



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: February 3, 2005

SUBJECT: Plan Case No. 1915-T-04: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to regulation of accessory parking lots located in close proximity to single-family neighborhoods

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow accessory use parking lots which are proposed to be located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and in close proximity to single-family residential neighborhoods by special use only. By requiring special use permit approval, such accessory parking lots would be subject to public notice and City review of related special use permit criteria, such as lighting, landscaping, traffic safety, buffers, etc. Special use approval would not be necessary for on-site accessory parking which is proposed as part of a development project that is otherwise allowed by right or by conditional use.

Background

Under current Zoning Ordinance regulations (see Section V-3.E.), accessory uses – including accessory parking lots – are allowed in any zone where the principal use to which the accessory use is accessory is allowed. Accessory use parking may be located on off-site lots within 600 feet of the principal use. The result of this application of accessory versus principal zoning use provisions can sometimes result in the creation of accessory parking lots in areas which are otherwise predominantly single family. This may occur in areas which have disparate zoning and as associated with non-residential uses which are regularly permitted in residential zones, such as churches and schools.

The definition of “Parking Lot, Accessory Use” in the Zoning Ordinance specifies that at least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to

serve that principal use. It further states that if the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 zone, the use must be reserved for the occupants of residential uses. These provisions need to be reflected in the regulatory portions of the Zoning Ordinance.

The proposed amendment is a result of a recent situation whereby an accessory parking lot was proposed on a residential parcel located at 806 West Iowa Street to serve the Alpha Chi Omega Sorority on Lincoln Avenue. The subject lot adjoins the south side of the sorority's current parking area located behind the sorority house. This proposal prompted concern by residents that construction of a parking lot at this location would not necessarily have been anticipated by its R7, University Residential, zoning. The site is bounded on all sides by other single-family and University Residential uses. While the parking lot approval precedes the current case, there is community concern that similar situations may arise where accessory parking lots are proposed in the midst of single-family neighborhoods and would be permitted as long as the parking were to be used by residents and the zoning of the accessory parking lot site would also allow the principal use.

The text amendment was specifically directed by City Council at the Committee of the Whole meeting on October 11, 2004 with the following motion:

“Motion to direct staff to initiate a plan case for Zoning Ordinance amendments necessary to address the issues presented by the placement of accessory parking lots in close proximity to single family residential neighborhoods through such means as requiring special use review of such lots and establishing appropriate development regulations.”

Proposed Amendment

Proposed amended language by section is indicated by strikeouts and underlining below. A brief explanation is provided in italics for each part.

Part One

Article II. Definitions, Section II-3. Definitions

Parking Lot, Accessory Use: A parking lot meeting the requirements of Article VIII that is primarily an accessory use to a particular principal use. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. ~~If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses.~~ An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section V-3-E.

Explanation: Text proposed to be struck is more appropriate in a regulatory section of the

Zoning Ordinance.

Part Two

Article V. Use Regulations. Section V-3. Table of Permitted Uses, by District

E. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:

1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.
2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
 - a) The off-site parking shall be permitted by right if either the principal use or a “principal use parking lot,” or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.
 - b) The off-site parking shall require a special use permit if a) above is not applicable.
3. If the off-site parking is located immediately adjacent to or across public right-of-way from property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VII-10.

3.4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.

4.5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site. If the parking is maintained off-site, the petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained on-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.

F. Accessory use parking located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and which is adjacent to or across public right-of-way from property zoned R-1, R-2, R-3 shall be permitted by special use only, subject to the provisions of Section VII-10. Special use approval would not be necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval would also not be necessary for one and two-family residential accessory parking expansions allowed under Section VIII-3.I.

Explanation: Added text to paragraph “E” introduces the requirement for a special use permit for off-site accessory parking located adjacent to or across public right-of-way from R-1, R-2, or R-3 zoning. Added paragraph “F” also requires a special use in the case of adjacent parking lot expansions on parcels located adjacent to or across public right-of-way from R-1, R-2, or R-3 zoning and clarifies that a special use permit would not be required for on-site accessory parking developed as part of a use permitted by right or conditional use, