.

They were informed by the real estate agents that they would have a difficult time selling it as a single-family house. They want to keep the house, because they love it. They love the neighborhood. If they were intent on selling the house, then that is what they would have done.

Ms. Stake asked why the Websters advertise for eight people. Mr. Webster said they currently can only rent to four tenants, but the house is in fact an eight bedroom house. They are not lying about how many bedrooms there are in their advertisement, because it is the truth.

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

Ms. Stake commented that she has also heard that the petitioners have been caught twice and cited by the City for violating the Zoning Ordinance by using the house as a rooming house. Chair Pollock cautioned everyone that this case is about the rezoning and not about the history of what is going on in the house. Mr. Engstrom replied by saying that the petitioners have paid a court fine. Subsequent to that, one of the City's Housing Inspectors did find six people living there. City staff sent the Websters a letter and they brought it into conformance right away.

Robert Myers, Planning Manager, pointed out that City staff follows up on code enforcement in two ways. The first one is through complaints by neighbors, passersby, tenants, etc. of over-occupancy or building code problems. The housing inspectors respond to these complaints right away by going to the property in question and completing an inspection.

The second way to follow up on code enforcement is through the Property Maintenance Program. The Housing Inspectors inspect all of the rental properties throughout the City of Urbana. This takes some time to accomplish.

In the mean time, if you know of a violation occurring, you can call 384-2436 to make a report. A Housing Inspector will follow up with you after performing an inspection with the results. Sometimes there is a code violation and sometimes there is not.

Ms. Stake agrees that zoning should not be considered case-by-case (spot zoning). The City rezoned this area for single-family residential and that is what they would like it to continue to be. If the City would approve this case based on the petitioners being good people with good intentions, it would create a precedent for developers to do the same thing.

This area is very fragile. It is a wonderful place to live. It is a good residential area. People from all sides want to change it. The City needs to stay with the Zoning Ordinance to protect the neighborhood and keep it safe. She can remember when Lincoln Avenue served as the buffer between the R-7, University Residential, and the R-2, Single-Family Residential, Zoning Districts. Now, Busey Avenue serves as the buffer. She hopes that the other members of the Plan Commission and the City Council consider what this would do to this residential neighborhood. She encouraged the other Plan Commission members to vote for denial of the proposed rezoning.

Mr. Grosser commented that the City definitely wants landlords who maintain and improve their properties. The Websters have significantly improved the proposed property. So, he has sympathy with the petitioners' plight and feels this is an unfortunate situation. He reiterated that it is not the petitioners that the Plan Commission should consider, but rather it is the zoning of the property. Whenever the Plan Commission considers a rezoning request, they look at what the Comprehensive Plan says and what are the implications for the property in perpetuity. With any petitioner with the best intention, something could happen and the petitioner could sell the property, and anything could be built or changed there based on the current zoning at the time.

The Downtown to Campus Plan could not be any clearer. He believes that if the proposed property was zoned R-7 at the time, the City would have down zoned the property to R-2. The property was left at R-2 because that is what the residents in the West Urbana Neighborhood area wanted it to be long term. The Comprehensive Plan incorporated the Downtown to Campus Plan and specifically specifies that it should be "single-family".

Because of these things, Mr. Grosser did not see any justification for changing the zoning to a higher zone despite the fact that it has been non-conforming use that would be equivalent to an R-7 Zoning District.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2106-M-09 to the City Council with a recommendation for denial. Ms. Stake seconded the motion.

Mr. Hopkins felt that the basis for which they are arguing is that the way the proposed property is currently zoned is the City's long-standing, articulated intent for this area. This has been

demonstrated in all sorts of things over the last 30 years. But they cannot lose sight that this intent is in many ways unnatural of what the area wants to be. The City is going to be fighting these issues that do not make sense. Much of what the Plan Commission heard from the petitioner makes sense. It makes sense for the place. It makes sense for the quality of the investment and for reducing the total number of trips by having higher density closer to the campus. It makes sense from ideas of community. In many ways, this is what the neighborhood wants to be, but the City decided to fight it and create something else which is special and unusual. One of the side affects of that commitment are cases like this. He just wants to acknowledge this because he thinks it says two things: 1) The Websters are doing something that from a point of view that isn't embedded into this 30 years of history makes great sense and 2) It also says to the people who live in the neighborhood and want it to remain single-family residential that they have a big responsibility to take it on and make it work.

He mentioned that he would support the motion for the same reasons other members are.

Ms. Stake felt it is important to mention that it is a historic area as well. They are not only preserving it because it is a great place to live, but because it is a historic area that is very fragile in this community. Many places have been torn down already, and the City needs to protect and preserve some of its history of Urbana. This is one of the special places that they can do this.

Mr. Fitch agreed with Mr. Hopkins comments. He commented on the house. He told the Websters that it is a beautiful home and they are to be commended for the hard work that they have put into it.

Chair Pollock stated that this has turned out to be a difficult case to look at. Mr. Hopkins was accurate in saying that the natural tide in this neighborhood is not opposed to what the Websters would like to do. Unfortunately, the City does not have a W3 Zoning District in which there are landlords who are committed to taking care of their rental properties.

The fact is that the City cannot make zoning decisions based on intentions. If the proposed property were to be rezoned and sold, somewhere down the road, the City could wind up with the same situation there is with some of the other older homes. The Websters are caught in the middle of this. There is no question about the quality of the work that they have done, about their commitment to the neighborhood and their desire to return the house to a one of beauty and use. However, when making zoning decisions, they have to consider what could happen down the road. Therefore, he is going to support the motion.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that this case would go before the City Council on June 1st.

6. OLD BUSINESS

There was none.

7. CONTINUED PUBLIC HEARINGS

Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a PowerPoint presentation on the following:

- Purpose and Severability Section
- Overview of Proposed Changes
  - Sign Height
    - Sign Industry Recommendations for Optimal Sign Mounting Height
  - Sign Setbacks
    - Field of Vision
    - Proposed Setback Encroachment
  - Monument Signs Would Be Required
    - Consequences of Requiring Monument Signs
    - Minimum Sign Mounting Height
    - Photos of Monument Signs Being Blocked By Landscaping and Vehicles, Etc.
  - Maximum Size for Institutional Signs
  - Maximum Size of Wall Signs
  - Electronic Display – Allow Color Images and Messages
    - Regulating Dynamic Display

Chair Pollock stated that there are many signs in the City of Urbana that would be grandfathered under the proposed text amendment. Would they be grandfathered indefinitely? Mr. Myers explained that signs which are removed, destroyed or are modified beyond simple maintenance would need to be brought into conformity with the Sign Code.

Mr. Hopkins asked if freestanding pole signs would no longer be allowed. Would monument signs be required in all cases? Mr. Myers responded by saying that pole signs would be allowed for signs oriented toward the interstate. Otherwise, only monument signs would be allowed.

Mr. Hopkins inquired as to why the request for this change came about. Mr. Myers responded that the Mayor has a special interest in creating a more aesthetically pleasing community in terms of signage. Requiring monument signs is intended to improve aesthetics. However, it is not the only solution for aesthetic improvement, and if the Plan Commission feels like there are better solutions, he would appreciate their feedback.

Mr. Fitch questioned whether the annexation agreement for the Meijer site would run with the land or end if Meijer sold the site to another company. Would the other company be able to install the same type and size of sign as the Meijer sign that currently exists? Mr. Myers said

that he believed it depends on the details of the annexation agreement. He would have to read the agreement. Chair Pollock pointed out that if the City is interested in the reuse of these types of buildings, then this could be a factor in a building get leased out versus a building sitting empty.

Mr. Myers handed out a two-page document showing some changes that were not included in the written staff report.

Ms. Burris commented that she prefers freedom of choice for this aspect of signage. Although she likes monument signs, she does not feel that monument signs fit every place in the City. She believes the City needs to be flexible in terms of how businesses can display their logo and their company name. She prefers to not have monument signs everywhere in commercial areas.

Mr. White stated that there are some places where pole signs make more sense because monument signs would interfere with a driver's view. Monument signs can block the view of a driver exiting a parking lot.

Chair Pollock said that from this example it is pretty clear that monument signs are not appropriate for every situation. He would like the staff to come back with other options.

Ms. Stake commented that allowing color in electronic display signs is very helpful.

Mr. White questioned the intent of Article IX-4.B (institutional signs). Would the new language still allow a sign to be located on each frontage? Mr. Myers said yes. Mr. White suggested that they keep the following sentence in with the new language, *"There may be one sign per frontage."* Mr. Hopkins pointed out that the new language already states this. Mr. Myers added that City staff is proposing either one monument sign or one wall sign per street frontage with a maximum combined sign size of 25 square feet in total.

Mr. White said that he would like the text amendment to allow 25 square feet per sign per street frontage -- 50 square feet in total. Mr. Hopkins commented that they need to keep in mind that this is for institutional signs in residential zoning districts. He feels that 25 square feet combined for both signs makes sense. Mr. White noted that 25 square feet is not that big.

Chair Pollock inquired about the timeline of the proposed case. Mr. Myers replied that he is fine with the Plan Commission making a recommendation to the City Council now. In terms of requiring monument signs, if the Plan Commission felt like there was consensus they could make a recommendation to remove the requirement from the text amendment. Frankly, he is not sure that City staff would be able to return with an alternative for monument signs to enhance aesthetics.

Mr. Grosser wondered about regulating the brightness of electronic sign displays. He did not find any language in the proposed text amendment doing this. The Assembly Hall sign on Kirby Avenue is really bright. Mr. Myers responded that he has been gathering research on this issue. He is just at the point where he can bring a text amendment forward to regulate brightness. He feels it would be appropriate to bring it as a separate case. He mentioned that he needs further direction on how to move forward on it regarding how to regulate the brightness. It is a technical

aspect that can be complicated. There are light measuring devices that we would need to used, one of which is very expensive. Mr. Grosser commented that the City should move forward with regulating the brightness, especially if the City approves of electronic signs. He is glad to hear that City staff has already begun to consider this.

Mr. Grosser inquired about Article IX-2.A regarding tri-fold billboards. Does the definition for *"Animation or Animated"* prohibit tri-fold type billboards? Mr. Myers responded that tri-fold billboards are not allowed. They tend to break down more in this climate due to ice and snow.

Mr. Grosser asked about Article IX-4.A.3. regarding noncommercial messages. Why does it say that any commercial sign can carry a noncommercial message? Mr. Myers explained that this is a very important aspect to have in the Ordinance. For one it helps guard against lawsuits. The City does not want to be in the situation of having requirements for commercial speech which are less stringent than for noncommercial speech. The proposed language is based on a specific recommendation was an expert in the constitutionality of sign regulations.

Mr. Grosser questioned where to find political yard signs being addressed in the proposed text amendment. He thought it might fall under Section IX-4.J.11. Mr. Myers stated that the Public Works Department explicitly allows temporary signs in the right-of-way, including political signs. In terms of enforcement, the City has always had a steady policy in being lenient with noncommercial speech. We do not want to get into the position of telling people, for instance, that they have to remove a "welcome home" banner. City staff does not feel that we need to define political signs specifically. It is impossible to define what a political sign is without getting into regulating content. Once the City starts regulating signs based on content, then we are setting ourselves up for a lawsuit.

Mr. Grosser explained that the reason he brought this up is because of a political sign recently posted that was about 15 feet wide by five to eight feet tall, located at the corner of Illinois and Race Streets. The election has been over for a while, yet the sign may still be there. Can anyone put a sign up in their yard of any size as long as it's noncommercial? Mr. Myers responded that if it is noncommercial speech and it is not blocking the vision of traffic, then there are no regulations prohibiting it. Mr. Hopkins pointed out that #11 on Page 106 does regulate the size of a noncommercial sign. Mr. Myers reminded him of the handout from earlier. The handout shows that staff wants to delete #11 altogether. Mr. Myers inadvertently left this in from an earlier internal draft.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Hiram Paley, of 706 West California Avenue, commented on the proposed text amendment. He feels that a city might become sterile if there was only one type of sign allowed. He agreed with Ms. Burris' comments. He expressed his concern about flashing signs. He believes they are a real hazard. He drives down the highway going 69 miles per hour and can only read about two-thirds of a message that the state has put on a flashing advisory sign. By the message has changed so he can read the rest of the message, he has already passed the sign. He feels they should use signs on the interstate that give quick messages or allow bigger signs.

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

Ms. Stake referred to Section IX-4.D.5.d. How does the City determine if there is an illumination causing a nuisance? Mr. Myers explained that currently the Zoning Administrator will make a judgment call on whether or not an illuminated sign constitutes a nuisance, as opposed to a dislike of the illumination. It would result from a citizen complaint.

Ms. Stake wondered if an electronic sign would be good for people driving down the street. An ordinary sign would always be there, but electronic signs might not be working all the time. Mr. Myers replied that "old-fashioned" stationary sign are reliable. However, businesses like having the aspect of being able to change the message to let passersby know of specials, etc.

Mr. Fitch asked if the recent lighting ordinance text amendment covers illumination of signs. Mr. Hopkins said it covered lighting on signs, but not lighting emitted from signs.

Mr. Hopkins made a motion that the Plan Commission forward Plan Case No. 2104-T-09 to the Urbana City Council with a recommendation for approval, subject to the change that the requirement for monument signs be deleted. This would leave the City where we currently are in that there are size incentives for monument signs, but they are not required. Ms. Burris explained much of the reasoning for this. He added that being able to see under a sign is much better than not be able to see because of the sign blocking the view. The idea that monument signs are much more aesthetically please is a convention that we have created for ourselves that does not have much of a basis in fact. Mr. White seconded the motion.

Mr. Grosser feels a little less comfortable about moving this case forward in that he likes the idea of improving the aesthetics of signs in general. He also agrees that monument signs do not necessarily mean attractive signs.

Monument signs work well for short signs. The Schnucks Food Court/Starbuck's/Gas Station monument sign deals with having a 16 foot monument sign by having the Starbuck's logo at the bottom; however, one cannot see a third of it due to the landscaping. Although the Schnuck's Crossing sign on poles, with the poles wrapped in stucco, is 25 feet tall, it looks nice. He would much prefer this over a 16-foot monument sign with a blank expanse blocking his view. He will vote in favor of the motion. However, he would prefer for City staff to go back and look for other options to improve the aesthetics of signs without the mandate that they all have to be monument signs.

Mr. Hopkins stated that the Plan Commission will see the Sign Ordinance again. The Plan Commission should not view this as the last chance to change it. Regulating aesthetics is a really difficult thing to do; and when it is tied to speech, then it is even more difficult. His hunch is that since City staff has not come up with a brilliant break through in making signs more aesthetically appealing, then the Plan Commission should move ahead with what they have.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote.

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 10:13 p.m.

Respectfully submitted,

Robert Myers

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **May 21, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Tyler Fitch, Dannie Otto, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White
MEMBERS EXCUSED:	Jane Burris, Ben Grosser, Lew Hopkins
STAFF PRESENT:	Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Al and Arlene Anderson, Roosevelt Bender, Nina Bond, Nadine Butler, William Conner, Ryan Culton, Dana Gillan, Marcel Grant, Bishop Lloyd Gwin, Brenda Hubbard, Keisha Jackson, Marc and Shelby Johnson, Terrance and Mary Jones, Ruthann Lampkin, Berdie Lewis, Juanita Mason, LoSonia McBride, La'Rufus Mitchell, Evelyn Moore, Sheena Oatis, Elise Parsons, Darrell and Christina Poe, Perzavia Praylow, David Spence, Susan Taylor, Todd and Leah Taylor, Sheronda Williams, Delight Young

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present. He then welcomed Dannie Otto as the newest member of the Plan Commission.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the May 7, 2009 regular meeting as presented. Mr. White seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2107-SU-09: A request by the Church of the Living God for a Special Use Permit to establish a church at 1701 North Carver Drive in the R-3 Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with an explanation for the special use permit request and a brief history of the proposed site. He described the proposed site and the adjacent surrounding properties by noting the zoning, existing land use and future land use designation of all. He discussed the development regulations regarding site access, parking and landscaping, drainage, and setback, floor area ratio and open space ratio requirements. He reviewed the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff's recommendation and with the following conditions:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2107-SU-09 to the Urbana City Council with a recommendation for approval with the following conditions:

1. *That the layout of the facility shall closely resemble the submitted Site Development Plan and attached to the written staff report as Exhibit D. Any significant deviation from the approved Site Development Plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.*

2. *That an engineered drainage plan, including proper conveyance and detention of stormwater from the site shall be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and shall be subject to the review and approval of the Urbana Zoning Administrator and Urbana City Engineer.*

3. *That Federal Drive shall serve as the exclusive vehicular access to/from the site to minimize impacts upon the adjacent residential neighborhood, until such time as vehicular access from the west is developed. Vehicular access via Carver Drive and Dorie Miller Drive shall be prohibited.*

4. *That a landscape plan shall be prepared and constructed to provide screening to adjacent residential properties to the east and south, subject to the review and approval of the Urbana Zoning Administrator in consultation with the Urbana City Arborist.*

Chair Pollock asked if there had been any conditions about fencing in either of the previous two requests. Mr. Engstrom said that he does not recall reading anything about fencing, but that the prior approvals had required a landscape plan.

Ms. Stake asked if the conditions require the petitioners to save the existing trees on the site. Mr. Engstrom replied that this requirement was not in the proposed conditions.

Mr. Otto asked about Condition #5 (from the previous approval), regarding a requirement for pedestrian connectivity plan. Was a pedestrian connectivity plan going to be required this time? Mr. Engstrom clarified that Condition #1 says they must conform to site plan, which requires them to provide sidewalks as shown. Since the pedestrian connections are shown on the site plan, an additional connectivity plan is unnecessary.

Ms. Upah-Bant asked if Federal Drive is adequate for the amount of traffic that will be generated. Mr. Engstrom replied that Federal Drive is wide enough to accommodate the traffic, and that pedestrian sidewalks would help cut down on automobile traffic.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Bishop Lloyd Gwin, of 1109 North Fourth Street in Champaign, stated that he is the pastor of the Church of the Living God. He stated that they have been here before and that this will be the final request. In reference to the trees, most of the trees are quite a distance away from the proposed parking lot so they will try to keep them. They plan to beautify what is there and not take away from what currently exists.

Mr. White asked about the capital campaign to finance the new church. Bishop Gwin said they started about 10 years ago and are ready to move forward.

Mr. Fitch noted that parking requirements are based on the number of seats and that the proposed sanctuary will seat almost 1,200 people. Do they currently have that many members? If so, they should consider being televised. Bishop Gwin replied that they are on television. They currently have two services every Sunday with about 300 people per service. The proposed new building would afford the church the opportunity to grow.

David Spence, 70 Glenbrook Lane in Fisher, said that he is the designated project manager for the proposed church development. He believes this project will be an asset to the neighborhood and to the community. It will relieve a lot of congestion and parking problems at their current location. The Church of the Living God has a long history of working in the community and wants to do this project to help the youth in the area.

With no further comments from the audience, Chair Pollock closed the public input portion and opened the hearing up for Plan Commission discussion and/or motion.

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2107-SU-09 to the City Council with a recommendation for approval along with the conditions as recommended by City staff. Mr. White seconded the motion.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Mr. Otto	-	Yes

The motion was approved by unanimous vote. Mr. Engstrom noted that this case would go before the City Council on June 1.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom gave a staff report on the following:

- Sign Ordinance Text Amendment will go before the City Council on June 1.
- Rezoning of 714 West California Avenue will also go before the City Council on June 1.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **July 9, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Marilyn Upah-Bant
MEMBERS EXCUSED:	Ben Grosser, Bernadine Stake
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	Andrew Fell; Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the May 21, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Champaign County Land Resource Management Plan
- E-mail from Lisa Karcher regarding the Champaign County Land Resource Management Plan

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a brief explanation of how the proposed text amendment came about. He talked about Dr. Ian Lewin's sign illumination study and how it relates to the standards and regulations being proposed for sign illumination in the City of Urbana. He demonstrated how to measure the brightness of light levels using a foot candle meter. He then discussed how the goals and objectives in the 2005 Comprehensive Plan, how Section IX-1 of the Urbana Zoning Ordinance (regarding Comprehensive Sign regulations) and how the Urbana City Council's Common Goals pertain to the proposed text amendment. He talked about illumination requirements in other municipalities including the City of Champaign and the City of Peoria.

Chair Pollock inquired about how the City would deal with a sign that is too bright if there are no standards. Mr. Myers answered that if the City only required automatic dimming, it would still bring the light level down to a much lower level at night time. However, it could still be operated in a way that would be inappropriate in terms of lighting. This is why it makes sense that in addition to the automatic dimming requirements to have some absolute brightness limits on the amount of light.

Ms. Burris wondered about the electronic sign located at the Assembly Hall. She asked if it has automatic dimming. Mr. Myers replied that he does not know. It seems at night time to be a bright sign. He has not taken measurements of the sign.

Chair Pollock asked if this particular sign is the reason that the City of Champaign approved an ordinance requiring automatic dimming. Mr. Myers explained that the City of Champaign's automatic dimming ordinance pertains only to digital billboards. It does not require automatic dimming for electronic signs. Ms. Burris wondered why the sign at the Assembly Hall was not considered a billboard. Mr. Myers stated that signs are billboards are defined as two distinct things. Another factor with the Assembly Hall sign is that the University of Illinois is a state institution. They do not have to follow any sign code or any municipal code. Because it is located on state property, the University of Illinois is not required to get permits to construct the sign.

Chair Pollock wondered how the City of Urbana would distinguish between the different types of signs if the proposed text amendment is approved. Mr. Myers pointed out that electronic signs, message boards, etc. would all be covered in the proposed text amendment. However, the Urbana Zoning Ordinance does not permit billboards to be digital or tri-faced. They have to be a flat static images on paper. City staff is not proposing to change anything having to do with the timing or frequency of changing messages. The proposed text amendment only deals with the brightness levels for signs.

Mr. Myers continued that although the sign industry commissioned the study, he has not seen any evidence that Dr. Lewin's recommended standards are inadequate. It seems reasonable to adopt and "road test" the recommended standards. If it is found at some future point that the requirements are too low or too high, then the City could modify them. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission forward this application to the City Council with the recommendation for approval.*

Mr. Fitch commented that the Lewin report recommended that each City field test the recommended standards. Did City staff shoot any signs in the City of Urbana? Mr. Myers said no. If the Plan Commission feels it would be beneficial for City staff to field test the proposed levels prior to making a recommendation to the City Council, then he could perform a field test and bring the case back to the Plan Commission at a future date. Mr. Fitch responded that it would be helpful to him. Although Mr. Myers' demonstration on how to measure ambient light levels with a footcandle meter was interesting, he felt that City staff should test actual signs that exist in the community to better understand how much light would be allowed.

Mr. Fitch asked if each new sign would add to the ambient light level. Mr. Myers said yes. Mr. Fitch questioned whether it was conceivable that every new sign could be brighter than the previous sign. Mr. Myers replied that although this would be true, in terms of driver's distraction, any one sign would not be appreciably brighter over any other sign.

Ms. Upah-Bant agreed with Mr. Fitch. She has no concept of how much light could be generated with a 0.3 foot candle requirement. It does not sound very bright to her.

Ms. Burris added that this is one of the reasons why she asked about the Assembly Hall sign. She wanted to try to gauge what a 0.3 light level would be in comparison to the Assembly Hall sign. Mr. Myers commented that this is an interesting example because the sign at the Assembly Hall is out on its own. There are not any other signs in the immediate area. It should cause a spike above ambient levels in terms of brightness. It really sticks out because it is the only lit sign.

Mr. Otto stated that he was trying to understand the difference between the Nit gun and the Footcandle meter. The Footcandle meter measures at 100 feet how much the ambient light is

increased. The Nit gun actually measures the luminous level of a sign. He suggested that City staff measure some signs at night when they are turned off and again when they are turned on.

He stated that it bothers him that City staff would only respond to complaints before checking the light levels from signs. A Nits gun would allow staff to go out and check if a sign is too bright or not. Mr. Myers responded the Plan Commission and City Council could set an absolute limit on the light output of a sign. However, this will not take into effect the other light sources that already exist such as the street lighting, etc. So it could be considered a crude standard. On the other hand, there is no subjectivity with absolute limits.

Mr. Otto could picture several businesses in one area trying to get a driver's attention. Some LED lighting could crank up the luminous level of light (measured by the Nit gun) without necessarily affecting the illuminous level of light at 100 feet. If there is competition, then the owners would want to attract the traffic. Mr. Myers noted that eyes adjust to the brightest object in the field of vision. So for someone driving down the street, their eyes are going to adjust to the light level on the street. A sign that is about the light average is not going to seem that bright. If it is much greater than the average, then it will stick out and seem bright to the eyes. So, he feels this is another factor that works in the favor of using a standard that takes into account the ambient light levels.

Chair Pollock understood that there are two standards. What is the correlation between the standards and the two reports? Mr. Myers explained that there are not two different reports with different standards. The Lewin Report recommends a standard using footcandles and taking into account the ambient or background light.

Chair Pollock stated that he did not fully understand what 0.3 footcandles means. Mr. Myers stated that 0.3 footcandles is the difference between the background light that already exists with the sign turned off versus the sign turned on.

Chair Pollock asked if any of the other cities around the City of Urbana use this standard. Mr. Myers recalled that there are several cities in Illinois that use this standard. It is also recommended in the Lewin Report.

Mr. Otto suggested that the Plan Commission adopt both standards set in Table 2 on Page 8 of the Lewin Report. Mr. Myers commented that they could adopt standards for both eye illuminance and sign luminance, but it seems complicated. Chair Pollock pointed out that the table refers to different lighting zones, which are defined on Page 6 of the report.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing up for public input.

Andrew Fell, of Andrew Fell Architecture & Design, mentioned that the issue with the Assembly Hall sign was brought up in the last City of Champaign Zoning Board of Appeals meeting. The University of Illinois installed the sign with no regard for any of the City of Champaign's sign regulations. The Zoning Board of Appeals specifically addressed what their billboard and

electronic sign ordinance would be regarding the brightness and the rate of change directly related to that sign.

Mr. Fell inquired about existing signs. What would happen with them? Mr. Myers said that they cannot require sign owners to go back and install electronic dimming devices on their signs. However, if they already have an electronic dimming device, then they should be required to comply with the proposed light limits, if approved.

Mr. Fell questioned if having an automatic dimming device would cause the brightness level of signs to change as people drive past them. Mr. Myers answered that he understood that the majority of the electronic signs already have dimming devices, and you do not see the brightness level of the signs changing as you drive past. His understanding is that their light sensors read an average over a period of time.

With no further comments from people in the audience, Chair Pollock opened the meeting for Plan Commission discussion and/or motion(s).

Ms. Burris inquired about the new Burger King sign on Philo Road. Mr. Hopkins informed her that the sign has been fixed. Mr. Myers explained the situation with the sign. The sign operator came and installed the sign. He turned it on and left. Burger King had the sign operator return when they held a training session for their shift leaders and managers to learn how to operate the sign.

Mr. Otto questioned how many electronic signs does the City currently have. Mr. Myers said that he does not know. Mr. Otto said that he is curious to know how many signs would be grandfathered. Mr. Myers believes that there are very few existing electronic signs that do not already have a dimming device. Those with the dimming device should be able to comply with the ordinance.

Mr. Fitch stated that this is a good concept. However, he feels that there needs to be an absolute standard to keep the luminous or the upward creep over time in ambient light for reasons of lighting areas beyond what we would like in the aggregate or for a particular sign getting too bright or the issue of competition.

Mr. Hopkins commented that the issue for an electronic sign that matters with respect to ambient light is visibility. He infers that 0.3 is a small amount of light and is sufficient difference from the ambient light to be able to see what is intended to be displayed. He used the example of working on his computer in the sunlight using battery power, he would beef the light up enough so he could see it, but he would not go beyond that because he does not want to run his battery out. So he believes that owners of these signs wants to keep the difference from the ambient light as close to the minimum level that makes it readable because it saves electricity. It saves the life of the light bulb, etc. Headlights, parking lot lighting and all the other signs that are lit are also creating ambient light. His understanding of the proposed ordinance is that everyone will have to set their signs so that the difference from the ambient light to the brightness of their signs are not greater than 0.3. This applies to all who install lighted signs in one area as well, whether they are the first or the last to install their sign. So they are both looking at the same difference.

If the ambient light increases, then the actual projection from all the signs need to turn up the brightness level of the signs. If it gets darker, then the owners decrease the brightness level of their signs.

Mr. Otto believes that the proposed standard would measure how bright a sign would be from an "X" distance. It does not address that although this type of sign does not create much ambient lighting, to the eye it can be very bright. He preferred that City staff research this more prior to the Plan Commission making a recommendation to the Urbana City Council. He wondered if the City of Champaign had a corresponding ordinance. Chair Pollock read in the packet that the City of Champaign only has a requirement that there be a dimming device.

Mr. Fitch remarked that if the ordinance works the way Mr. Hopkins interpreted it, then it addresses one of his major concerns. However, they are still left with the issue of certain areas of the City getting progressively lighter. One area of the City in particular, High Cross Road, is pretty dark right now.

He noted that with regards to grandfathering of signs that do not have dimming devices, there is some language in the Daktronics report about Bemidji, Minnesota. Their statute simply says that *"Legal non-conforming signs without a manufacturer auto dim feature shall comply with this requirement to the extent feasible within the limits of the dynamic display programming"*. Chair Pollock understood this to mean that if you have a dimming device, then you are required to use it. However, if you do not have one, then you are off the hook.

Ms. Upah-Bant did not feel comfortable making a recommendation to City Council. She would like to know how much light can be produced under the 0.3 footcandle requirement. She also feels that the City would be leaving ourselves wide open if we do not have a way to measure it. Mr. Myers said that he can take some measurements and maybe some videos.

Chair Pollock continued this case to a future Plan Commission meeting.

8. NEW BUSINESS

Updated on the Champaign County Land Resource Management Plan

Robert Myers, Planning Manager, gave an overview on what is taking place in Champaign County. The County is in the process of writing and adopting a Land Resource Management Plan that focuses a lot on soil and farmland preservation. There is a steering committee that is made up of 14 members. The Plan deals with areas outside of the cities in Champaign County and beyond what the cities will grow into in the near future. He referred to the proposed Champaign County Future Land Use Map that was displayed on an easel. He mentioned that the Plan recommends to defer land issues inside the sewer service boundary to the City's Comprehensive Plan.

Chair Pollock asked if the sewer service boundary line corresponded to the extra-territorial jurisdiction (ETJ) line. Mr. Myers said no. He showed the different lines on the map.

Chair Pollock wondered why the two lines are not contiguous. Mr. Myers replied that City staff had recommended that the County's plan just deal with land use beyond the 1.5 mile extraterritorial jurisdiction (ETJ), but that the County sees some areas in the ETJ as not being developed within the life of the proposed plan because they are beyond the sewer service boundaries. So the County's land resource management plan does include some areas within but along the margins of ETJs.

Mr. Myers continued with his presentation. He pointed out where the best prime farmland is located on the map.

Ms. Upah-Bant stated that she serves on the plan's steering committee. She pointed out that the large circled numbers on the map represent the total number of projected new households in those areas. She noted that the goal of the Plan is to keep growth contiguous with urban areas and not sprawl into the best prime farmland.

Mr. Myers pointed out where the City's Comprehensive Plan for our ETJ and what the Champaign County Land Resource Management Plan Steering Committee has proposed with the City's ETJ. In the Big Grove area, the County's future land use designations are more detailed than the City's and make sense based on flood plain, forested areas, etc.

City staff has asked County staff to extend the City's future planning area (tan color) further out, which is contiguous for every growth area we believe is in our future. The last difference is that the City's Comprehensive Plan map shows the South Farms as being institutional. The County's map shows it as being agricultural. We should follow the University of Illinois' Plan.

He talked about the timeline. He stated that if the Plan stays on track, it should be presented to the Environment Land Use Committee (ELUC) of the County Commission in January or February of 2010. There is still time for review. City staff will keep the Plan Commission informed of what is going on and will hold a study session later on.

Ms. Upah-Bant commented that she is puzzled why the steering committee is concerned about getting the plan passed through ELUC and getting it to the County Board in the current format. The reason is because many of the steering committee members are township or road commissioners that are pretty well informed about their topics.

Mr. Myers mentioned that one area to keep an eye on is in terms of property rights and development rights (i.e. subdividing of lots). Policies on the maximum number of times an agricultural lot could be subdivided would be covered by a new policy.

With no further comments, Chair Pollock closed this item of business.

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 8:42 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **August 6, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Dannie Otto, Bernadine Stake
MEMBERS EXCUSED:	Jane Burris, Michael Pollock, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	There were none.

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present. Ms. Stake moved that Ben Grosser serve as Acting Chair in the absence of Michael Pollock. Mr. Fitch seconded the motion. The motion was passed by unanimous voice vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Fitch moved to approve the minutes of the July 9, 2009 regular meeting as presented. Mr. Hopkins seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Resolution No. 2008-02-002R Approving the City of Urbana to participate in the development of a Multi-Jurisdictional Hazard Mitigation Plan

- Planning Commissioners Journal – Number 75 Summer 2009
- Inserts of Approved Text Amendments to the Urbana Zoning Ordinance

Acting Chair Grosser welcomed Andrew Fell as the newest Plan Commission member.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, stated that he is still researching sign illumination measurements. He has scheduled to take measurements the following evening. As he will be unavailable for the next Plan Commission meeting on August 20, he asked that they forward this case to the September 10, 2009 Plan Commission meeting. He realizes that this means the case would be continued for another month, but in this case the City is applicant so a delay would not pose a problem.

Mr. Grosser asked which signs Mr. Myers is planning to measure. Mr. Myers stated that he will take measurements at the Burger King sign on Philo Road and the Assembly Hall sign on Florida Ave. Even though the Assembly Hall sign is not located in the City of Urbana, people frequently report that it is too bright, and it would be good to provide a frame of reference.

Mr. Grosser asked whether the Burger King sign has an automatic dimmer. Mr. Myers replied yes.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2110-T-09 to the September 10, 2009 meeting. Mr. Otto seconded the motion. The motion was passed by unanimous voice vote.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2114-CP-09: An application by the Urbana Zoning Administrator to adopt the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan and amend the 2005 Urbana Comprehensive Plan (as amended) by adopting the Hazard Mitigation Plan as an element.

Robert Myers, Planning Manager, presented this case to the Plan Commission. The City currently has a Hazard Mitigation Plan (HMP) that was adopted in 2005. City staff would like to adopt the proposed County Hazard Mitigation Plan as an update to the City's existing plan.

He explained what a hazard mitigation plan is. Instead of being a plan on how to respond to a disaster, a hazard mitigation plan is more about how to avoid damage and injury in the first

place. For instance, rather than being a plan for responding to a flood, a hazard mitigation plan prepares us to stay out of the way of a flood.

The Federal Emergency Management Agency (FEMA) offers both an incentive and a requirement for communities to adopt hazard mitigation plans. They offer mitigation grant funds in two different forms: 1) after a Presidential Declaration of Disaster and 2) on an ongoing basis. FEMA, however, also requires that local communities adopt hazard mitigation plans adopted prior to receiving hazard mitigation funds. Currently, the City of Urbana is the only jurisdiction in Champaign County that has a mitigation plan in effect.

Mr. Myers described the process that the County followed in preparing the draft plan. Although this would be an element of Urbana's Comprehensive Plan, this plan has a different format than most. In part this is because FEMA and ILEMA (Illinois Emergency Management Agency) have particular format and procedural requirements. Also, FEMA and ILEMA require that HAZUS software be used preparing a hazard mitigation plan in order to predict property damage under different scenarios.

Mr. Myers named the top ranked hazards for Champaign County: severe storms, floods, severe winter storms, extreme heat, drought, and earthquake. The community will always be in the path of different natural processes. We need to think in terms of when events will occur rather than if they will occur. He believes that the heart of the proposed HMP is the mitigation strategies. The mitigation strategies for the City of Urbana start on Page 6-23 of the plan. He reviewed some of the strategies listed. He talked about the how the proposed HMP fits in with the City's 2005 Comprehensive Plan. Mr. Myers presented City staff's recommendation as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2114-CP-09 to the Urbana City Council with the following recommendations:*
>
> 1. *Approve the Champaign County Natural Hazard Mitigation Plan, and*
> 2. *Adopt the plan as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Mr. Fitch asked as if the proposed plan would replace the City's existing HMP. Mr. Myers said that the proposed plan would supersede the City's existing hazard mitigation plan.

Mr. Fitch inquired how the public can sign up for text message alerts for weather events. Is there a link on the City's website? How can people sign up? Mr. Myers stated that there is a link and he will send it to everyone. The Fire Department recently made a presentation to the City Council about how people could sign up. Many people at the University of Illinois have already signed up. Mr. Grosser questioned if the list is the same between municipalities. For instance, if he is signed up for the University of Illinois Text Alert System, then would he also be signed up with the City of Urbana's system? Mr. Myers said that there are not two different systems. You only need to sign up once.

Mr. Grosser asked if the City's current HMP has been folded with the Comprehensive Plan document itself. Mr. Myers explained that it is not physically bound as a chapter of the 2005 Comprehensive Plan but was adopted as a separate element of the Comprehensive Plan.

Mr. Grosser wondered how the proposed plan would be amended in the future. Will all 24 jurisdictions have to approve any future changes? Mr. Myers said he was not exactly sure, but he believes that there could be similar county-wide effort for a major update. Having said that, he pointed out that the draft plan itself does not carry any weight. Each jurisdiction (all 24 municipalities, the University of Illinois, Parkland College and Champaign County) is being asked to adopt the proposed plan individually. Once we adopt the proposed plan, it becomes ours to make any changes. Other jurisdictions could also make changes.

Mr. Myers noted that some very minor changes have been made to the draft after this Plan Commission packet item was prepared for distribution. The changes are extremely minor and editorial and have nothing to do with Urbana. For instance, a reference to floodplain in the Village of Foosland was deleted because Foosland doesn't actually include any 100-year floodplan. If the Plan Commission forwards this case on to the City Council, City staff would provide Council with a final draft version reflecting the minor editorial changes.

Mr. Hopkins noticed that on Page 4 of the staff memo, the list of mitigation strategies only contains about half of the table from Chapter 6 in the proposed HMP. Mr. Myers commented that the memo only provides Priority One strategies for Urbana.

Mr. Myers added that the nature of a hazard mitigation plan is a little different in terms of public participation. Although the plan included a public input process, it does not attract the same kinds of crowd that you might expect for a traditional comprehensive plan dealing with the future of neighborhoods, etc. The public process encouraged participation through advertising, hanging posters in libraries, holding a public hearing, and providing an online survey. Although there was some public participation, it was nowhere near the level of participation that the 2005 Comprehensive Plan.

With no further questions for City staff and with no audience, Acting Chair Grosser opened the public hearing up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2114-CP-2009 to the City Council with a recommendation for approval, including the two recommendations suggested by City staff. Ms. Stake seconded the motion.

Mr. Hopkins moved to add a friendly amendment by adding the phrase "as it pertains to the City of Urbana" at the end of the motion. Most of the draft plan does not pertain to the City of Urbana, but some of it does. He would not want to adopt all of it because of this. Adding this phrase would enable the City to better amend it without reference to any other parties. Mr. Myers commented that City staff had discussed this very issue and how to deal with it. If they adopt the entire plan, then some of it pertains to other jurisdictions, and it would be part of the City of Urbana's Comprehensive Plan. We can always say that other communities are outside of our jurisdiction and ignore those portions of the plan. It would be more difficult to adopt just

those sections of the plan pertaining to the City of Urbana because there are scattered sections. Mr. Hopkins remarked that he was trying to come up with a phrase that refers to the content of the proposed plan and not the physical portions of the plan.

Mr. Otto felt that they could just reference the date of the final draft. Whatever other communities do would not alter the City's plan. Mr. Hopkins understands this, but the City of Urbana might want to modify the plan pertaining to our municipality. He does not want to have worry about whether other jurisdictions have to approve our modifications. In other words, he does not want to adopt someone else's plan that we cannot change. Mr. Otto noted that we have already adopted someone else's plan, the 2003 International Code Series, and made modifications to each section (Building Code, Property Maintenance Code, etc.).

Mr. Hopkins stated that although he did not read the proposed plan in its entirety, he is looking at the specific sections for the City of Urbana. He is not sure that he agrees with all of it.

Mr. Otto asked if each community wrote their own mitigation strategies. Mr. Myers responded yes. City staff used Urbana's 2005 hazard mitigation actions as a baseline. City staff -- including Public Works, Fire Department, Police Department and Community Development -- analyzed which ones had been achieved already and which ones still needed to be worked on. Staff came up with some changes and submitted them to be included in the proposed HMP.

Mr. Grosser commented that he also preferred to not adopt an entire plan that has zero relevance as a part of the City's Comprehensive Plan. Therefore, he moved for a friendly amendment to change wording in the second recommendation to read as such, "Adopt portions of the plan that pertain to the City of Urbana as an element of the 2005 Comprehensive Plan as amended." Mr. Fitch and Ms. Stake accepted the friendly amendment as part of the main motion.

Mr. Otto felt the wording would be too vague. Who would determine what is relevant and what is not? He believes that if there is something in the proposed plan that they want to exclude, then they should specify paragraphs or page numbers. Mr. Hopkins pointed out that "relevant" and "pertain to" connote something different. If there is a list on a map that is labeled in the proposed plan as "City of Urbana" then it pertains. If there is a list of actions for the Village of Foosland, then it would not pertain.

Mr. Fitch stated that he understands Mr. Otto's point about generality versus specifics. However, in this case the Plan Commission is an advisory body making a recommendation to the Urbana City Council. He suggested that City staff speak with legal counsel and decide if there is any reason for the City Council to simply take this approach or to get specific and approve certain pages and sections of the proposed plan. Through the Plan Commission's discussion, they have voiced their concerns about adopting a plan with sections that do not pertain to the City of Urbana. They have also established that they cannot amend or implement parts of it irrespective of the other jurisdictions. He stated that he agrees with the language in the friendly amendment.

Mr. Otto asked if it was everyone's understanding that if the City Council adopts this plan that the floodplain requirements would be thereby changed, or would it simply call for the City to

amend the floodplain requirements? Mr. Hopkins said it would be the later. If by "amended" he means the ordinance changed, then it would make it a regulation. By approving the proposed text amendment, they would be amending the 2005 Comprehensive Plan to say that this is what they want to do; which if they haven't thought about whether this is what they really want to do, it kind of makes a joke of amending the plan. He agrees that the City is not actually doing any of the things in the plan except they are formally amending the Comprehensive Plan. The creditability and relevance of the Comprehensive Plan depends in part on whether it says things that they believe they should do.

Mr. Hopkins stated that the Plan Commission should talk about the substance of the content of the proposed plan that pertains to Urbana and about whether they want to recommend that content as an amendment to the Comprehensive Plan. Mr. Otto felt that Mr. Hopkins was raising some good issues and wondered if it might be best to defer action on this case until a later meeting.

Mr. Fell commented that he understands people's reservations. He wondered if a solution might be to recommend that the City Council adopt the plan, exclusive of the portions not pertaining to the City of Urbana. This way they would be approving the plan without the parts that the City does not want. Semantically this could solve the problem.

Mr. Myers clarified some concerns about the substance of the proposed HMP. The Boneyard Creek transfer of development rights already exists and has been on the books in the Zoning Ordinance for years. It is limited to transferring development from one portion of a lot in the floodplain on the Boneyard Creek to the remainder of the lot. It is not a transfer of development right over a large area. Mr. Hopkins questioned why it is in the proposed plan if we already have somewhere else. Mr. Myers replied that they want to offer it as a tool that is already available. They would like to be able to actually use it. The City is going to be carrying forward the Boneyard Creek Master Plan over the next few years, and there may be opportunities along the Boneyard Creek to use this tool.

Mr. Myers also clarified that the draft HMP calls for the City to periodically review and update the building codes pertaining to wind resistance and seismic standards. This is something we already do periodically anyway. Last year, the City Council adopted the 2003 International Building Code. Prior to that we were using the 1997 Code. Through that we adopted a higher wind resistance and seismic requirements already. One example is the clock tower at the courthouse. It took awhile to raise the money to reconstruct the clock tower, and when the plans were initially submitted to the City there was one seismic code. By the time the money was raised the City had adopted a revised seismic. The County's architects had to change their clock tower reconstruction plans to meet the new requirements. The tower was taken down all the way to the ground and rebuilt in compliance with current seismic codes.

Mr. Grosser clarified that some of the things in the Urbana portion of the proposed HMP are included so that the City has them as tools available for what is useful for having a mitigation plan in the first place, such as getting mitigation funds from FEMA, etc. Mr. Myers said that this is correct. It is important for the City to have a plan in order to avoid hazards, but there is also

the need to comply with FEMA requirements and be eligible for grant funds. The mitigation actions for Urbana are not radical in any way. They are actually quite practical.

The one mitigation action which could raise the most concern would be raising the flood elevation requirements by one foot. City staff has been talking about the need for this for a long time. Mr. Myers asked Mr. Fell, as an architect, if he could offer any perspective on this action. Mr. Fell felt that this stipulation could cause a few problems but could be solvable in terms of development. The flood elevation requirements do not come into play that often in Urbana because not too many new buildings are constructed in the floodplain. Mr. Myers commented that the 100-year floodplain in Urbana was limited to Boneyard Creek and the Saline Branch.

Mr. Hopkins stated that these were the two issues that concerned him most (transfer development rights and raising the floodplain by one foot). After hearing what Mr. Myers said about these two, he is now prepared to go forward with this case rather than deferring a decision to another meeting.

Mr. Grosser commented that he would vote in favor of the proposed text amendment. He believes that the language in the motion as amended is now clear. The proposed plan has sections for the City of Urbana as well as for other jurisdictions. It will not cause any great harm and may even offer some protection. He appreciates staff's effort. It sounds like they went to every possible length to involve the public in the process. He restated the motion for clarification. It reads as follows:

> *The Plan Commission forward Plan Case No. 2114-CP-2009 to the Urbana City Council with a recommendation for approval with the following recommendations:*
>
> 1. *Approve the Champaign County Natural Hazard Mitigation Plan, and*
> 2. *Adopt those portions of the plan that pertain to the City of Urbana as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Ms. Stake	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before City Council on August 17, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers gave a staff report on the following:

- Planning Division work items
  - Text amendment for wind turbines within the City and within the Extra-Territorial Jurisdiction (ETJ)
  - Urbana-Champaign Sanitary District (UCSD) Special Use Permit to allow changes to their facilities
  - Text amendment for light and heavy industrial zoning districts
  - Text amendment for loading docks, pedestrian connections across parking lots
  - Urbana Subdivision and Land Development Code Revision
  - Stimulus fund grant applications
    - Climate Showcase Communities Grant – Stimulus Money for Kerr Avenue Subdivision
    - Big Broadband Stimulus Grant – Rings of Hi-Capacity Fiber Optic Communication Cables and extending internet and other communication services to low-income neighborhoods
    - Core Area Mobility Grant – would upgrade streets, sidewalks and bike lanes in the core areas of both cities and the university campus.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **August 20, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Ben Grosser, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant
MEMBERS EXCUSED:	Tyler Fitch
STAFF PRESENT:	Lisa Karcher, Planner II; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the August 6, 2009 regular meeting as presented. Mr. Grosser seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

This case was continued to the September 10, 2009 Plan Commission meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2113-T-09: Request by the Zoning Administrator to amend Table VIII-3 and Section VIII-4 of the Urbana Zoning Ordinance to allow access drives serving a single townhouse unit to be up to 18 feet wide or 45% of the lot width, whichever is greater.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He read the definition of *rowhouse/townhouse* from the Zoning Ordinance. He pointed out that the regulations for access drives are found in Table VIII-3. Widths for Access Drives and in Section VIII-4.F of the Urbana Zoning Ordinance. He explained the reason for the proposed text amendment is to improve these two areas to clarify and work better for townhouse units. He discussed the proposed changes in detail. He talked about how the goals and objectives of the 2005 Comprehensive Plan relate to the proposed changes. He read the options of the Plan Commission and presented staff's recommendation, which is as follows:

> *Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance to the Urbana City Council.*

Chair Pollock commented that people will be building more and more townhomes. Are they actually building townhomes on 20-foot and/or 30-foot wide lots? Mr. Engstrom answered that it is still allowed in the Zoning Ordinance, but practically, most of the new townhomes are being built on lots that are 30 feet or wider.

Mr. Fell pointed out that many zero-lot-line duplexes are built on lots that are 30 to 40 feet wide. According to the current language, they would not be allowed to have driveways that are 18 feet wide. Wouldn't it be illegal? Wouldn't they be considered a townhome if there are only two units? Mr. Engstrom stated that from the way it is currently written, City staff would consider it a single-family duplex. Each unit could have a primary drive up to 35 feet wide. Mr. Fell believed that this should be amended if not now, then at a later time. It seems to him that they should be allowed to have an 18-foot drive also. Mr. Engstrom replied that they can have an 18-foot drive under the current language. Mr. Fell stated that the proposed amendment would only allow 45% of the lot width, which is not 18 feet.

Lisa Karcher, Planner II, pointed out that Section VIII-4.F indicates that for single-family dwellings, the maximum driveway width is 45% of the lot width. It is basically saying that a duplex or single-family unit would have to be built on a lot at least 40-feet wide in order to get an 18-foot driveway. Mr. Fell responded that many of the duplexes in Stone Creek are on lots that are only 35-feet wide.

Mr. Engstrom commented that this is something that they should address. Ms. Karcher mentioned that they can discuss it at staff level. City staff had discussed this issue when they were reviewing the proposed changes prior to the Plan Commission review. It is staff's opinion that duplexes and single-family units are single-family in nature and they want to preserve this type of neighborhood development. It was a decision at the staff level to keep it this way so that a developer/builder would have to have larger lots or less drive widths for this type of development. Mr. Fell stated that he is not sure that he disagrees with this concept. The fact he is pointing out is that there are buildings that are nonconforming.

Mr. Otto referred to Table VIII-3 where it refers to Common-lot-line rowhouses or townhouses with individual drives. He wondered why under maximum width, it states *"no less than 18 feet"*. Shouldn't it read *"no more than 18 feet"*? Mr. Hopkins understands this to mean that the driveway can be as wide as 45% of the lot width, but if the lot is too narrow that 45% of the lot width is less than 18 feet, then instead of the maximum being 45% of the lot width, the maximum becomes 18 feet. So, the maximum can never fall below 18 feet. He commented that while the wording is confusing, it is correct. Mr. Engstrom replied that City staff tried different wording, and he recommended changing it to *"the greater of"*.

Chair Pollock opened the hearing up for public input and testimony. With no public participation, he closed the hearing for public input and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins suggested that City staff work on some of the issues presented tonight. He is concerned about the following:

1. Wording needs to be cleaned up.
2. We need to account for whether the proposed amendment applies to all zoning categories. If it does not, then to which categories does it apply?
3. There is currently no absolute maximum width for common-lot-line houses. This implies that someone with a 60-foot wide duplex lot would be allowed to build a parking lot in their front yard. We do not want anyone to be able to do this, so we need an absolute maximum for common-lot-line houses.

Ms. Stake commented that we need to do something about new units being built in non-conformity. Mr. Hopkins stated that these units are not non-conforming, but rather non-compliant.

Mr. Otto mentioned that the trend has been for people to have two-car garages. It is easy to understand why people want to have a driveway the width of the garage door. He wondered if

they could write the language to say that a driveway could not be wider than the width of the garage door. Mr. Engstrom said that the City of Champaign does something similar to this. We still need to have an absolute maximum width allowed.

Mr. Otto recommended making the absolute maximum width correspond to the actual need to get in and out of the drive, so people do not pave more of the front lawn than is necessary. Mr. Engstrom replied that City staff discussed this. The reason staff wanted to allow two-car driveways is to make it so that cars can park on the driveways and off the street.

With no further questions or comments from the Plan Commission, Chair Pollock continued Plan Case No. 2113-T-09 to the next scheduled meeting

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lisa Karcher gave a staff report on the following:

- Hazard Mitigation Plan was approved by the City Council on Monday, August 17, 2009.
- Next Plan Commission Meeting is scheduled for September 10, 2009. The cases to be reviewed include the Sign Illumination Text Amendment, the Driveway Width Text Amendment, and a special use permit request submitted by the Urbana-Champaign Sanitary District for an expansion to their facility on University Avenue.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **September 10, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake
MEMBERS EXCUSED:	Dannie Otto, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Mike Little, Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the August 20, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, presented an updated staff report. He presented sign illumination measurements that he took during the daytime as well as at night with the signs turned on and off. The signs he measured included the Burger King sign on South Philo Road (Urbana), the Assembly Hall sign located along Florida Avenue (Champaign) and the sign at The Pines at Stone Creek Commons (Urbana). He discussed a difficulty for enforcing sign illumination using an all-white display. All white sign images might be used for flashing/ attention getting type signs, but City of Urbana ordinances do not allow signs to be operated in this way. Local business managers on night duty are not necessarily trained to create an all-white image display on their electronic sign. As a result, City staff recommends a slight change in the proposed text amendment to require measurement of signs to be taken for the images actually being displayed rather than for all-white images.

Mr. Fell wondered if it made a difference how big a sign is as to how far away one should be when measuring for sign illumination. Should the City require less footcandles for larger signs? The signs at Burger King and the Assembly Hall might be putting out the same intensity of light; however, there is more light with the Assembly Hall sign because it is larger. Mr. Myers pointed out that the Lewin Report, sponsored by the Outdoor Advertising Association of America, recommended measurements at specific distances depending on the size of the sign. These distances have been incorporated in the draft ordinance language. Having said that, when he measured the illumination of the Assembly Hall sign, he did not take into consideration the size of the sign. He stood at 100 feet away. If the Assembly Hall sign is more than 100 sq. ft. in area, he should have taken his measurements from 150 feet. Although the Assembly Hall sign is not located in Urbana, he measured its light because many people refer to it as a very bright electronic sign.

Mr. Fell inquired as to whether a sign the size of the Assembly Hall sign could be constructed in Urbana. Mr. Myers said no. The maximum area of an electronic sign is 50% of the total signage allowance. He believes that all electronic signs that will be constructed in Urbana will be less than the 100 square feet, meaning that their light would be measured at a distance of 100 feet. For instance, a shopping center sign is the largest sign allowed in the City of Urbana, and the maximum size a shopping center sign can be is 150 square feet. So, 50% of 150 square feet equals a 75-square foot electronic display sign.

Mr. Fitch asked if both the Burger King sign and the sign at The Pines at Stone Creek Commons were easily visible even though they met the proposed requirements by a wide margin. Mr. Myers replied yes. Both were perfectly visible.

Mr. Fitch pointed out that if Mr. Myers would have measured the Assembly Hall sign from 150 feet instead of from 100 feet away, some of the advertisement displays might have met the proposed maximum illumination level of 0.3 footcandles. Mr. Myers responded that he's not sure.

With no further questions for City staff, Chair Pollock opened the hearing up for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins stated that he did not understand why a bigger sign should be measured from farther away. He recalled that Mr. Myers made a comment about the City would probably never have an electronic display sign larger than 100 square feet. In the instance of the Assembly Hall sign, if they measured it from 150 feet and it met the proposed requirement, why should it be acceptable? Anyone driving or walking toward it would at 100 feet see glare.

Ms. Stake commented that people can see a big sign farther away. So, it seems like the requirement should be the opposite of what is being proposed. Mr. Myers stated that he believes the reason for the proposed measurements is because 100 feet is considered to be a viewer distance.

Mr. Myers responded that there is a different way to measure an electronic sign's light output, which is with a NITS gun from 4 feet away. This method doesn't seem fair to him because people do not look at electronic signs from 4 feet away, and just measuring the light output doesn't directly correlate with glare. And generally speaking, the larger the sign is the farther away the viewing distance typically is. Mr. Myers mentioned that another drawback of the light output measure method is that it would be impossible to measure the illumination of a sign up in the air if you have to hold the light gun four feet away. NITS guns are also very expensive to purchase.

Mr. Hopkins remarked that he is not suggesting that they change the way sign illumination would be measured. He was only wondering if they need to include a distinction for how different sizes of signs are measured. He assumed that the wording for the proposed text amendment came from a model code, and after hearing Mr. Myer's explanation for the distance distinction, he is willing to leave the language in the proposed text amendment.

Mr. Hopkins recommended that the Plan Commission delete the word *"minimum"* in Section IX-4.C.2 so that it reads as such, *"Animation. Electronic displays shall not be animated as defined by this Article, including a display change frequency of no more than once every three minutes."* Another change he recommended is to change the language in the last line of Section IX-4.C.4.b to read as such, *"The difference between the two readings is the electronic signs illumination level above the ambient light level."* His concern with the proposed language is that *"actual"* implies that one would be measuring the light level, and this is not true. City staff would be computing the difference.

Mr. Hopkins moved that the Plan Commission forward this case to the City Council with a recommendation for approval including the two editorial changes he proposed. Ms. Stake seconded the motion.

Mr. Grosser thanked Mr. Myers for taking sign illumination measurements of the three signs. He now has a better understanding of what .3 footcandles means.

Mr. Fitch thanked Mr. Meyers as well. Taking the measurements of the three signs does help understand the proposed text amendment a little better. However, he is concerned that 0.3

footcandles might be too bright. This is based on the fact that the two signs Mr. Myers measured that met the proposed requirements met the 0.3 footcandles requirement by a long shot. In fact, they were under 0.2 footcandles. There is also the question that one of the displays shown on the Assembly Hall sign might actually meet the proposed requirements depending on where it is measured from. The science of this is beyond him. He does not necessarily want to change this at this time, but he wanted to raise this concern. Maybe City staff could do more research before they present this case to the Urbana City Council.

Mr. Myers responded that one of the displays shown on the Assembly Hall sign measured 0.4 footcandles above ambient light, and while it seemed bright to him it did not cause glare. He could look directly at the display without squinting. Consequently he sees 0.3 footcandles above ambient light as reasonable.

Roll call was taken on the motion and was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on September 21, 2009.

Plan Case No. 2113-T-09: Request by the Zoning Administrator to amend Table VIII-3 and Section VIII-4 of the Urbana Zoning Ordinance to allow access drives serving a single townhouse unit to be up to 18 feet wide or 45% of the lot width, whichever is greater.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. City staff has revised the proposed text amendment in response to the comments made at the previous Plan Commission meeting. Those revisions include:

1. Clarifying language that allows driveway widths to be up to 18 feet
2. Changing Table VIII-3 (Widths for Access Drives) to propose an absolute maximum in terms of feet and not just a percentage amount, and
3. Allowing two-unit common-lot-line townhouses to have access drives up to 18 feet wide.

Mr. Fitch asked if the standard duplex lot requirement being 80 feet is primarily for new construction. Mr. Engstrom said yes. It is aimed at new construction on both new lots and established lots. Under the Zoning Ordinance, in order to establish a duplex, the lot must be 80 feet wide or if platted before 1960 then the lot can be 60 feet wide.

Chair Pollock inquired as to whether there is a definition for *"public and quasi-public"* in the Zoning Ordinance. Robert Myers replied that the Table V-1. Table of Uses in the Zoning Ordinance lists all the permitted uses in that category as "public and quasi-public."

With no further questions for City staff, Chair Pollock opened the hearing for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins stated that Table VIII-3 (Widths for Access Drives) shows the maximum width for rowhouse or townhouse units with individual access drives to be 35 feet. He feels it should have a total set of rules like the other types of lots. Mr. Engstrom replied that the footnote for the maximum widths column states that *"Access drives serving individual townhomes shall not exceed 45% of the total lot width or 18 feet, whichever is greater."*

Mr. Hopkins wondered if the language shown for the maximum width for lots with three or more dwelling units without individual drives and for the widths for public and quasi-public, business and industrial uses is for both types of uses or is there a line missing in the table. Mr. Engstrom said that the two statements shown under the maximum width is for both types of uses. The intent is that for most lots the maximum width would be 24 feet, unless the lot is over 150 feet wide, then the limit would be 50 feet.

Mr. Hopkins asked what the range is for the minimum lot widths for the zoning districts. Mr. Engstrom responded that the Industrial (IN) zoning districts, the minimum is 90 feet. In Agriculture (AG) and the Conservation-Recreation-Education (CRE), the minimum width is 150 feet. In the rest of the zoning districts, the minimums are mostly 60 feet.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2113-T-09 to the Urbana City Council with a recommendation for approval. Mr. Fitch seconded the motion. Roll call on the motion was taken and was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Burris	-	Yes
Mr. Fell	-	Yes			

The motion was passed by unanimous vote. Chair Pollock noted that this case would go before City Council on September 21, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2117-SU-09: Request by the Urbana-Champaign Sanitary District for a Special Use Permit to expand the existing wastewater treatment facility at 1100 East University Avenue in the CRE, Conservation-Education-Recreation Zoning District.

Robert Myers, Planning Manager, presented the special use permit request to the Plan Commission. He began by stating that he sees the application as somewhat of a housekeeping measure. A wastewater treatment plant has been located here for about 75 years. In 2001, the Urbana Champaign Sanitary District adopted a Long Range Facilities Plan for the first time in 25

or more years. The Plan Commission and City Council reviewed the plan in detail at that time, and the City Council officially endorsed the plan. In 2002, the City of Urbana issued a Special Use Permit (SUP) for treatment plan improvements. Phase I and Phase II of the plan's improvements were completed in 2005. The first part of Phase III has also completed as well. The current SUP request is to finish the second half of Phase III as provided in the adopted Long Range Facilities Plan. The proposed improvements would not actually expand the operations outside of the area within which they already operate. Also the processes would not change from their current processes. But their site plan would be different from their approved 2002 Special Use Permit site plan.

He gave additional background information on the UCSD. He pointed out the existing land uses and zoning of the proposed site and of the surrounding properties. Referring to Exhibit A, (Location & Land Use Map) he showed where the UCSD property is located. He also talked about how the proposed special use permit request relates to the 2005 Comprehensive Plan. In terms of location, he pointed out that sewage treatment plants have to be located in very specific locations – basically at the lowest point in the watershed and along a water body. These factors dictate where sewage treatment plants can be located. In terms of effects on neighbors, the plant is relatively well buffered by Ambucs Park, the Landscape Recycling Center property, Saline Brach and its vegetation, and the National Guard Armory. Although there are residences located to the southwest, they have been there for probably as long as a sewage treatment plant has been located on this site. Plus the proposed improvements are designed to lessen noise and odor. So the SUP improvements should lessen effects on neighboring properties. Mr. Myers asked that the Plan Commission allow Mike Little, representative of UCSD, to speak about the specific changes proposed to the approved the site plan.

Mr. Little explained that during Phase IIIB, UCSD would primarily be replacing tankage and other equipment with new technology, better equipment, and better odor control. He then explained the existing sanitary process and how the changes they plan to make would improve the process. He explained each element of the improvements. These include adding a new clarifier to handle heavy rainwater flow, replacing the filtration building, replacing the employee building, adding capacity to the anaerobic digestive system, adding a new holding tank, and adding a vehicle storage building. Changes they are planning to make in Phase IV are adding another clarifier and two activated sludge systems. If new environmental standards are adopted at some point, then they would need to replace several existing facilities. Although these last improvements are somewhat speculative as this may be 10 to 20 years in the future, they are also shown in the submitted site plan in their general configuration.

Mr. Fitch asked if the area of the treatment facility located closest to the adjacent residential properties would smell better. Mr. Little said yes. The neighbors are aware of what changes the UCSD is planning to make. They held a neighborhood meeting when they put together the planning for Phase IIIB and Phase IV.

With no questions for City staff, Chair Pollock opened the hearing for public comments and/or questions. There being none, he closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Ms. Stake moved that the Plan Commission forward Plan Case No. 2117-SU-09 to the Urbana City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Mr. Hopkins asked for clarification as to whether Phase IV is included in the special use permit request. Mr. Myers responded that Phase IV is shown on the Site Plan submitted for the special use permit request. As long as the UCSD builds the Phase IV tanks within the general area shown on the Site Plan, then it will be covered under the proposed special use permit.

Mr. Grosser remarked that he is a big fan of the sewer service. He is happy to pay his sewer bill whenever he gets it.

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Burris	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes			

The motion was passed by unanimous vote. Mr. Myers mentioned that this case would go before the Urbana City Council on September 21, 2009.

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 8:38 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **November 5, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Jane Burris, Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Marilyn Upah-Bant
MEMBERS EXCUSED:	Dannie Otto, Michael Pollock, Bernadine Stake
STAFF PRESENT:	Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT:	David Monk, Susan Taylor

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

Mr. Hopkins made a motion to nominate Ben Grosser to serve as temporary Chairperson. Mr. Fitch seconded the motion. The motion was passed by unanimous voice vote.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Fitch moved to approve the minutes of the September 10, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Planning Commissioner's Journal – Fall 2009

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Presentation by CUUATS staff on the draft Long Range Transportation Plan 2035

Robert Myers, Planning Manager, presented a brief introduction. Mr. Myers explained that the Federal Highway Administration requires that the plan be updated every five years in order for regional governments to receive federal funds for any projects that are considered long range investments that are large and have a regional impact and would need federal or state assistance to do. The last time it was updated was in 2004. He then introduced Eric Halvorsen, CUUATS staff representative.

Mr. Halvorsen began his presentation on the CUUATS Long Range Transportation Plan Update – Choices in 2035. He discussed the following:

- What is the Long Range Transportation Plan?
  - Evolves over the next 25 years
  - Encompasses Champaign, Urbana, Savoy, and Bondville urbanized area
- LRTP Planning Process
- What progress has been made since 2004?
  - 2009 Roadway and Transit Project Status Map
- Land Use and Development – 2035
  - Sustainable Development and Green Infrastructure
- Transportation System – 2035
  - Personal Vehicles
  - Vision Map for Roadways
  - Fiscally Constrained Projects
  - Bicycles/Pedestrians
  - Vision Map #2 – Bicycles/Pedestrians Map
  - Local Public Transit
    - Expand Transit Service Area and Frequency
    - Develop Seamless Network for Active Transportation
    - Reduce Greenhouse Gases
    - Park and Ride
  - Intercity Public Transit
  - Commercial Trucks

  - Rail
  - Air Travel
  - Vision Map #3
- Goals & Objectives
  - Added "Measures of Effectiveness"
- Future Funding Projections
  - Federal Funding Projections
  - State Funding Projections
  - Local Funding Projections
  - Total Projected Local Funding 2010-2035
- Next Steps

Mr. Halvorsen stated that an electronic copy of the plan is available on the web sites of all the municipalities (Champaign, Urbana, and Savoy) and on the Mass-Transit District (MTD) and the Champaign County Regional Planning Commission (CCRPC) websites. Paper copies of the plan are available at the City of Urbana's Community Development Services Department, the Planning Department for the City of Champaign, the Municipal Center for Savoy, MTD, CCRPC and at the two public libraries in Champaign and Urbana.

Acting Chairperson Grosser asked Mr. Halvorsen to cite a specific web address since the meeting is being televised. Mr. Halvorsen stated that people interested in reviewing the plan can go to www.ccrpc.org.

Acting Chairperson Grosser opened the agenda item for public comments and questions.

David Monk, of 115 North Market Street in Champaign, stated that he likes the idea of the plan being regional. He expressed his concern about railroads. He stated that REACH [CREATE] is really getting to the point of deciding where to send their traffic and where the population base is. It is likely that the first leg will come through Champaign. He mentioned that 1/3 of all the freight in the United States goes through Chicago, which is the reason for the REACH ring around. It is happening with freight and passenger lines being parallel, not sharing the same rails. This program would also increase safety because it would be taking semi-trailers off the interstate.

What comes through Champaign? There is a rail that comes from Indianapolis which joins in Champaign and goes onto Bloomington. If REACH eventually hits Bloomington and Springfield, then there will be a route for not only passengers, but for freight as well.

He mentioned that Warren Buffet has bought the rest of the Burlington-Northern Railway. This will change railroading a lot. He also talked about coal traffic.

Mr. Monk stated that the lines have to be straight. Straightness means that the train can move at high speeds on regular tracks. They will need to provide an overpass every two miles, which will allow vehicular traffic to go over the railroad and keep traffic flowing. Champaign-Urbana has a tremendous right-of-way. We could bring recreational tourism in from surrounding towns. There are companies that still use the rail system such as Solo Cup, Humko, etc.

Lastly, he pointed out that there will be a Civil Engineering Railroad Seminar held and the topic will be on the REACH program. There will be a guest speaker from the Canadian National Railroad.

With no further public input, Acting Chair Grosser closed the public input portion and opened it up for Plan Commission comments and/or questions.

Mr. Fitch wondered if the cost estimates included maintenance that would ordinarily occur in addition to improvements or does it only include improvements. Mr. Halvorsen explained that the cost estimates include maintenance, operations and capital improvements.

Mr. Hopkins noticed that the Rail Map implies a route for high-speed rail. The details of the route, as drawn, seem implausible. Is there any significance to where the line is on the map? Mr. Halvorsen stated that the line would follow the most likely route that CCRPC staff has been informed about. They are still investigating whether the route would continue south from Illinois Terminal down to Effingham and then go west.

Mr. Hopkins asked if this would be high speed. Mr. Halvorsen said yes. Mr. Hopkins commented that the line is drawn with a right angle. High speed rails are not going to go in a right angle. Since the point of the angle is shown to be at the Illinois Terminal, it makes the whole thing seem incredibly controversial. He recommended that the maps be changed.

Mr. Hopkins stated that after reading the plan, he understands it to imply that we want to compete for high speed rail access. Mr. Myers noted that he attended a meeting with the High Speed Rail Association. At the meeting, it was mentioned that a high speed rail between Chicago and St. Louis by way of Springfield at 110 mph is pretty much a done deal. What the LRTP is talking about is truly high speed rail that would be 220 mph. There was some talk at the meeting about a high speed rail going from St. Louis to Chicago via Champaign and Effingham. The reason for this is because that route has an existing wide railroad right-of-way. Mr. Hopkins recommended that they take the line representing high speed rail off the map in the proposed LRTP. They could use a symbol similar to the bubble to state that we are tracking high speed rail.

Mr. Hopkins went on to talk about the Road Map. There was an example from southwest Champaign to Carle where vehicle miles might increase and time would decrease. This raises a fundamental problem pointing out the dilemma of vehicle miles versus time. When he looks at the map, graphically what he sees is a circumferential (ring road), because that is what is represented on the map. The example indicates that what we are doing is increasing the accessibility of locations on the circumferential. If a person uses the circumferential to come back into the City it means that the person arrived at some place on the circumferential before arriving back at the City. Mr. Hopkins said he takes from the maps that Carle Hospital would eventually move out of Urbana. He feels this is a problem. Mr. Halvorsen replied that if people are reading the LRTP this way then that is a problem as this is in no way part of the plan.

Mr. Hopkins wondered if there is some way to show that the plan is not dispersing business on the fringe by highlighting other kinds of investments, maintenance, signal timing, etc. that are not shown on the map. Mr. Halvorsen restated that the plan indicates we are making investments in roads like Curtis Road where there is already development, people who live in south or

southwest Champaign and want to access core of the city, then it may be easier and faster to get there by using a newly improved arterial road rather than taking the traditional route and hitting all the stop signs and signals.

Mr. Hopkins commented that this is why we have shopping centers and why the Christie Clinic and Carle Clinic bought land on the fringe to move out there. There is nothing wrong with the logic. In fact, he agrees with it, but the plan is inconsistent with what we are claiming to try to do. Actually the allocation of funds is not as inconsistent as the map makes it look. Mr. Halvorsen pointed out that one of the issues they have with the way the federal funding works is that it is typically allocated to these larger more expensive regional projects which tends to be on the outskirts. When they composed the vision maps they did not supersede local planning processes. They hoped the comprehensive plans and the corridor studies in the municipalities would hold true and curb some of Mr. Hopkins' concerns. Mr. Hopkins stated that one way of doing this would be to extend the radials rather than build the circumferential. They would still be in the fringe and would still be considered regional scale in terms of projects. On the map, there is very little of this.

Mr. Myers remarked that changing the color coding might help communicate better. Some of the green lines shown on the map are radial street projects that have already been completed. The red line represents the arterial streets, of which many already exist such as Windsor Road and Route 130. A newly extended arterial that is represented in the 2005 Comprehensive Plan is Olympian Drive. The Olympian Drive extension is reflected in both the existing 2004 LRTP and in the 2005 Comprehensive Plan. In terms of future land use in those areas, obviously the City is going to follow the Comprehensive Plan.

We want future roadway improvements to be in sync with future land use designations. We do need these improvements for all different sources of transportation. One component of our regional transportation needs is arterial roads. Since this one component is the most expensive, we tend to look to the federal and state governments to help pay for those improvements. If the improvements are not shown in the LRTP, then the projects will not get funded by them.

Acting Chair Grosser noticed that the Stone Creek Subdivision was not included in the map of the Urbanized Boundary. He wondered why. Mr. Halvorsen responded that it could be that Stone Creek Subdivision in 2000 might not have had a high enough population or might not have been developed when the Census Bureau defined the urbanized area. Following Federal guidelines, they base it on a formula of population and density.

Mr. Halvorsen mentioned that the roadway map is the most up-to-date map that Champaign County Regional Planning Commission has in their GIS system. It is basically reflective of any new road that has been added this year. It may be a little misleading when looking at the new roadway map and then see the urbanized boundary area. They illustrated a larger outer boundary to highlight that there are new developments that are not currently incorporated in the LRTP.

Acting Chair Grosser commented that one of the bubbles mentions a possible interchange for Interstate 74 and northwest Champaign. Mr. Halvorsen replied that nothing specific is being proposed right now. The City of Champaign's Northwest Growth Area Plan suggested an interchange for this area. In order to get an interchange there, the City of Champaign would need to do an Interchange Justification Study and there is no funding at this time. The next big

interchange is slated to come in the Urbana location. Mr. Myers added that the Access Justification Study takes about five years.

Acting Chair Grosser inquired as to what the current status is for the I-74 interchange for East Urbana. Mr. Myers responded that the preference expressed by people in the Route 130 Plan was that the interchange would be located on Cottonwood Road or at 1800 East rather than at Route 130. Mr. Halvorsen added that in the recently passed state capital bill from 2010 to 2015, there was money allocated for this particular interchange study. The problem with a capital bill is that you never know if the money is coming or if the government will try to rescind the money at the last minute. Mr. Myers pointed out that Walmart and Menards representatives have indicated that their developments on Route 130 are not reliant on an I-74 interchange at Route 130 but would welcome the additional access if it would be located there.

Acting Chair Grosser wondered what is going on with the Florida Avenue extension to Route 130. Mr. Myers explained that there is a three-party agreement between the two property owners and the City of Urbana. He said he is not sure of the exact status; however, he would get that information for him.

Ms. Upah-Bant asked for more information about the high-capacity bus system. Would it cause spin-off development? Mr. Halvorsen stated that it is a purely transportation driven project. The projects include improving/reconstructing some of the roadways without adding lanes, adding on-street bike lanes, improving the sidewalks, build bus shelters on the routes and provide digital signs showing bus arrivals, etc. MTD partnered with the City of Champaign and with the City of Urbana, so it is really a three part grant through the Tiger Grant Stimulus Program. They call it the Core Area Mobility Project, because it is really the cores, the downtowns, and the core campus area. It is a way to link the two cities and the University as a whole and trying to do it through transit, bike and pedestrian modes instead of through automobiles.

Mr. Myers pointed out that this project has come about in the last year. It is not part of the City's Comprehensive Plan. MTD has an opportunity to increase frequency on their most popular routes. Also within the last year the TIGER Grant has been announced which is a specific pot of money of stimulus funds for large-scale transportation projects. The application has been submitted, and we should receive an answer in February of whether we have been approved. It would be used for improvements such as street reconstruction and bump outs and platforms where buses could load people.

Mr. Myers encouraged the Plan Commission members to read through the plan and provide any additional comments to CUUATS staff. All comments will be taken into consideration and be included in the Appendices. Mr. Grosser wondered if the minutes of this meeting would be included. Mr. Halvorsen said no, it does not include minutes. However, they do include agendas of each meeting they present at and plan to include the City Councils' and Board resolutions.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

APA Midwest Planning Conference – One of the fieldtrips had to do with the CREATE project discussed earlier this evening. He talked about how the freight traffic congestion in Chicago is impacting other cities in the region.
Green Corridors Project Public Workshop will be held on Saturday, November 7th at the Krannert Center from 9:30 am to 12:30 pm.
Sign Illumination Text Amendment was approved by the City Council. They also approved the Driveway Width Text Amendment and the Urbana-Champaign Sanitary District special use permit request.
Preference Requests for Paper or Electronic Copies of the Packets – We are looking for ways to move forward with electronic packets for those who prefer that format. Electronic format saves on the cost of paper and postage and provides a way to efficiently transmit the information.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **November 20, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Don White

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Rich Cahill, Paul Cheng, Paul Debevoc, Brad Gregorica, Hyun Kyang Lee, Shirley Stillinger, Susan Taylor, Crystal Whiters

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes of the October 23, 2008 meeting as presented. Ms. Upah-Bant seconded the motion. Robert Myers, Planning Manager, recommended the following change to the last paragraph on Page 3: Change "Carle" Park to "Crystal Lake" Park. The minutes of the October 23, 2008 were approved as corrected by unanimous voice vote.

4. COMMUNICATIONS

- Email from Georgia Morgan regarding Plan Case No. 2074-T-08

- Revised Article VI. Development Regulations of the Urbana Zoning Ordinance for Plan Case No. 2063-T-08

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Robert Myers, Planning Manager, presented an updated staff report for the proposed text amendment to the Plan Commission. First, City staff would be willing to add one more resident to the list of members of the Design Review Board. He advised the Plan Commission to think about this. This might increase the chances of the Plan Commission not being able to get a majority vote. An option would be to eliminate one of the professional board members such as the developer or the realtor. Second, staff noted that the language about the prohibition of an appeal of a joint decision of the Zoning Administrator and the Chair of the Board has been eliminated. Third, under administrative review, he recommended striking #3 (*Changing the floor area ratio of an existing principal structure by more than 5%*) from the list of criteria that should be met. Upon reflection, this criteria isn't necessarily related to exterior changes. For instance, attic space converted to a dwelling unit that would change the floor area ratio but would not change the exterior of the property. Most changes to the exterior would trigger a change to the footprint of the existing structure, and this would be covered under Criteria #2 (*Changing the building footprint of an existing principal structure greater than 15%*).

Mr. Grosser questioned what would happen if the Zoning Administrator and the Chair of the Board did not agree. Mr. Myers replied that the Zoning Administrator is designated with making the determinations on the Zoning Ordinance. Consultation with the chair of the Board is necessary, but ultimately the decision would be up to the Zoning Administrator. Like any decision in the Zoning Ordinance, the Zoning Administrator's decision can be appealed. He felt that especially given recent events, the Zoning Administrator will have a heightened sensitivity about whether or not a project is considered a major or minor work and when a project would go before the Board.

Ms. Stake commented that there is not any language in the proposed text amendment that tells them what a minor visible change is. Do other cities have administrative review or do development projects go directly to the Board? Mr. Myers replied that on Page 150 of the Zoning Ordinance, it states that if a project requires a building permit and can be seen from a public right-of-way or alley, if it is construction of a new principal structure, changing of building footprint of an existing principal structure greater than 15% and substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board Chair, then it will be considered a major work and go before the Design Review Board.

Many cities have administrative review. Some do not and every project goes to the Board. This is not something that City staff or the Board would want however, because there are many

projects that are minor works and do not need full review by the Board. It would take longer and is simply unnecessary. If the approval process is a burden to perform simple projects, then people will stop doing exterior maintenance and repairs on their homes.

With no further questions for City staff from the Plan Commission, Chair Pollock opened the hearing for public input.

Shirley Stillinger, of 1003 South Busey Avenue, mentioned that she lives in the middle of the Lincoln-Busey Corridor. She cannot come to grips with the makeup of the proposed Design Review Board. She does not see the rationale in having a developer serve on the Board. What role would they play? They could remove the developer and realtor and add two more residents and still have a seven member board.

Rich Cahill, of 307 South Orchard Street, stated that he sees many parallels between the proposed ordinance and the MOR ordinance. He finds it good with what City staff has clarified what would be considered for administrative review, but he also feels that there should be criteria regarding parking and another for the removal of trees. The problem with the notification process is that it is impossible to notify everyone when a project is being administratively reviewed. He did not see Urbana connected with the other municipalities mentioned in the chart on Page 2 of the written staff report. None of them, except maybe College Station, Texas, relate to Champaign-Urbana. He does not have an issue with the makeup of the proposed Design Review Board. He understands the purpose for having a developer and a realtor serve on the Board. He asked staff and Plan Commission to consider tightening up the Administrative Review section. He mentioned that he would like to see some of the changes in the proposed Ordinance be proposed to help fix some of the problems with the MOR Ordinance at a future time.

