



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin

FROM: John A. Schneider, MPA, Community Development Manager

DATE: January 11, 2018

SUBJECT: **CCZBA-873-AT-17:** A request by the Champaign County Zoning Administrator to amend Sections 7.1.1 and 7.1.2 of the Champaign County Zoning Ordinance regarding “Home Occupation.”

Introduction

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-873-AT-17 to allow “minor auto repair” as a Neighborhood Home Occupation or Rural Home Occupation with a Special Use Permit.

As the text amendment would affect properties with the City’s Extra Territorial Jurisdiction (ETJ), the City of Urbana may choose to exercise its right to protest the text amendment. Should the Urbana City Council enact a protest of the County text amendment, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes.

Background

Currently, the County’s Zoning Ordinance does not permit automobile repairs under its Neighborhood Home Occupation use. The County has received inquiries from residents requesting the County to allow such a home occupation in neighborhoods. In response, the County is proposing to allow minor automobile repair as a home occupation with a Special Use Permit as long as the subject property was not located in the one-and-a-half mile Extra Territorial Jurisdiction (ETJ) of a municipality that prohibits minor automobile repair as a home occupation.

The City of Urbana allows minor auto repair home occupation as a Type C Home Occupation if a Conditional Use Permit is approved by the City’s Zoning Board of Appeals. The County text amendment would allow similar uses within its jurisdiction with the Special Use Permit and some limitations. The new regulations would still prohibit major automobile repairs, which includes body work, painting, and major engine changes. The minor automobile repair use would be allowed with limitations on the number of vehicles, storage location of vehicles, and hours of operation for the repairs. The new regulations would mandate safe storage and disposal of hazardous liquids and

materials. There would also be protections to ensure that the use remains inside the dwellings or any accessory structures. The use of the property for residential purposes would also have to remain the principal use of the property. Some municipalities, such as the City of Champaign, do not allow auto repair home occupations. Therefore, properties within the City of Champaign's ETJ would not be eligible for a Special Use Permit through the County.

At its July 6, 2017, meeting, the Urbana Plan Commission considered a resolution of protest for the proposed text amendment to the Champaign County Zoning Ordinance. Commission members expressed concern over the ability to store an inoperable vehicle outdoors under County rules while such storage is not permitted in the City. The Plan Commission voted with five ayes and zero nays to forward to the City Council a recommendation of defeat for a resolution of protest with a condition. The condition was that the County would modify their regulations for a Special Use Permit to be the same as the City's restrictions for a Conditional Use Permit to not allow parked inoperable vehicles outdoors.

Under the City's home occupation rules, inoperable vehicles are not allowed to be stored outside and any repair must be done indoors

In response to the Plan Commission recommendation, Champaign County changed the proposed text amendment so that it provided more regulation for vehicles associated with home occupation auto repair. The changes included allowing no more than two resident vehicles and one customer vehicle to park outdoors on the property at any given time. The changes also limited customer vehicle parking to between the hours of 6:30 AM to 10:30 PM. Parking areas for customers or clients to the home occupation would also have to be clearly identified on a site plan for any approved Special Use Permit from the County. A complete prohibition on parking an inoperable vehicle as part of the home occupation is not possible as the County's Public Nuisance Ordinance already allows the storage of one inoperable vehicle on a resident's property, regardless of any home occupation.

As the County revision to the text did not fully comply with the Plan Commission's condition, the revision was brought back to the commission. After hearing the proposed new language, the Plan Commission voted with six ayes and zero nays to recommend defeating the resolution of protest with no conditions at their December 21, 2017, meeting.

The current draft of the text amendment, as of January 10, 2017, is attached as Exhibit A. The amendment is scheduled to be heard by the County's Zoning Board of Appeals at their January 11, 2018 meeting. The Champaign County Board is scheduled to vote on the matter at their February, 22, 2018, meeting.

Discussion

The proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning decisions within the City's one-and-one-half mile Extra-Territorial Jurisdictional area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana may be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation (see Exhibit B);
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect the City’s ability to grow according to the shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. It is the City Council’s responsibility to review the proposed amendment to determine what impact it will have on the City, and vote on the adoption or defeat of a Resolution of Protest. Under state law, a municipal protest of the proposed amendment would require a three-quarters supermajority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

Proposed Amendment

The County Zoning Administrator is proposing to add additional standard conditions as follows. The full text of the revised amendment is attached as Exhibit A. Strikethrough font represents eliminated text and underlined font represents new text from the amendment.

I. Prohibited NEIGHBORHOOD HOME OCCUPATION Activities shall include:

i. ~~automobile and truck repair~~ MAJOR AUTOMOBILE REPAIR;

ii. MINOR AUTOMOBILE REPAIR within 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation and/ or MINOR AUTOMOBILE REPAIR conducted more than 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation but without the approval required by Section 7.1.1M;

iii. salvage, recycling and solid waste hauling;

iv. sale of articles not produced on the premises except as provided in Section 7.1.1Eiii or as such sales are incidental to the provision of a service.

v. sales of guns and ammunition provided that a Gun Dealers License is obtained from the Federal Bureau of Alcohol, Tobacco and Firearms and sales are made by appointment only subject to the limitations of Section 7.1.1E.

J. Outdoor STORAGE or DISPLAY is prohibited.

K. No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.

L. A NEIGHBORHOOD HOME OCCUPATION that exceeds any of the standards in paragraphs

7.1.1 A. through K. may be authorized by SPECIAL USE Permit provided as follows:

(1) The USE is not a prohibited activity in paragraph 7.1.1I.

(2) The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

...

(Section 7.1.1.M.3)

3. subject to the following standard conditions which may be waived as authorized in Section 6.1 and Section 9.1.11 except that paragraph 7.1.1M.(7) shall be subject to variance as authorized in Section 9.1.9:

a. All MINOR AUTOMOBILE REPAIR shall be conducted inside a building.

b. No MINOR AUTOMOBILE REPAIR shall be conducted and no customers shall be on the property between the hours of 10:00 p.m. and 9:00 a.m. except that vehicles may be dropped off for repair as early as 6:30 a.m.

c. No parking shall occur within a public right of way.

d. No more than two resident vehicles and two one customer vehicle may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.

e. Any vehicle parked outdoors on the property must be intact and have a valid license.

f. No more than one inoperable vehicle may be parked outdoors on the property at any time.

The County wishes to extend greater home occupation opportunities to some of its residents while respecting the zoning standards of the incorporated municipalities. The allowance of minor auto repair home occupations within the County affects properties both within the City and its ETJ because the County and the City have several residential neighborhoods that are close in proximity.

The City should review the any text amendment to the County's Zoning Ordinance to ensure changes would not have a negative impact on the City of Urbana. There are several aspects of the proposed text amendment that would be similar the City's standards for home occupations and therefore would not be detrimental to the City. The proposed amendment would require the use to be granted a permit by a government body with a public hearing. Additionally, it would also have restrictions on the number vehicles on the property and where they could be stored. The text amendment also states that the auto repair home occupation must remain an accessory use and not change the residential nature of the property. Lastly, the text amendment makes specifications for hazardous materials and liquids

to promote safe practices within home occupations. The proposed home occupation rule changes for Champaign County are consistent with the protections put in place in Urbana's Zoning Ordinance.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City's comprehensive plan. Champaign County's proposed Zoning Ordinance text amendment should therefore be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

Goal 1.0 Preserve and enhance the character of Urbana's established residential neighborhoods.

Objective 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 15.0 Ensure that new land uses are compatible with and enhance the existing community.

Objective 16.1 Encourage a mix of land use types to achieve a balanced growing community.

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed text amendment is generally consistent with these goals and objectives. It provides for protection of incompatible land uses by requiring a special use permit for minor auto repair home occupations while requiring protections for neighboring properties.

Zoning Impacts

The proposed amendment would have no known impact on zoning within the City's extra-territorial jurisdiction. The Urbana Zoning Ordinance allows minor auto repair home occupations with a

Conditional Use Permit and Type C Home Occupation Permit. The proposed County text amendment would be limited to residential properties for home occupations and similar to the City's Zoning Ordinance standards.

Summary of Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to allow minor auto repair home occupations with a Special Use Permit in some instances.
2. The proposed text amendment would permit a use with similar requirements to those in the City of Urbana's Zoning Ordinance. Properties within the ETJ of communities that do not permit auto repair home occupations could not seek permission Special Use Permit for the use.
3. The proposed text amendment is generally consistent with the goals and objectives of the City's Comprehensive Plan.
4. The proposed text amendment would not pose a significant detriment to the City of Urbana or to the Extra-Territorial-Jurisdiction of the City.
5. At their July 6, 2017, meeting, the Urbana Plan Commission voted with five ayes and zero nays to forward to the City Council a recommendation of defeat for a resolution of protest with a condition. The condition was that the County modify their regulations for a Special Use Permit to be the same as the City's restrictions for a Conditional Use Permit to prohibit parked inoperable vehicles.
6. At their December 21, 2018 meeting, the Urbana Plan Commission voted with six ayes and zero nays to forward a recommendation of defeat with no conditions to the City Council. The change in the recommendation was in response to comments from Champaign County staff that the original recommendation's condition conflicted with the County's existing Nuisance Code for storage of vehicles. The proposed text was also changed to limit how many vehicles could be parked on the property (two resident vehicles and one customer vehicle) and the hours that vehicles could be parked outside (6:30 AM to 10:00 PM).

Options

The City Council has the following options for Case **CCZBA-873-AT-17**, a Resolution of Protest for Champaign County's proposed text amendment to allow vehicle repairs for neighborhood home occupations with a Special Use Permit:

1. **Defeat** a resolution of protest; or
2. **Defeat** a resolution of protest **contingent upon some specific revision(s)** to the proposed text amendments; or
3. Recommend to **adopt a resolution of protest.**

Recommendation

At their December 21, 2017, meeting, the Urbana Plan Commission voted unanimously to recommend that the City Council **defeat a resolution of protest with no attached conditions**. Staff concurs with this recommendation.

Attachments: Exhibit A: Text Amendment Language
Exhibit B: Extra Territorial Jurisdiction (ETJ) Map
Exhibit C: July 6, 2017 Urbana Plan Commission Meeting Minutes
Exhibit D: December 21, 2017 Urbana Plan Commission Meeting Minutes

The full memorandum to the Champaign County Zoning Board of Appeals discussing the text amendment at their January 11, 2018, meeting can be found online at:

http://www.co.champaign.il.us/CountyBoard/ZBA/2018/180111_Meeting/180111_Case_873-AT-17_Supplemental%20Memo%201.pdf

Prepared by:



Christopher Marx, AICP
Planner I

cc: John Hall, Champaign County Zoning Administrator

RESOLUTION NO. 2018-01-001R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

(A request by the Champaign County Zoning Administrator to amend Sections 7.1.1 and 7.1.2 of the Champaign County Zoning Ordinance regarding “Home Occupation.”/ CCZBA-873-AT-17)

WHEREAS, the Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County No. CCZBA-873-AT-17 to allow “minor auto repair” as a Neighborhood Home Occupation or Rural Home Occupation with a Special Use Permit, and

WHEREAS, the proposed text amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of “CCZBA-873-AT-17”; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed text amendment; and

WHEREAS, the proposed text amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission met on July 6, 2017, to consider the proposed text amendment and voted with five ayes and zero nays to forward to the City Council a recommendation of defeat for a resolution of protest with a condition that the County modify their regulations for a Special Use Permit to be the same as the City’s restrictions for a Conditional Use Permit with regards to the allowed number of parked inoperable vehicles; and

WHEREAS, the Champaign County Zoning Administrator revised the proposed text amendment to address the issue of the total number of vehicles on the property and the hours in which inoperable vehicles may be parked on the property; and

WHEREAS, the Urbana Plan Commission met on December 21, 2018, to consider the proposed text amendment and voted with six ayes and zero nays to forward a recommendation of defeat with no conditions to the City Council after feedback from Champaign County staff that the original recommendation would conflict with the County’s existing Nuisance Code for storage of vehicles.; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is not in the best interest of the City of Urbana.

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

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed text amendment as presented in CCZBA-873-AT-17.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2018.

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2018.

Diane Wolfe Marlin, Mayor

Exhibit A: Text Amendment Language

Existing Zoning Ordinance text to be removed is indicated with strike-out font. Text proposed to be added is indicated with underlining.

7.1.1 NEIGHBORHOOD HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE subject to the following standards:

- A. No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.
- B. All business activities shall be conducted entirely indoors, and limited to the DWELLING and no more than one ACCESSORY BUILDING located on the LOT. The DWELLING or ACCESSORY BUILDING shall not be modified and no DISPLAY or activity shall be conducted that would indicate from the exterior that it is being used for any purpose other than that of a residential DWELLING or residential ACCESSORY BUILDING.
- C. No SIGN other than a name plate not more than two square feet in area shall be permitted.
- D. No storage of volatile liquids, flammable gases, hazardous materials, or explosives shall be permitted except as might be kept for normal household use in typical household quantities.
- E. No more than three patrons, clients, congregants, or similar persons may be present on the premises at one time except:
 - i. up to 12 children may be present in day care homes;
 - ii. up to 12 clients, patients or other congregants may be present for religious services, group counselling, or similar purposes not more than three times in any seven day period nor more than twice in one day; and
 - iii. up to 12 patrons may be present at sales parties, open houses or similar events not more than once in any 30 day period;
 - iv. up to eight guests in no more than four guest rooms may be present at one time in a bed and breakfast establishment.
- F. No patrons, clients, or other congregants shall be present on the premises earlier than 9:00 a.m. nor later than 10:00 p.m. except that day care recipients may be present as early as 6:30 a.m.
- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with the exclusive residential use of a similar DWELLING.
- H. Deliveries by truck shall be limited to no more than an average of one per week and a maximum of two in any given week for trucks no larger than a standard commercial delivery truck. Deliveries by semi-trailer trucks are prohibited.
- I. Prohibited NEIGHBORHOOD HOME OCCUPATION Activities shall include:
 - 1. ~~automobile and truck repair~~ MAJOR AUTOMOBILE REPAIR;
 - 2. MINOR AUTOMOBILE REPAIR within 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation and/ or MINOR AUTOMOBILE REPAIR conducted more than 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation but without the approval required by Section 7.1.1M;
 - 3. salvage, recycling and solid waste hauling;
 - 4. sale of articles not produced on the premises except as provided in Section 7.1.1Eiii or as such sales are incidental to the provision of a service;

5. sales of guns and ammunition provided that a Gun Dealers License is obtained from the Federal Bureau of Alcohol, Tobacco and Firearms and sales are made by appointment only subject to the limitations of Section 7.1.1E.

J. Outdoor STORAGE or DISPLAY is prohibited.

K. No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.

L. A NEIGHBORHOOD HOME OCCUPATION that exceeds any of the standards in paragraphs 7.1.1 A. through K. may be authorized by SPECIAL USE Permit provided as follows:

1. The USE is not a prohibited activity in paragraph 7.1.1I.

2. The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

M. MINOR AUTOMOBILE REPAIR may be authorized as a NEIGHBORHOOD HOME OCCUPATION by means of a Special Use Permit as follows:

1. when located more than 1½ miles from a municipality or village whose Zoning Ordinance that does not explicitly authorize “minor auto repair” as a home occupation; or

2. When located less than 1½ miles from a municipality or village whose Zoning Ordinance does not explicitly authorize “minor auto repair” as a home occupation but at a location that meets one of the following conditions:

a. a location in an area indicated as a future land use other than residential on the relevant comprehensive plan; or

b. a location subject to an intergovernmental agreement regarding municipal extraterritorial jurisdiction and which is therefore within the extraterritorial jurisdiction of a municipality or village that does explicitly authorize “minor auto repair” as a home occupation; and

3. Subject to the following standard conditions which may be waived as authorized in Section 6.1 and Section 9.1.11 except that paragraph 7.1.1M.(7) shall be subject to variance as authorized in Section 9.1.9:

a. All MINOR AUTOMOBILE REPAIR shall be conducted inside a building.

b. No MINOR AUTOMOBILE REPAIR shall be conducted and no customers shall be on the property between the hours of 10:00 p.m. and 9:00 a.m. except that vehicles may be dropped off for repair as early as 6:30 a.m.

c. No parking shall occur within a public right of way.

d. No more than two resident vehicles and one customer vehicle may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.

e. Any vehicle parked outdoors on the property must be intact and have a valid license.

f. No more than one inoperable vehicle may be parked outdoors on the property at any time.

g. No vehicle shall leak hazardous materials onto the surface of the ground or onto a paved surface and any leak or spill of hazardous material that does occur shall be immediately and appropriately cleaned up consistent with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.

h. All vehicles parked outdoors on the property must be at least 10 feet from a FRONT LOT LINE and at least 5 feet from a SIDE or REAR LOT LINE and shall be parked on a surface other than bare ground. This requirement is subject to a variance as authorized in Section 9.1.9.

i. Storage and/ or use of volatile liquids and hazardous materials in excess of that for normal household use in typical household quantities must be as approved in the SPECIAL USE Permit.

j. Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.

k. Floor drains are prohibited in new buildings proposed to be used for MINOR AUTOMOBILE REPAIR unless installed with an oil separator inspected and approved by the State Plumbing Inspector. Floor drains in existing buildings proposed to be used for MINOR AUTOMOBILE REPAIR shall be blocked off or outfitted with an oil separator that is inspected and approved by the State Plumbing Inspector.

l. The ACCESSORY BUILDING AREA occupied by the MINOR AUTOMOBILE REPAIR (including, if applicable, any area for a service counter and waiting area, repair area, material storage, vehicle storage, etc.) shall not exceed 1,500 square feet or more than 150% of the PRINCIPAL BUILDING AREA, whichever is greater, and shall be indicated on a floor plan drawing which shall be part of the approved site plan.

m. Evidence of vehicle ownership shall be provided at the request of the Zoning Administrator.

~~N.~~ All NEIGHBORHOOD HOME OCCUPATIONS shall be registered with the Department of Planning and Zoning on forms prepared by the Zoning Administrator and any NEIGHBORHOOD HOME OCCUPATION authorized by SPECIAL USE Permit shall be required to obtain a Zoning Use Permit in accordance with Section 9.1.2 prior to operation. The fee for the Zoning Permit shall be the same as the RURAL HOME OCCUPATION.

7.1.2 RURAL HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE in any DWELLING in the AG-1, Agriculture, AG-2; Agriculture; and CR, Conservation-Recreation DISTRICTS subject to the following standards:

...

M. A RURAL HOME OCCUPATION that exceeds any of the standards in paragraphs 7.1.2 A. through M. may be authorized by SPECIAL USE Permit provided as follows:

(1) The USE is not a prohibited activity in paragraph 7.1.2 J.

(2) The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

Exhibit B: Urbana 1.5 Mile Extra Territorial Jurisdiction (ETJ)

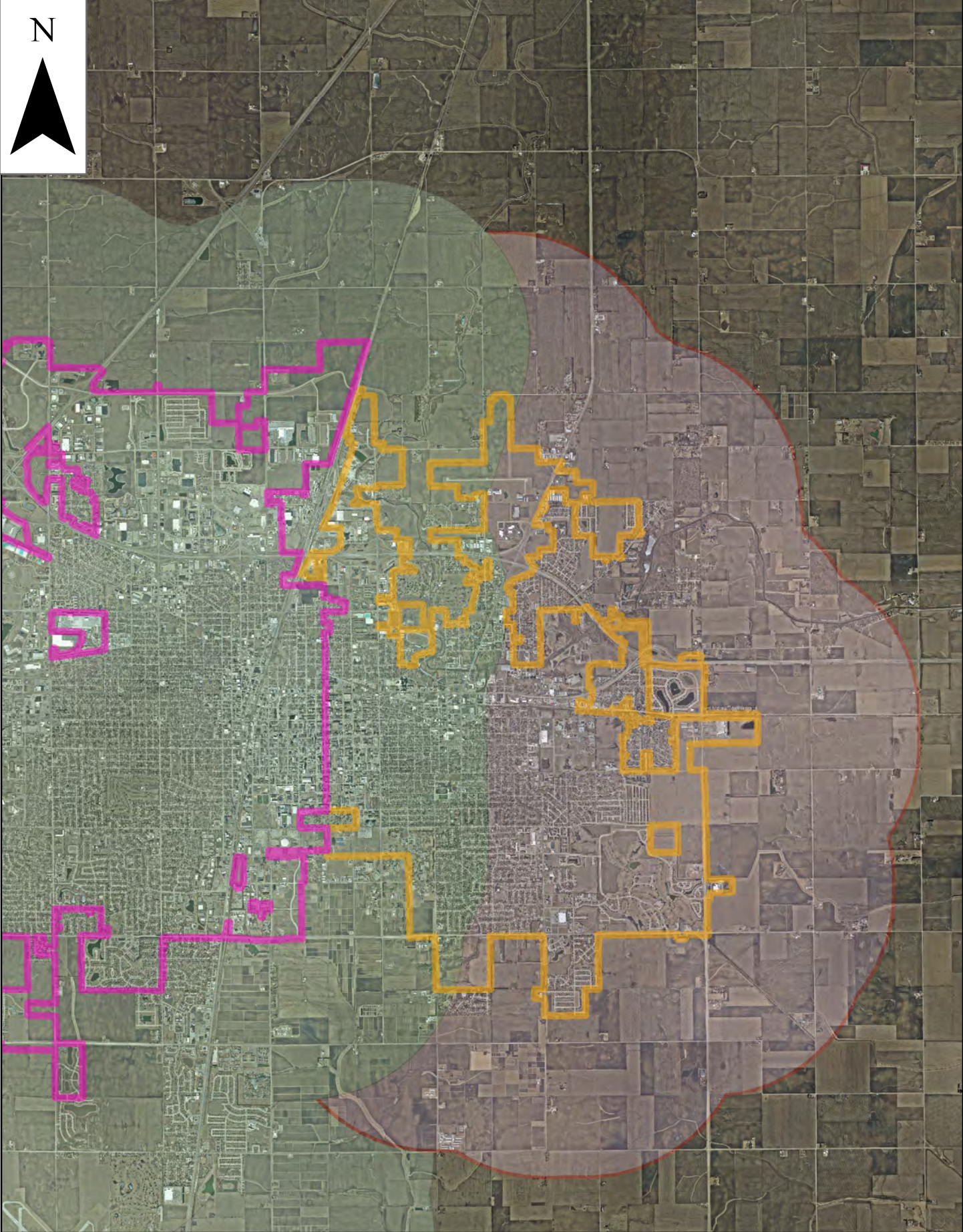


Exhibit C - July 6, 2017 Urbana Plan Commission Meeting Minutes

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 6, 2017

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Chris Stohr, David Trail, Daniel Turner

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

OTHERS PRESENT: None

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the June 8, 2017 regular meeting were presented for approval. Mr. Ackerson moved to approve the minutes as presented. Mr. Fell seconded the motion.

Chair Fitch suggested a change to Page 10, second paragraph from the bottom. The first sentence should read as such, “Ms. Billman asked about the purpose of the parking study ~~proposed text amendment.~~” The minutes were then approved by unanimous voice vote as amended.

4. COMMUNICATIONS

There was none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

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

Chair Fitch opened these items on the agenda. He announced that these two cases would be continued to the next regular meeting of the Urbana Plan Commission scheduled for Thursday, July 20, 2017.

Mr. Ackerson inquired why these two cases were opened at this meeting if they were not ready to be considered. Chair Fitch explained that it had to do with the noticing requirements for the public hearings.

8. NEW BUSINESS

Case No. CCZBA-87-3-AT-17: A request by the Champaign County Zoning Administrator to amend Sections 7.1.1 and 7.1.2 of the Champaign County Zoning Ordinance regarding “Home Occupation”.

Chair Fitch opened this item on the agenda. Christopher Marx, Planner I, introduced this case by presenting background information about the automobile repair use in Champaign County. He referred to a map showing the 1.5 mile extra territorial jurisdiction (ETJ) area around the City of Urbana. He talked about how the automobile repair use must remain an accessory use and not become the principal use and would have limitations on the number of vehicles, storage location of vehicles and hours of operation. It would only include minor repairs and not include major repairs such as body work, painting, major engine work, etc. He noted that the proposed County text amendment was congruent to the City’s regulations for minor auto repair use. He explained the review and protest rights of the City over County text amendments. He presented the options of the Plan Commission and presented City staff’s recommendation to defeat a resolution of protest.

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

Mr. Hopkins asked if the proposed text amendment would only apply to the City of Urbana and not to the City of Champaign or Village of Rantoul. Mr. Marx replied that there are several municipalities in Champaign County that are vague about whether they allow minor auto repair use or not. The City of Urbana, if not the only municipality, was one of the few municipalities that did, and we do allow the minor auto repair use.

Chair Fitch asked for clarification on the process. Champaign County would require a conditional use permit and the City would require a special use permit. Mr. Marx explained that the City's process of requiring a special use permit would only apply to properties within the City's limits. The City would not have review rights over properties located in the County. Lorrie Pearson, Planning Manager, added that Mr. Marx only intended to show that the proposed County process would be similar to the City's process.

Chair Fitch stated that he was trying to figure out what zoning districts the use would be allowed if a property was annexed into the City. Mr. Marx pointed out that the use would not be listed in the Table of Uses because it would only be an accessory use. The principal use would be the residential nature of the household.

Chair Fitch inquired about the specifics of the County's proposed text amendment versus the City's regulations for the minor auto repair use. Is the County's ordinance broader than the City's ordinance? Mr. Marx answered saying that the County's ordinance would be stricter than the City's ordinance.

Chair Fitch asked for clarification on the Plan Commission's options and their consequences. He wondered if the Plan Commission chose Option 2, which would be to recommend to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment, then would it trigger requiring a super majority vote. Ms. Pearson said no. If the Plan Commission has contingencies, then City Planning staff consults with Champaign County staff about the language change before presenting to the City Council. Mr. Marx noted the time line for Champaign County's review process and mentioned that there was plenty of time to make changes.

With no audience, Chair Fitch stated that there would be no public input. He reviewed the procedures for a public hearing.

Mr. Hopkins pointed out that if a person decided to get a conditional use permit to have a minor auto repair use on their property, then they would not be able to park their third personal vehicle on the property.

Chair Fitch stated that he would be more comfortable with the proposed text amendment if no vehicles would be allowed to cue outside of a garage.

Mr. Ackerson stated that when he thinks of County areas, he sees larger spaces where one or two extra cars would not be an issue. But in fact, there are subdivisions that are similar to subdivisions inside the City which would be affected by one or two extra cars taking up space.

Mr. Hopkins asked if the minor auto repairs use would only be allowed within the ETJ area and not in rural county areas. Mr. Marx replied that there are two types: rural home occupations and neighborhood home occupations. He believed that the minor auto repair use would be allowed in both. Ms. Pearson stated that Neighborhood Home Occupations are permitted as an accessory use and are subject to many standards. Rural Home Occupations are permitted as an accessory use in any dwelling in the AG-1 (Agriculture), AG-2 (Agriculture) and CR (Conservation-Recreation) districts subject to a number of standards.

Mr. Hopkins asked for clarification about the County zoning of the neighborhoods in the ETJ. Ms. Pearson confirmed that the County subdivisions in the ETJ are zoned County residential. Mr. Hopkins stated that his understanding of the proposed text amendment was that it would not apply to rural zoned areas. It only applies if a property is within the ETJ of a municipality that would allow it. If this is true, then he was inclined to support Chair Fitch’s proposal that the proposed text amendment should match more closely the City’s more restrictive cueing.

The Plan Commission members discussed whether they should add a contingent protest. Mr. Hopkins moved that the Plan Commission recommend to City Council to defeat a resolution of protest with the condition that the County modify their regulations for a special use permit to be the same as the City’s restrictions for a conditional use permit with regards to the number of vehicles allowed to be parked outside. Mr. Fell seconded the motion.

Mr. Ackerson liked that the motion limited it to the discussion of the number of vehicles.

Roll call on the motion was as follows:

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

The motion passed by a vote of 5 to 0. Ms. Pearson stated that in light of the new condition, Planning staff would want to talk with County Planning staff to get them to modify the proposed text amendment.

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 8:04 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission

Exhibit D: December 21, 2017 Urbana Plan Commission Meeting Minutes

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: December 21, 2017

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Lew Hopkins, David Trail, Dan Turner

MEMBERS EXCUSED: Tyler Fitch, Nancy Esarey Ouedraogo

STAFF PRESENT: Kevin Garcia, Planner II; Christopher Marx, Planner I

OTHERS PRESENT: Susan Burgstrom

NOTE: Mr. Trail moved to nominate Andrew Fell as Acting Chairperson in the absence of Tyler Fitch. Mr. Hopkins seconded the motion. The motion was approved by unanimous vote of the Plan Commission members in attendance.

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

Acting Chair Fell called the meeting to order at 7:30 p.m. Roll call was taken and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the December 7, 2017 regular meeting were presented for approval. Mr. Ackerson moved to approve the minutes as presented. Mr. Trail seconded the motion. The minutes were approved by unanimous voice vote as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

CCZBA-873-AT-17: A request by the Champaign County Zoning Administrator to amend Sections 7.1.1 and 7.1.2 of the Champaign County Zoning Ordinance regarding “Home Occupation.”

Acting Chair Fell re-opened this case. Christopher Marx, Planner I, presented this case to the Plan Commission. He began by reviewing the purpose for the amendment to the Champaign County Zoning Ordinance. He pointed out that the Urbana Plan Commission reviewed this case at their July 6, 2017 meeting. At which time, the Commission voted to forward to the City Council a recommendation to defeat a resolution of protest, with the condition that the County modify their regulations for a Special Use Permit to be the same as the City’s regulations for a Conditional Use Permit regarding the allowance of parked, inoperable vehicles. Champaign County felt this would not be feasible given that the County’s Nuisance Code already permits the storage of one inoperable vehicle; however, they proposed changes to the proposed text amendment that would provide more regulation for vehicles and home occupations. Mr. Marx stated those changes.

There were no questions for City staff. Acting Chair Fell opened the case for public input. There was none. Acting Chair Fell opened the case for Plan Commission discussion and/or motion(s).

Mr. Hopkins felt the proposed changes to the text amendment were a reasonable response for the Plan Commission’s concern. He was surprised at how strict the County’s regulations were even from a nuisance point-of-view. He would be okay with defeating a resolution of protest.

Mr. Ackerson moved that the Urbana Plan Commission forward Case No. CCZBA-873-AT-17 to the City Council with a recommendation to defeat a resolution of protest with no conditions. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Ackerson	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Mr. Trail	-	Yes	Mr. Turner	-	Yes

The motion passed by a vote of six ayes to zero nays. Mr. Marx noted that this case would be forwarded to City Council on January 8, 2018.

Update to the Plan Commission’s Official Bylaws

Acting Chair Fell re-opened this item on the agenda. Kevin Garcia, Planner II, stated that the proposed change could not be voted on at the previous meeting and was continued to this meeting.

There were no questions for City staff and no public input.

Mr. Hopkins moved that the Plan Commission approve the changes as recommended by City staff. Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Ackerson	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Mr. Trail	-	Yes	Mr. Turner	-	Yes

The motion was approved by unanimous vote. Mr. Garcia noted that these changes would take effect at the next regular meeting of the Plan Commission.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia gave a staff report on the following:

- Zoning Ordinance Omnibus Text Amendment was reviewed by City Council. They voted to approve everything except two changes regarding parking for single-bedroom units in multi-family apartment buildings and the clarification for calculating setbacks in residential zones. The City Council voted to send those two specific changes back to Committee of the Whole for further study, which will take place at their meeting on January 22, 2018.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission