



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council

FROM: Sheila Dodd, Interim Community Development Services Director
Kevin Garcia, AICP, Principal Planner & Zoning Administrator

DATE: April 6, 2022

SUBJECT: Plan Case 2442-T-22: An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to require applicants for Planned Unit Developments to hold a neighborhood meeting prior to consideration at Plan Commission.

Introduction

Planned Unit Developments (PUDs) are typically the most complicated type of zoning approval in Urbana. As such, hearings at Plan Commission and City Council can be long, confusing, and emotionally-charged, especially since in many cases, a Plan Commission hearing is the first chance that nearby residents have to learn all of the details about a project and to ask questions about it.

The proposed text amendment would require applicants for Planned Unit Developments that are proposed near residential areas to hold a neighborhood meeting at least a week before the public hearing at Plan Commission. This is likely to have several benefits, as detailed below.

The Plan Commission held public hearings on the proposed text amendment at their March 10 and March 24, 2022, meetings. They voted unanimously (five ayes, zero nays) to recommend that City Council approve the text amendment.

Discussion

Given the complicated nature of many PUDs, for the past several years the Planning staff has asked PUD applicants to hold neighborhood meetings in advance of official public hearings at Plan Commission. Staff felt that such meetings would foster more dialogue about projects and lead to better outcomes, and experience has borne that out. When they occur, these meetings are more open and allow more direct communication about a project between applicants, residents, and City staff than can happen in a public hearing. The proposed text amendment will codify an effective practice that staff have been encouraging – but not requiring – PUD applicants to follow for several years.

This text amendment could lead to shorter public hearings and to fewer continuations of hearings, since many of the questions and suggestions that the public has about a project can be discussed and can be addressed by an applicant in advance of the Plan Commission hearing. In addition, the proposed amendment gives an applicant the option to hold a neighborhood meeting *before* they ever submit an application. This option will help ensure that only reasonable applications are submitted, both by weeding out applications that are unlikely to be approved, or by letting applicants make significant revisions to such proposals in response to the feedback they receive.

Adding a requirement to hold a neighborhood meeting before the Plan Commission hearing should not affect a project's timeline, since the meeting can be held in the required period of time between the application's submittal and the Plan Commission hearing. This is significant because time is usually a real concern for anyone applying for any zoning approval.

Plan Commission

The Plan Commission held two public hearings on the proposed amendment, on March 10th and March 24th. At the first meeting, the Plan Commission gave staff direction to make the amendment better by suggesting changes to make the text more clear, by requiring notification of a larger area than is typically required in these cases, and by asking that certain information be required at the neighborhood meeting, i.e.: general project information and plans, waivers being sought by the applicant, and any public benefits the project will provide. At the second meeting, the Plan Commission reviewed the revised text amendment, made one final, minor change, and voted unanimously (five ayes and zero nays) to recommend that Council approve the text amendment.

Public Input

Zoning text amendments do not pertain to specific parcels, so there are no nearby property owners to notify. No members of the public attended either Plan Commission hearing on this amendment, nor did staff receive any emails, letters, or phone calls about it. However, there were a few people who expressed support for this amendment during virtual meetings for the upcoming R-7/Greek house text amendment.

Summary of Findings

1. The proposed amendment will require applicants for Planned Unit Developments that are located near residential zones and uses to hold a neighborhood meeting at least seven days before the public hearing at Plan Commission.
2. The new requirement will allow more direct communication and dialogue between an applicant and neighborhood residents about proposed PUDs.
3. The amendment will likely save time at Plan Commission and City Council, and should lead to better outcomes overall.
4. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The City Council has the following options in Plan Case 2442-T-22:

1. Approve the amendment as presented;
2. Approve the amendment as modified by specific suggested changes; or
3. Deny the amendment.

Recommendation

The Plan Commission unanimously recommended that City Council **APPROVE** the proposed text amendment to the Zoning Ordinance. Staff concurs with their recommendation.

Attachments: Exhibit A: Proposed Amendments
Exhibit B: Draft Plan Commission Minutes 3/24/2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

(PUD Meeting Requirements Text Amendment / Plan Case 2442-T-22)

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to require applicants for Planned Unit Developments to hold a neighborhood meeting before an application is brought to the Plan Commission, and to establish standards for those neighborhood meetings; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2442-T-22; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held public hearings on the petition on March 10, and March 24, 2022; and

WHEREAS, the Plan Commission voted five ayes and zero nays on March 24, 2022, to forward Plan Case No. 2442-T-22 to the City Council with a recommendation to approve the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

A. Article XIII, “Special Development Provisions”, Section XIII-3, “Planned Unit Developments”.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. 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 Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2022.

Diane Wolfe Marlin, Mayor

Ordinance Attachment A

...

Section XIII-3. Planned Unit Developments

...

H. *Preliminary Development Plan Review*

1. *Plan Commission Review.*

...

- b) If the proposed Planned Unit Development is within 300 feet of a residentially zoned parcel or a parcel containing a residential use, the applicant shall hold a neighborhood meeting where the public can review the project and provide comments to the applicant.

The applicant shall work with Planning staff to:

- 1) Identify a location for the meeting;
- 2) Send notice to all addresses and property owners within 800 feet at least 10 days before the meeting; and
- 3) Hold the meeting at least seven days before the Plan Commission hearing.

At the meeting, the applicant shall provide the following, at a minimum:

- 1) Any plans, renderings, and other relevant information about the project;
- 2) Any waivers they are requesting; and
- 3) Any public benefits the project will provide.

An applicant may also meet this requirement by holding a neighborhood meeting before submitting their application, if that meeting fulfills all of the above criteria.

...

J. *Final Planned Unit Development Review*

1. A public hearing shall be held by the Plan Commission, in accordance with notification requirements specified in Section XI-10 of this Ordinance. The applicant shall hold a neighborhood meeting if the proximity conditions of Section XIII-H.1.b above apply.

...

Exhibit A: Proposed Amendments

This exhibit outlines the proposed changes using strikethrough and underline notation. A ~~strikethrough~~ is used to indicate ~~deleted language~~, while an underline is used to indicate added language.

...

Section XIII-3. Planned Unit Developments

...

H. Preliminary Development Plan Review

1. Plan Commission Review.

...

- b) If the proposed Planned Unit Development is within 300 feet of a residentially zoned parcel or a parcel containing a residential use, the applicant shall hold a neighborhood meeting where the public can review the project and provide comments to the applicant.

The applicant shall work with Planning staff to:

- 1) Identify a location for the meeting;
- 2) Send notice to all addresses and property owners within 800 feet at least 10 days before the meeting; and
- 3) Hold the meeting at least seven days before the Plan Commission hearing.

At the meeting, the applicant shall provide the following, at a minimum:

- 1) Any plans, renderings, and other relevant information about the project;
- 2) Any waivers they are requesting; and
- 3) Any public benefits the project will provide.

An applicant may also meet this requirement by holding a neighborhood meeting before submitting their application, if that meeting fulfills all of the above criteria.

...

J. Final Planned Unit Development Review

1. A public hearing shall be held by the Plan Commission, in accordance with notification requirements specified in Section XI-10 of this Ordinance. The applicant shall hold a neighborhood meeting if the proximity conditions of Section XIII-H.1.b above apply.

...

EXHIBIT B – Draft Plan Commission Minutes 3-24-2022

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: March 24, 2022

TIME: 7:00 P.M.

PLACE: Zoom Webinar

MEMBERS ATTENDING

VIA ZOOM: Andrew Fell, Lew Hopkins, Debarah McFarland, Chenxi Yu

MEMBER ATTENDING

AT CITY BUILDING: Dustin Allred

MEMBERS EXCUSED: Jane Billman, Karen Simms

STAFF PRESENT:

UPTV Camera Operator; Kevin Garcia, Principal Planner|Zoning Administrator; Marcus Ricci, Planner II; Lily Wilcock, Planner II; Nick Olsen, Planner I

PUBLIC PRESENT:

Kayla Baldwin, John Hall, Bob Kapolnek, James Kim, Daisy Ochoa

...

1. CONTINUED PUBLIC HEARINGS

...

Plan Case No. 2442-T-22 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to require applicants for Planned Unit Developments to hold a neighborhood meeting prior to consideration at Plan Commission.

Chair Allred re-opened Plan Case No. 2442-T-22. Kevin Garcia, Principal Planner|Zoning Administrator presented an updated staff report for the case. He began by stating the revisions that were made to the proposed text amendment based off the Plan Commission’s discussion at their March 10, 2022 regular meeting. He reviewed the proposed changes to the Zoning Ordinance.

Chair Allred asked if the Plan Commission members had any questions for City staff. With there being no questions, Chair Allred opened the hearing for public input. There was none so he

declared the public input portion closed and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell asked for clarification if a second neighborhood meeting would be required if the Preliminary Development Review and the Final Development Review were not combined into one case. Mr. Garcia said that was correct. The reason is because the preliminary and the final have different requirements. Mr. Fell commented that from his experience in applying to the City for Planned Unit Development approvals, it would be redundant to hold the neighborhood meeting a second time. Mr. Garcia stated that he did not see how comments affecting the Preliminary Planned Unit Development (PUD) would make any difference to the Final PUD.

Mr. Hopkins asked if there was anything in the proposed changes to the PUD text amendment that would encourage or discourage an applicant to apply for a Final PUD review at the same time as the Preliminary PUD. Mr. Garcia said no. Mr. Fell commented that his firm would always present a PUD application together for both the preliminary and the final reviews. He does not see a point for applying for them separately. If changes need to be made, then the case would be continued to allow his team time to make the changes. Mr. Hopkins recalled that most of the PUD cases that have been applied for in the recent past have been with the preliminary and final reviews combined. Mr. Garcia added that the way the PUD ordinance is written contemplates larger developments on the edges of town. Clark-Lindsey Village is an example. Clark-Lindsey submitted a preliminary PUD for a large area of land, and they bring final PUD reviews to the City as they develop each section. Mr. Hopkins stated that for the larger developments, this makes sense.

Mr. Allred expressed concern about the language requiring a second neighborhood meeting “if the proximity conditions of Section XIII-H.1.b above are met”. Mr. Garcia suggested changing “are met” to “apply”. Mr. Allred agreed to the suggestion.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2442-T-22 to the City Council with a recommendation for approval with the replacement of “are met” with “apply” in Section XIII-3.J.1. Mr. Fell seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Ms. McFarland	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Mr. Fell	-	Yes			

The motion passed by unanimous vote. Mr. Garcia noted that this case would be forwarded to City Council on April 11, 2022.

...