Paul Debevoc, of 708 West California Avenue, expressed his concern about the administrative review section. He talked about the four criteria that City staff is proposing to be met to determine whether a project could be administratively reviewed or whether it requires full review of the Design Review Board. He projected photos of different properties along West Green Street, including 601 West Green Street which is the property that has created much controversy in the MOR Zoning District. He questioned whether the proposed Ordinance for the Lincoln-Busey Corridor is more stringent than the existing MOR Ordinance. Chair Pollock asked if the redevelopment of the existing structure at 601 West Green Street would have required Board review under the proposed ordinance. Mr. Myers replied yes, he believes it would have.

Chair Pollock questioned if the parking behind 601 West Green Street would require Board review. Mr. Myers said that a parking increase would probably fall under the criteria of substantial change, but if the Plan Commission felt it would be helpful to clarify, then they could add another criteria regarding parking triggering Board review.

Ms. Stake inquired if a developer/property owner could change every side of a house without having the Board review the project. Mr. Myers said it would be possible, yes. For instance, they could install siding without going before the Board. They could also change out all of the windows without triggering Board review. However, if they bumped out all four sides of a

structure, then it might trigger Board review if it affects the footprint of the structure by more than 15%.

The Plan Commission discussed why the sides of 601 W Green were boarded up. Although it appeared as if there were not going to be any windows on the first floor, window openings were boarded just during construction. They also talked about the removal of trees. Chair Pollock asked if removal of trees would trigger Board review in the proposed text amendment. Mr. Myers said no because the City does not have a tree preservation ordinance.

Dick Brazee, of 905 South Busey Avenue, stated that he lives in the middle of the Lincoln-Busey Corridor. His property shares a corner of a property that started the issues with parking about four years ago. The issue at the time was the green space and the paving over that upset the residents in the area. He encouraged the Plan Commission and City staff to continue discussing loss of green space, installing parking lots, and removal of trees as triggering design review.

With no further comments from the public audience, Chair Pollock closed the public input portion of the hearing. He then opened it up for Plan Commission discussion.

Ms. Burris stated that she applauds the work that has been done and understands why, but she is not convinced that the proposed ordinance is the right thing to do. This is not a direction in which she wants to go in, so she cannot support the proposed text amendment.

Mr. Hopkins felt that there is still more work to do on the proposed ordinance. He would not want this for his neighborhood for reasons that Ms. Burris is talking about. Many of the things that he has done to his house and to his yard would not have been approved by a Design Review Board. Regarding the membership section of the proposed Ordinance, he finds it intriguing that in order to have a voice and serve on the proposed Design Review Board one must own a property in the district and live in it. This country long ago did away with property ownership requirements for participating in government. Also, he understands that the developer and realtor are positions to counter the notion that only single-family owner-occupants in the districts should have a voice. However, there are other ways to represent the rest of the community other than having a developer and a realtor serve on the board. Why isn't there a renter in the district serving on the board? We need to be really careful about the makeup of the membership. He recommended deleting the requirement of it being an owner-occupant who serves on the board.

Chair Pollock suggested changing the language on page 148 of the proposed Ordinance to read, *"Two residents of Urbana. The residents should include one representative from each design review district who owns ~~and~~ or occupies…."*. Mr. Hopkins stated that this raises a very interesting possibility because it suggests that it could be an owner of a rental property or it could be a renter in the rental property. However, making this change will completely change the politics of what people are trying to accomplish with the proposed Ordinance.

Ms. Stake believes that the problem started with the MOR Zoning District. The idea was to keep the history of the structures by leaving them as they were and not by demolishing them and rebuilding structures. That lowers adjacent property values because of the increase in the noise pollution, the increase in the number of vehicles and the decrease of open green space. She is

concerned about the 28% of properties in the district which are single-family, owner-occupied home owners.

Ms. Burris thought the assumption that renters do not care for their homes is absurd. It is the individuals who live in the structures that make the community, not the people who own them. Ms. Stake replied that she is talking about developers coming in and tearing down the existing structures to build something else. Chair Pollock pointed out that the proposed Ordinance does not change the zoning, so it does not ensure that a structure will not be torn down and something else built in its place if the zoning is appropriate.

Chair Pollock stated that from the discussions they have held so far regarding the proposed text amendment, he wonders what the goal of the proposed text amendment is. Why has it come before the Plan Commission? What is the ultimate goal that they are trying to achieve by passing this kind of legislation? It appears that the Plan Commission members, City staff and the public are not in concert on the answer to these questions. Mr. Myers replied that in the fall of 2006, City Council directed City staff to pursue six strategies to improve the quality of life in West Urbana and other neighborhoods. One of the six strategies was design review in the Lincoln-Busey Corridor. Although the vast majority of the West Urbana Neighborhood was down zoned in the early 1990s – meaning that not much more could be built within the neighborhood -- the Lincoln-Busey Corridor was not rezoned. The zoning is still mixed in the Lincoln-Busey Corridor and there are still some higher zoned properties with less intensive uses. Chair Pollock noted that there were in fact a few properties in the Lincoln-Busey Corridor that were down zoned. If the intention is to prevent large scale development in the mixed area, then they need to ask themselves if the proposed text amendment will accomplish this goal. Mr. Myers pointed out the proposed design guidelines are not intended to prevent large scale development, but that if it happens it should respect its neighbors.

Mr. Hopkins stated that the reason the Lincoln-Busey Corridor is of focus is because it is a transition point. It is the border where things change from one thing to something else. It is also a transition in that it is changing. Therefore, he sees the proposed design guidelines and text amendment as a guide to ensure that the changes would be more acceptable to everyone, but it is not designed to stop change.

Mr. Fitch agreed with Mr. Hopkins. He stated that although he could not speak to the Lincoln-Busey area, but he could speak about the next area to possibly use the design guidelines, which is in the Historic East Urbana Neighborhood. Zoning is the key. Design guidelines just guide the development of new structures to fit in more.

He likes the makeup of the proposed Design Review Board. He would accept changing the wording from “property owner” to “resident” in the language of the proposed ordinance that talks about the makeup of the board.

Mr. Grosser agreed with the discussions of the Plan Commission. He addressed Ms. Stillinger’s question about why a developer would serve on the proposed board. A developer can help answer questions about what the possibilities could be other than what is being proposed on a site plan. A developer offers the logistics of what it means to develop a piece of property.

Having said that, he did not see the purpose for having a real estate professional serve on the Board. He agrees with Mr. Hopkins about not restricting the resident board members to only property owners. A characteristic of this area is that many people who live in the area do not own property. So it would make sense to change "and" to "or." He also would not want this in his neighborhood. However, he feels that it is important that the characteristics of this particular small passage of the City are pretty unique. The people who live in the Lincoln-Busey Corridor want the proposed text amendment as well.

Mr. Fitch suggested the following. Rather than striking #3 in G.4 Applications, they could add to the end *"that substantially change the appearance."* Second, add language to #4 in G.4, so that it reads as such, *"Substantially changing the appearance and/or scale of an existing building including the building, grounds and parking, as determined by the Zoning Administrator…"*. Third, include language that requires the Zoning Administrator to report any administrative review to the Design Review Board, and provides a mechanism for the Design Review Board to override the Zoning Administrator's decision forcing the application process and the Board's consideration.

Mr. Grosser wondered how this would be different from having every project go before the Design Review Board. Mr. Myers responded that Mr. Fitch's third suggestion would cause the building permit application to delay acting on the permit until the next Board meeting, just to insure that administrative approval wasn't overridden. This could mean a delay of a month or so for the Board to meet.

In terms of Mr. Fitch's second recommendation, Mr. Myers said that a building permit application is the trigger for review. A developer and/or property owner would be required to obtain a building permit for everything we've discussed except the removal of trees, because the City does not have a tree preservation ordinance. Parking lots have not always required building permits, but this changed about a year ago and are now required.

Ms. Stake inquired about administrative review. Would the developer/property owner still need to show what they are planning to do? Mr. Myers said yes. They would need to submit an application and the application would have to meet the design guidelines. It would also need to include a site plan of what the project would look like when finished.

Ms. Stake commented that maybe the Design Review Board could meet more than once a month. Mr. Myers replied that we do not want to discourage maintenance and repair. If someone is performing a minor repair such as reroofing a house with exactly the same kind of asphalt shingles, do we really want to take up the Board's time to review it? There is a lot of work that goes on behind the scene. City staff prepares and sends out 60 copies of the packets, notices are published in the *News-Gazette*, hours of preparation of minutes, etc. He suggested that based on comments tonight that parking be added as triggering board review. He feels that along with the other proposed criteria it would catch any major or even medium development project and require it to go before the Board.

Chair Pollock asked if there was any objection to striking #3 criteria (floor area ratio) from the list as recommended by Mr. Myers during his staff presentation. Mr. Hopkins stated that if they

strike #3 from the list, then a case like 601 West Green Street does not necessarily trigger Board review, because the building footprint could be interpreted to include all of the porches. So, if you take all of the porches, it could double the footprint of the building. If you do not have any indicator based on floor area ratio, then there is nothing to trigger with respect to that. So he would be inclined to include such a trigger. But he also feels that 5% may be too small as a change in floor area ratio.

Chair Pollock asked the members of the Plan Commission if they want to send this back to the City staff to make changes, then what do they want to change?

Mr. Hopkins discussed the following issues:

1) G-1 – He feels that this implies that a developer/property owner has to apply for a design review application anywhere in the City. In actuality, it only applies in a design review district. It also begs for a cross reference, where any general rules about applying for a building permit ought to indicate that if a person is applying for a building permit in a design review district, then they are required to apply for design review. They need to either assume or specify that this only applies to projects that require a building permit, and that this is an additional component of a building permit in particular districts. We also need to get the right set of labels associated with triggering this because a building permit does not include plumbing or electrical.

2) G-4a – He suggested changing the language to read as such, *"Design Review Board Review. Applications for the following projects, and ~~where~~ if visible from public rights-of-way other than alleys, shall be subject to review by the Design Review Board."* On the other hand, he did not believe that this phrase should be included because it begs a whole lot of additional complications that they do not want to deal with. How do they decide if something is visible?

3) Zoning Administrator's Decisions – There are two types of decisions that the Zoning Administrator can make. The first one is whether a project needs to go before the Board or not. The second is the actual design review decision. He believes that the Zoning Administrator should report a project to the Design Review Board immediately if she decides that it only requires administrative review. Then the Board members could decide to override her decision and require review by the Board. This process would be different than informing the Board of an administrative decision by the Zoning Administrator and the Chair after a building permit has been issued. He pointed out that you cannot make a building permit retractable a month later when the Board finally meets. This would also help clarify what decision of the Zoning Administrator is appealable. The administrative decision of approval of a project does need to be reported, because it is appealable to the Zoning Board of Appeals. Therefore, he feels that the procedural steps need to be clarified.

Mr. Myers stated that the Zoning Administrator makes literally thousands of administrative decisions a year – day in and day out. Permits are issued. Every single day there are dozens of issues that administrative decisions are made on whether or not they meet the Zoning Ordinance or not. He advised against having to notify everyone of all administrative decision made in the district but said that it shouldn't be a problem just to report to the Board joint determinations of Zoning Administrator and the Chair on design review applications.

Mr. Grosser believed that there should not be any recourse by the Board. So many of the decisions are going to be things that the Board does not want to see or know about. This is the reason why City staff is suggesting that they be administrative review. The answer is to make the administrative review criteria strong, so we are confident that nothing controversial will slip through. We could certainly have the Zoning Administrator report to the Board, the same way City staff reports to the Plan Commission at the end of the meeting. Chair Pollock agreed that by giving the Board the ability to override the joint decision of the Zoning Administrator and the Chair of the Board, they would be compromising the Zoning Administrator's ability to make administrative decisions.

Chair Pollock took a poll to see how many of the Plan Commission members felt the floor area ratio percentage should be higher than 5%. The majority of the Plan Commission agreed.

Chair Pollock took a poll to see how many of the Plan Commission members felt that there should be an additional criteria triggering Board review of parking lots. All of the Plan Commissioners agreed.

Mr. Fitch thought J.2 Application Review Criteria should specify that new guidelines should be reviewed by the Plan Commission as well as amendments to the old guidelines. Mr. Myers stated that he would add that.

Mr. Grosser asked if the design guidelines are part of the ordinance or will it get passed separately. Mr. Myers explained that the design guidelines would be passed at the same time as the Ordinance, except it would be assigned a separate ordinance number.

Ms. Stake inquired about the makeup of the Board again. Mr. Grosser suggested removing the realtor from the list of members. Ms. Upah-Bant believed it might be appropriate to have a real estate agent on the Board, because it would affect their colleagues' income. Mr. Fitch added that a real estate agent could be beneficial in that they could give input as to how a development project would affect the value of the properties around the project site. There was a split in the Plan Commission about whether or not the real estate agent should be removed from the list.

Regarding changing *"and"* to *"or"* in C.d.b on Page 148, Mr. Myers pointed out that the current proposed language states that it *"should"* be single-family owner-occupied residents in the district, but that does not require the two residents to be single-family owner-occupied residents in the district. If they make the requirements too specific, then it makes it more difficult to find people willing to serve on the Board. The majority of the Plan Commission agreed with the language change from *"and"* to *"resident, owner or tenant"*.

Mr. Fitch asked City staff for a count of the number of building permits that were issued in the Lincoln-Busey Corridor over the last year. Mr. Myers said that they could supply that information for the Board.

Mr. Hopkins raised an issue about the word "should" versus "shall." He did not feel that most of the people would recognize what *"should"* really means in terms of an ordinance. Chair Pollock

pointed out that it does not say *"must"* and it leaves some leeway for the Mayor to make sure the Board has enough people to function if there are not residents willing to serve.

With no further discussion, Chair Pollock continued this case to the next scheduled meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed changes through Article II when Robert Myers, Planning Manager, suggested continuing this case to the next scheduled meeting to allow time for the staff report on the Cunningham Avenue Beautification Plan, which is scheduled to go before City Council on December 1, 2008.

Chair Pollock asked Plan Commission members to read through the staff report and attachments related to the proposed text amendment. Rather than Mr. Engstrom going through each revision one by one at the next scheduled meeting, the Plan Commission should come prepared with specific questions or concerns. The Plan Commission agreed, and the case was continued to the next scheduled meeting.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Paul Debevoc, of 708 West California Avenue, talked about the proposed omnibus text amendment for the Urbana Zoning Ordinance in Plan Case No. 2063-T-08. He stated that it is a very long document and very hard for a single individual to review all of it.

Listed below are some of his suggestions:

- City staff should come up with some mechanism to have someone sign off on every page of the proposed ordinance.
- He also believes that regarding the zoning map, there should be some list or map available to the public indicating all of the non-conforming properties in the city. There is no easy way to get this information.
- It would be helpful to have a connection to the Assessor's database to make it easier to get information regarding properties.

- An authorized copy of the Zoning Ordinance should be available at the Urbana Free Library.
- Some typos that need to be looked at:
  - Figure 1 (Floor Area Ratio) and Figure 2 (Open Space Ratio) – The drawings should be accurate.
  - Table V-1 (Table of Uses) – Is agriculture really a permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts?
  - Formula for parking space calculation should be looked at again, because it did not calculate correctly.

Regarding open space ratio (OSR) illustration in the definition section, Mr. Myers stated that a certain percentage of a roof and balconies are included into the OSR. There could be a courtyard on the roof designed for people's use. Also, agricultural uses are permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-6B Zoning Districts. This is not a mistake.

10. STAFF REPORT

Mr. Myers reported on the following:

- Crystal Lake Neighborhood Plan was adopted by the City Council on November 17, 2008 as an element of the Comprehensive Plan.

11. STUDY SESSION

Review and Comment on the Cunningham Avenue Beautification Final Report

Ryan Brault, Redevelopment Specialist in the Economic Development Division, presented the final draft of the Cunningham Avenue Beautification Plan to the Plan Commission. He gave a brief introduction and provided background information on the proposed plan. He reviewed the general recommendations and design elements of the plan. He talked about the planning implications and the financial impact.

Chair Pollock inquired about the roundabout that the consultants propose for the intersection at Country Club Road/Perkins Road and Cunningham Avenue. He felt this should be stricken from the plan because it would be a disaster. Mr. Brault responded that the roundabout was identified in the plan as an alternative and which the Illinois Department of Transportation (IDOT) would most probably not allow it to be constructed anyway.

Ms. Stake felt it was wonderful to put in public art and planting trees. She asked if they would use trees indigenous to Illinois. Mr. Brault replied that the plan calls for native plantings. The plan would be to use trees that are indigenous to our specific area.

Mr. Grosser felt it important to clarify that the public art recommendations in the report are only suggestions or possibilities. Decisions on specific art would be up to the Public Arts Commission. Mr. Brault explained that every concept in the plan is a suggestion and is not mandatory. It is a concept plan which is intended to be visionary. However, the plan does

provide a design theme, and City staff does want to try to make real ideas fit the theme of the plan.

He pointed out that the public art piece shown extending over Interstate 74 would most likely not be allowed by IDOT as illustrated. IDOT does not want to allow anything in the right-of-way that would be distracting to drivers as they travel over the bridge. IDOT is willing to work with the City on doing other improvements. For instance, IDOT would allow art work that is affixed to the retainer walls on the sides of bridges. It is integral to the bridge, and it is basically decorative railings and landscaping around the bridge.

Mr. Hopkins mentioned that the new bridge on Curtis Road and Interstate 57 supposedly has some of these features. He asked who is spending their money this way. His reaction is that if he was considering how to spend the City budget or a TIF (Tax Increment Finance) budget to which he was contributing as a developer or a land owner, the priorities do not make sense to him. He does not see why park benches should be installed on what is not -- and probably should not be -- a pedestrian corridor.

Chair Pollock asked if a TIF District is not designed to eliminate blight and promote economic development using the tax funds within the district to pay for the improvements. Mr. Brault said yes. Chair Pollock commented that he did not see that the recommendations in the proposed plan do either one of these. It is very nice to look though.

Chair Pollock inquired as to how much it cost the City to do the study. Mr. Brault said it was around $100,000. Mr. Pollock said that municipalities across the country are suffering because of the current economic situation. It is liable to get worse. He would ask that the City Council question where they spend all revenues such as TIF funds, including the $100,000 it cost to hire a consultant to draw up the proposed plan. Although he likes some of the ideas that the consultants have come up with, he questions whether this is the best place for the City to be dedicating its shrinking resources.

Mr. Brault stated that he will take the Plan Commission's comments and concerns to the City Council. They have already had an opportunity to study the proposed plan in draft form.

Chair Pollock questioned how much money was spent on the plan to prepare drawings and plans for elements that IDOT has never had any intention of approving. He could never imagine IDOT allowing a roundabout on a four lane major access point into Urbana. Mr. Brault replied that the consultants have done roundabouts in other cities. Mr. Hopkins added that the reason IDOT will not allow a roundabout at this intersection is not because it should not be there, but because people in places like Urbana do not know how to use roundabouts. Elsewhere roundabouts work efficiently, even on four lane highways. Mr. Brault pointed out that even the City of Urbana's Public Works Department was skeptical about the roundabout, which is why City staff insisted that the consultant use other intersection treatments in the proposed plan. The consultant and City staff did not receive feedback from IDOT until after the plan was well underway.

Chair Pollock questioned if City staff has any idea of how much funding and matching funding might be available from the state and/or federal government. What would the remaining amount

of cost be for the City of Urbana? Mr. Brault stated that there is not a definite answer at this time. There may be some grants available. Chair Pollock commented that there would be several million dollars at the responsibility of the City, and it would need to be budgeted within the CIP (Capital Improvement Plan). In the face of the other things that the City needs to do -- in terms of infrastructure, repair and maintenance -- he questions whether this would be a wise expenditure. Mr. Brault remarked that there would also need to be much more investment along Cunningham Avenue before the City would be able to have enough TIF funds to implement this plan. The plan is really meant to provide various idea that the City can pick and choose from to have the most impact and be the most beneficial to the City.

Chair Pollock stated that he did not want to be too harsh and rain on anyone's parade because there are some elements in the proposed plan that would help the Cunningham Avenue Corridor that could be done relatively inexpensive. However, on each step of this, he would ask the question in terms of use of TIF funds, what really is the payback in terms of development and increase in tax revenue within the district for what the expected use of the funds is suppose to be.

Mr. Fitch agreed with the commentary. He asked if any of the merchants along Cunningham Avenue had expressed any opposition about driveway closures. Mr. Brault said no. City staff presented the proposed plan in draft form at one of the North Cunningham neighborhood business group meetings. None of the business owners expressed concern about this. It only refers to unused and unnecessary driveways.

With no further comment, the study session ended.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **December 4, 2008**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: none

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared with all members present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested changing the order of the agenda. The first change is to move Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 under Item 7. The second change is to follow these two cases with Plan Case No. 2063-T-08 under 5, Continued Public Hearings. Lastly, the Plan Commission will consider Plan Case No. 2074-T-08. With no objections from the other members of the Plan Commission, these changes were approved.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the November 20, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

5. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road.

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Residential Zoning District to City R-3, Single and Two-Family Residential Zoning District upon annexation.

Rebecca Bird, Associate Planner, presented these two cases together to the Plan Commission. She began by briefly introducing the purpose for the proposed annexation agreement and rezoning requests and by providing background information on the proposed site. She talked about the proposed zoning of the property and reviewed the La Salle National Bank criterion that pertains to the proposed rezoning request. The closest portion of the City, about 600 feet away, is zoned R-3, Single and Two Family Residential, which allows duplexes by right if the property meets certain minimum standards. She reviewed the options of the Plan Commission and presented staff's recommendation for both cases.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. No one spoke.

Mr. White noticed that the surrounding properties in the County are single-family residential. Ms. Bird pointed out that the property directly to the west is a duplex. Merl Mennenga, Mennenga Construction, Inc., clarified that there are two duplexes immediately to the west of the proposed site.

Ms. Stake wondered how the two duplexes were allowed in a single-family residential zoning district. Ms. Bird that the duplexes may have also been built prior to the change in the County R-1 Zoning District, which now restricts duplexes, or the duplexes might have obtained special use permits in the County under the current zoning.

Ms. Stake commented that none of the maps show what the surrounding properties are zoned in the County. Is it all single-family residential except for the two properties with duplexes on them? Mr. Myers said that prior to this request, the Mennengas applied with Champaign County for a Special Use Permit so they could hear any concerns from their neighbors. Champaign County approved the Special Use Permit application to construct a duplex; however, due to sewer service permit requirements, the petitioner cannot act upon the Special Use Permit until they get an annexation agreement with the City.

Ms. Stake stated that it appears there are still properties available to build on. Is this correct? Mr. Mennenga answered by saying that all of the lots have buildings on them. There are no

vacant lots. Ms. Stake asked if more duplexes could be built on the empty space of each lot. Mr. Myers said that the County allows only one primary structure per lot.

Ms. Upah-Bant inquired as to whether the duplexes to the west were hooked up to the sanitary sewer. Mr. Mennenga replied that the duplexes to the west are in the County.

Ms. Upah-Bant did not understand why they needed to bring this property into the City. She does not like having spot annexations. Mr. Myers explained that the proposed property would not actually come into the City unless the City's boundaries reached the property at some point in the future. The annexation agreement is required because the City of Champaign and the City of Urbana have agreements with the Sanitary District that they will not provide any permits to connect to the sewer system unless a property is either annexed or has an annexation agreement with the appropriate City.

With no further comment or concerns from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that these cases would be presented to City Council along with the Plan Commission's recommendation on December 15, 2008.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

Article IV. Districts and Boundaries

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received a number of complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking for shopping centers has usually been easily worked out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add "*recycling center*" as a special use in Industrial zoning districts.
5. Move "automobile salvage yard (junkyard)" to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of *"recycling center"* in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for *"junk"* but not *"recycling center."*

Mr. White inquired as to the difference between a *"junkyard"* and a *"recycling center."* Mr. Engstrom read the definition of *"salvage yard"* for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

Article VI. Development Regulations

Section VI-5.B.13 Yards - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

Section VI-5.E.2 Yards – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

Section VI-6.A Screening – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

Section VI-6.C and D Screening – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that buildings constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

Article VII. Standards and Procedures for Conditional and Special Uses

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article VIII. Parking and Access

Table VIII-3. Widths for Access Drives – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

Section VIII-7. Bicycle Parking – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of "*daycare facility*" or is it simply adding "*daycare facility*" to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

Article IX. Comprehensive Sign Regulations and Article X. Nonconformities

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

Article XI. Administration, Enforcement, Amendments and Fees

Section XI-10.B – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers explained that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during

this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

Section XI-12.C – Make some minor word substitutions.

Chair Pollock asked if *"owner-occupant"* refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

Section XI-12.E – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

Section XI-12.F – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which require a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions requires a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is set up so the Board can never pass anything, then can they really improve anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

Section XI-12.H – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

Article XII. Historic Preservation and Article XIII. Special Development Provisions

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff's rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking; a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of in a garage, car parts outdoors, extra cars parked on the street – that's a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that's not necessarily because of the type of home occupation.

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

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make $500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City

staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said $25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes'

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner/Historic Preservation Planner, presented a brief update to the staff report. She reported on the changes made since the last meeting. Those changes include:

- Adding one additional resident to the Design Review Board membership
- Expanding the language to include the installation or enlarging of a parking lot as one of the types of projects that would require review

- Adding language to further clarify what types of projects are subject to what level of review
- Adding language requiring new and amended guidelines to be reviewed by the Plan Commission.

She noted staff's recommendation, which is that *the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval of the Lincoln-Busey Design Guidelines, approval of the Zoning Ordinance text amendment as written in the handout listed under Communications of these minutes, and approval of the Lincoln-Busey Corridor Design Review Overlay District.*

Regarding Section XI-15.F.3, Chair Pollock requested that staff clarify the meaning of the additional language, *"…but in no case shall action be taken by less than 4 votes"* as suggested in the handout. Does this mean that there must be four votes in favor of an action to pass? Or does this simply require four members to vote and a 3-1 vote would pass a motion?

Mr. Grosser pointed out a typographical error on Page 148 under Section XI-15.C.d.b. *"Three"* should be *"Four"* with the revised language adding an additional member. Mr. Hopkins also pointed out that the language in Section XI-15.H.2 and F.3 should be consistent. He pointed out that it is also unclear about whether an abstaining member of the Design Review Board is included in the vote. To be consistent with the MOR Development Review Board, and what was just approved in the previous text amendment, he agreed that an abstaining member should not be included in the vote. He suggested that it read, *"Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total."*

Mr. Hopkins agreed.

Ms. Stake moved that they should change the language in Section XI-15.C.1.d.b to read, *"…The residents ~~should~~ shall include a representative from each design review district who owns ~~or~~ and occupies a residence in the district. If there is only one design review district, other residents ~~should~~ shall own or occupy a residence elsewhere in the ~~City~~ district."* Ms. Upah-Bant seconded the motion.

Ms. Stake feels it is only fair to have at least one person who owns a home in the district to serve on the board. She believes that a person who lives in the district will be more concerned about what happens in the district than say a real estate agent or a local developer.

Chair Pollock commented that a motion was premature since the Plan Commission had not yet held public discussion on this case yet. The motion and second were withdrawn.

Chair Pollock then asked if there were any more questions from the Plan Commission members for City staff.

Ms. Stake wondered why City staff changed the percentage of an increase in the floor area ratio (FAR) of a building used to determine further review of submitted redevelopment plans by the Design Review Board from 5% to 15%. Robert Myers replied that staff was following through

with a request by the Plan Commission to increase the percentage. The Plan Commission has the could change the percentage.

Ms. Stake inquired as to the difference between the FAR (floor area ratio) and the footprint of a building. Mr. Myers explained that the footprint is the outline of the building on a lot. Typically, the footprint includes any portion of the building that touches the ground or extends below the ground. The FAR is the ratio between the total square footage of the building and the lot area. The FAR comes into play because it essentially defines how tall the building can be in the relationship to the lot.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was none. Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Grosser would not like to have eight members for the Design Review Board. It gives more power to deny a case. On a seven-member board, it takes four votes to approve or deny a motion. However, on an eight-member board, it takes four votes to deny and give votes to approve.

Chair Pollock pointed out that the eighth person came from the Plan Commission's desire to have more residential representation on the board. Mr. Grosser responded that he understood this, and he mentioned that he did not feel strongly about what a real estate agent could bring to the board.

MAIN MOTION
Mr. Fitch moved that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

AMENDMENT #1
Mr. Grosser moved to amend the motion by removing the real estate agent from the list of Design Review Board members and keeping it a seven member board in Section XI-15.C.1.d.a (Page 148). Ms. Stake seconded the motion.

Mr. White commented that a real estate professional would be very objective. Ms. Stake pointed out that several citizens have testified at previous meetings expressing their desire to get rid of the real estate agent. She did not feel that a real estate agent was needed either. There is a developer and that is enough.

Roll call on the amendment was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	No
Mr. Grosser	-	Yes	Mr. Hopkins	-	No
Mr. Pollock	-	No	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	No

The motion to amend failed by a vote of 4 – 4.

AMENDMENT #2
Ms. Stake moved to amend the main motion by changing the FAR requirement mentioned in Section XI-15.G.4.a.3 (Page 150) from 15% to 10%. With no second, the motion to amend died.

AMENDMENT #3
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say *"and"* instead of *"or"* and change *"city"* to *"district"*. Ms. Burris seconded the motion to amend.

Ms. Burris recalled having a lengthy discussion during a previous Plan Commission meeting about making the change that is currently in the proposed text amendment. The proposed wording is used because the Plan Commission wanted to allow residents who both rent and own/and live in the area a place on the Design Review Board. Renters should have just as much of a voice as people who own their homes. She feels that the language should remain as it is currently written without any changes. Also, she does not like the idea of changing "city" to "district" because it is a City board. Some of the members should remain City-wide.

Mr. Fitch agreed with Ms. Burris' explanation of why the proposed wording is being suggested by staff.

Ms. Stake disagreed with Ms. Burris' in that the board should not be city-wide. People who care about the Lincoln-Busey Corridor should serve as members on the board. Residents from south Urbana do not care about the Lincoln-Busey Corridor.

Mr. Grosser expressed his concern about the proposed amendment. As currently written, the proposed text amendment would include residents from the Lincoln-Busey district. With the amendment that Ms. Stake is suggesting, if there should ever be three districts, then there would be no option for a renter to serve on the Design Review Board. There would only be owners who occupy their homes serving on the Board. The Mayor will make nominations and the City Council will approve the nominations of the members who serve on the Design Review Board. It is reasonable to presume that the Mayor and the City Council will not approve of a board that has zero owner-occupied residents on it from the district.

Mr. Hopkins understood Section XI-15.C.1.d.b to only apply to the Lincoln-Busey Corridor Design Review Board. If there is another district, then there would be another constitution of a board to serve that district. If this is the case, then the wording proposed in the text amendment does not say this. He mentioned that he does care about what happens in the Lincoln-Busey Corridor, but for different reasons than the residents living there. He cares in that the proposed text amendment is a City ordinance and not a neighborhood self-protection deed restriction. What the City staff is going to enforce and enable to happen in the City affects lots of other things about the City. This includes the City's tax base and who gets to live where, how far students have to commute to campus, and many other things. To say what the City makes happen in one little neighborhood can be decided just by the people who live that neighborhood, it misrepresents what City action is all about.

Ms. Stake feels that the majority of the people in the City care about the City in some sense or another, but as for every other neighborhood, they do not care as much as the person who lives

next door to something that is being built. This is only design review. It does not include all of the other rules for the Lincoln-Busey Corridor. There is going to be change in the Lincoln-Busey Corridor. Some people may like the changes, but some of the people might be disturbed by it. One of the things that the City can do is to have more residents serve on the board so redevelopment plans can be discussed more so there are fewer controversies about what happens when new issues arise.

Mr. Grosser asked City staff for clarification on Mr. Hopkins' previous comment. Ms. Bird explained that the proposed text amendment creates a Design Review Board. It does not create a Lincoln-Busey Design Review Board. The Design Review Board would review design in any district that has adopted design guidelines.

Mr. Grosser asked if the membership would potentially shift if a second district would be created. Ms. Bird said no, not with the way the proposed text amendment is written. Chair Pollock noted that if the motion to amend was approved, then it would change the makeup of the Board. Mr. Grosser then asked if the motion to amend is approved and three districts are created, is it correct that there could not be a renter on the Board. Chair Pollock said that is correct. The only way a renter would be allowed to serve on the Board would be to increase the number of members.

Ms. Stake stated that this was not her intention. She only wants at least one owner-occupant to serve on the Board. Mr. Hopkins pointed out that if they just make the word changes that Ms. Stake proposed, then it does not accomplish what she describes as her intention. Her intention is that there be three residents on a Busey Corridor Board, not a city wide Design Review Board. One of the three residents must be an owner-occupant. The other two members could be owners or occupants (renters) that live in the district. Ms. Stake withdrew her motion to amend.

AMENDMENT #4
Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say that three members must be residents who live in the district and at least one of the three should be an owner-occupant. If there are other districts, then the members will be the same except for the three residents. Ms. Upah-Bant seconded the motion.

Mr. Fitch felt this goes back to the very first meeting. This was discussed and the consensus was that this might not be workable to have three people rotating on and off of a board. Mr. Grosser understood the motion to amend to apply only to the Lincoln-Busey Corridor. Ms. Stake commented that she did not understand why this could not be for the whole City if only three people change when a new district is added. Chair Pollock explained that the proposed ordinance is written for a city-wide Design Review Board. Her motion recommends that they change that to be specific to the Lincoln-Busey Corridor. Ms. Stake stated that she did not want that. She wants a city-wide Design Review Board, where the three residential members change from one district to the next, but the other members remain the same. Chair Pollock stated that is not what the language says in the motion to amend.

Ms. Burris did not feel that a rotating Board would do well in making city-wide decisions. It would not be stable enough in making consistent decisions.

Ms. Upah-Bant wondered when they changed it from a Lincoln-Busey Design Review Board to a city-wide Design Review Board. Ms. Bird explained that when City Council first asked City staff to look at this, it was specific to the Lincoln-Busey Corridor. This was several years ago, and since then, there have been discussions about design guidelines and a design review district in the Historic East Urbana Neighborhood (HEUNA) area as well. City staff realized that creating a different board each time a district is proposed would not be the right way to go about it. A city-wide Design Review Board is being proposed.

Mr. Grosser pointed out that the MOR (Mixed Office Residential) Development Review Board currently exists. The proposed text amendment would allow for the Lincoln-Busey Corridor Design Review Board, and eventually there will probably be a HEUNA Design Review Board. He understands Ms. Stake's intentions to be that with each new district a Design Review Board is created with some members in common with the other Design Review Boards and the resident members change from district to district. He does not like that someone from one district could not serve on the Board for another district as part of the residential membership. He also feels that if the City ends up with three or four Design Review Boards, it might become difficult to find people who are interested in serving on them.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend failed by a vote of 1-7.

Mr. Hopkins recalled that part of Ms. Stake's motion to amend was to change *"should"* to *"shall"*. He remembered the Plan Commission discussing this at a previous meeting, and it is not accidental that the permissive *"should"* is used. Mr. Fitch said that is correct. The rationale is that in case the Mayor and City Council could not find anyone who is willing to serve in a given district that they could fill the board with a resident from elsewhere in the City.

AMENDMENT #5
Mr. Hopkins moved to amend the main motion to delete the second 2 in Section XI-15.G.4.c (Page 150), which states *"Visible from no public right-of-way other than an alley"*. Ms. Stake seconded the motion. Chair Pollock asked for a hand vote and the motion to amend passed by unanimous vote.

AMENDMENT #6
Mr. Fitch moved to amend the main motion by changing the language in Section XI-15.C.1.d.b to read, *"A number of residents of Urbana equal to the sum of one resident of each design review district plus one resident from a part of the City not in the design review district."* This would allow one board that would expand only as new design review districts were created. Ms. Upah-Bant seconded the motion.

Mr. Fitch stated that there would be no distinction between owner occupancy. A person from each design review district would have to serve on the Board. All of the resident members would have to live in the City. At least one resident member would have to live outside of any design review district. With this language, the Design Review Board would start with seven members. Only when and if a second district is created that the board would increase to eight members.

Chair Pollock commented that if the Plan Commission approves this motion, then City staff would have to take a look at it, refine any language legally and look at the question of going to seven members to see if it is mentioned anywhere else in the proposed ordinance. Ms. Bird added that City staff would need to look at how they would word the language under Quorum, etc.

Mr. Hopkins stated that this motion seems to solve a problem or two. It gets away from having an eight person board, which the Plan Commission just demonstrated that four people could object and a motion could fail because of it. It completely simplifies the notion of resident in a way that may actually advantageous because it eliminates the non-resident owner as an option. Therefore, he likes it.

Chair Pollock called for a hand vote on the motion. The motion to amend passed by a vote of 5-3.

AMENDMENT #7

Mr. White moved to amend the motion by deleting #5 in Section XI-15.B (Page 147). Mr. Grosser seconded the motion. Ms. Bird stated that this clause simply outlines the difference between the Development Review Board and the Design Review Board. The Design Review Board would only be allowed to review the design of a development project and not the land use.

Mr. Hopkins felt that the reason to include this clause is in the first part of the sentence. Mr. White stated that the first part of the sentence makes sense and understands why it is included. However, they cannot deny a land use that is permitted by right.

Chair Pollock asked if it was the consensus of the Plan Commission to hand this over to the City staff to make sure this is clarified. The Plan Commission members agreed.

Ms. Stake expressed her concern about the administrative review section on Page 150 in Section XI-15.G.4.b. She feels the language is vague. Chair Pollock recalled the Plan Commission having already discussed this at a previous meeting. It is the consensus of the Plan Commission members that this Section has the correct amount of flexibility and the correct amount of definition on this issue.

SUMMARY

Mr. Fitch summarized what the Plan Commission would like to see changed in the proposed text amendment. The changes are as follows: 1) Fix typographical errors in Section XI-15.C.1.b by changing *"three"* to *"four"*; 2) Clarify that an abstention is not counted toward a vote in Section XI-15.F.3; 3) Strike the second 2 in Section XI-15.G.4.c; 4) Replace language in Section XI-15.C.1.d.b; 5) Clarify that Section XI-15.B.5 is not a limitation on permitted land use possibly by eliminating the clause after the comma; and 6) Clarify meaning of additional language in Section XI-15.F.3.

Ms. Bird mentioned that one of the members had inquired at the previous meeting about the number of building permits that have been applied for in the Lincoln-Busey Corridor in the past year. She stated that there have been zero building permits applied for in this area. Mr. Fitch

recalled that this had to do with a discussion about whether the Zoning Administrator's decisions should be appealable to the Design Review Board.

Following discussion, Chair Pollock continued this case to the next Plan Commission meeting. Plan Commissioners agreed that the next regularly-scheduled meeting on December 18, 2008 could be cancelled unless an important issue came up. This case is therefore continued to the January 8, 2009 Plan Commission meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

- Cunningham Avenue Beautification Plan was adopted by the City Council on December 1, 2008.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **APPROVED**

DATE: **December 10, 2009**

TIME: **7:30 P.M.**

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

MEMBERS PRESENT:	Andrew Fell, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake
MEMBERS EXCUSED:	Jane Burris, Tyler Fitch, Ben Grosser, Marilyn Upah-Bant
STAFF PRESENT:	Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary
OTHERS PRESENT:	Scott Plunk, Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Otto moved to approve the minutes as presented. Mr. Fell seconded the motion. The minutes of the November 5, 2009 regular meeting were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09: Annexation Agreement and request to rezone upon annexation a 1.6-acre tract of property at 2209 East Perkins Road from Champaign County CR, Conservation-Recreation District to City, R-1, Single-Family Residential Zoning District.

Jeff Engstrom, Planner I, presented these two cases together to the Plan Commission. He gave a brief background and description of the proposed site. He noted the zoning and future land use of the proposed property and of the surrounding properties. He reviewed the LaSalle National Bank criteria as they pertain to the proposed annexation rezoning. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

> *Staff recommends that the Plan Commission forward these two cases to the City Council with a recommendation for approval of the proposed annexation agreement as presented.*

With no questions at this time for City staff, Chair Pollock opened the hearing up for public input. There were no comments or questions from the public. Chair Pollock, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood that the Plan Commission was only considering the rezoning request and not the variance request that is part of the annexation agreement. In making sense of the zoning decision, the construction of a building in a residential zone that has 3,200 square feet of storage and 800 square feet of residence does not make sense as a long-term activity in a residential zoning district. Therefore, he is trying to figure out how much of this the Plan Commission should be dealing with or whether they should just ignore this. Chair Pollock commented that it would be up to each individual member to decide if these concerns of what might happened on the proposed property is reason enough to deny the rezoning request.

Robert Myers, Planning Manager, pointed out that it would be residential storage and not business storage. He recalled the Reynolds annexation where the property owner had a lot of personal storage. This is not such an unusual activity in rural areas. The Comprehensive Plan shows Rural Residential for the future land use. If the property was converted from County CRE to City CRE zoning, then the residential use would not be allowed. The lowest intensity residential district would be R-1, Single-Family Residential.

Mr. Hopkins wondered what it is about the particular expectation of this building that actually requires the proposed variance. Is there a limit on how big a garage can be relative to the other space in a house in the R-1 Zoning District? Mr. Fell responded that he knows through his work that a detached accessory structure can be no more than 750 square feet. Mr. Hopkins pointed out that this is not a detached accessory structure, because the storage area and the residential area will be all one structure.

Mr. Myers noted that the petitioner wants to protect his right to build prior to purchasing the land. The Zoning Ordinance states that residential storage is typically an accessory use. He wants some assurances that the City is okay with the proposed structure before he agrees to annex the property. The annexation agreement is a way of spelling out the rules.

Mr. Fell wondered if the proposed site is annexed, will there be any City responsibility or obligation for City services? Mr. Myers said yes. Chair Pollock stated that police and fire would respond upon annexation of the property. Mr. Myers added that City staff has looked at utility service extensively in terms of sewer. Staff knows what all the steps will be and when the sewer system will be required to be extended to this property.

Chair Pollock asked how far the property is located from an existing sewer line. Mr. Myers replied that the nearest point is basically across the street.

Mr. Otto had City staff to specify what would be required to extend the City services in terms of the sewer system. Mr. Engstrom responded that in terms of sewer service, there is an existing septic system that the Urbana-Champaign Sanitary District (UCSD) will allow the petitioner to reconnect to. When the septic system fails, then the petitioner will be required to hook up the UCSD public sewer, and it will be at the petitioner's cost.

Ms. Stake stated that she did not feel that the rezoning request should be passed. After looking at the variance request in the annexation agreement, she did not feel that she would want the proposed structure next door to her. She feels the rezoning request should be denied because of the variance request. The 3,200 square foot storage area goes against what the Comprehensive Plan shows for the area. She feels that something else would fit much better in this area.

Mr. Hopkins moved that the Plan Commission forward both Annexation Case No. 2009-A-07 and Plan Case No. 2120-M-09 to the City Council with a recommendation for approval. Mr. Fell seconded the motion.

Mr. Hopkins commented that he has the same concerns that Ms. Stake raised. However, what helps him think the proposed rezoning and variance are reasonable is the aerial photo (Exhibit B). Other properties that are adjacent to the proposed site are rural residential. He thinks that the City tries to articulate in the Comprehensive Plan the idea that the kind of residential in northeast Urbana is appropriately different and a particular kind of opportunity. A 4,000 square foot building is a big house, but compared to the layouts of some of the adjacent properties, it would be a step in the right direction and maybe an appropriate part of the mix on this road.

The final point is that it is not the Plan Commission's task to consider the details of the specific request for the variance. Therefore, he did not feel that they could get into that aspect of it.

Chair Pollock noticed that the red line, which outlines the subject property on Exhibit B, do not match the black lines, which represent the property lines. He pointed out that the property line goes right through the middle of where the proposed structure would be built. He asked City staff to address this. Mr. Myers explained that a subdivision of the property being completed along with the annexation. The subdivision request will clear up ambiguous property boundaries. Mr. Engstrom added that the property that is shown is from a previous subdivision

plat that was done without permission. The property as outlined in the exhibit is shown as following approval of the subdivision plat.

Ms. Stake does not feel that the rezoning request should be approved. Rural residential does not mean that residents are not bothered by bad development. If she lived in rural residential, she would not want a huge building built next to her property. She feels the proposed structure would be making more of a mess and that by approving this would be a disservice to the other property owners in the area.

Scott Plunk, petitioner, asked permission to speak. With no objection from the Plan Commission, he approached the dais. He mentioned that the existing house is in terrible condition and is uninhabitable. The property was subdivided in 2004. At the time, the owner decided he wanted to take 50 feet off the west side of it and add it to his own residential property. This made the proposed site 153 feet wide. This was not in compliance with Champaign County zoning. So, in coming up with a deal with James Tull, the current owner, to purchase the subject property, he requested 28 feet of that 50 feet to become part of the subject property again. The red line should represent what the proposed property will be after the property is re-platted.

Mr. Plunk talked about the proposed building. He explained that he has a backhoe and plans to use it to clean up the property. He is a single person, so 800 square feet of residential is enough for him. He would like to clean the dead vegetation up this coming winter and construct the new building in the spring.

Mr. Otto inquired as to what the proposed building would look like. Mr. Plunk answered that it would be a pole-type building. It will have a concrete foundation. The façade will have windows, awnings and an overhang.

Mr. Otto asked about the setback from the front property line. Will it be similar to the adjacent properties? Mr. Plunk said that it would be at least 75 feet from Perkins Road. He does not want to be close to the road.

Mr. Otto wondered if it would be similar to the Township building across the street. Mr. Plunk said no. It would not be nearly as tall and he only wants to have one ten foot door. The other doors would be much smaller.

Mr. Otto asked City staff if the adjacent properties had been sent a legal notice about the proposed request. Mr. Engstrom said yes.

Ms. Stake wondered what the plans were for this area being zoned County CR. Chair Pollock pointed out that CR is a zoning designation not a plan. Mr. Myers said that County CR favors open spaces rather than intensive uses of a lot.

Mr. Otto inquired as to whether the petitioner asked the County for a rezoning of the property. Mr. Plunk said that since it is adjacent to the city boundary, it could be annexed. If it remains County CR, then he would not be allowed to build anything on this property. Mr. Engstrom noted that single-family residential is allowed in County CR; however, for this property it would

not be conforming to the minimum lot width of the CR district. This is the reason why it is going forward as an annexation with rezoning to allow for the proposed development in the City.

Mr. Plunk noted that he does not plan to operate a business on the lot. He does not want the headaches. The main reason he has a backhoe is to clean the place up. He does not plan to drive it off the property every day.

Mr. Fell commented that he drives by this property at least twice a day. The property itself is an eyesore. The existing house is uninhabitable. He does not feel that a 4,000 square foot building would be out of place with what is in character of the rest of the neighborhood. One neighbor has 12-bay detached garage. Another neighbor has at least a 4,000 square foot pole barn right beside his house.

Chair Pollock stated that the Plan Commission is not here to pass judgment on what the structure will look like. They are only to decide if the requested zoning district is the highest and best use of the land. This is a rural area. It is a rural residence that is being proposed. Although it might not be what some of them choose to build to live in, this is not the issue. The Comprehensive Plan calls for maintaining this area as a significant wooded area. The proposed plans do not interfere with that and he supports the motion.

Roll call on the motion was as follows:

Chair Pollock	-	Yes	Mr. Otto	-	Yes
Mr. Hopkins	-	Yes	Mr. Fell	-	Yes
Ms. Stake	-	No			

The motion was approved by a vote of 4-1.

Mr. Myers noted that these two cases would go before the City Council on December 21, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Long Range Transportation Plan: CUUATS staff made a presentation to the City Council on the draft Long Range Transportation Plan 2035. CUUATS requests that the Urbana City Council endorse the plan, and the City Council is still considering the plan. The Council will further discuss the Long Range Transportation Plan at their December 21, 2009 Council meeting.

- 2010 Census: The next census will be April 1, 2010. City staff is helping with the census by trying to help clear up discrepancies with addresses. It is really important for everyone to be counted as census results are used for purposes like apportioning Federal and State political representation, and they also help determine how more than $400 billion in federal funding is provided each year to local communities and states. Census results also help the states determine how to portion revenues such as motor fuel taxes and income taxes.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission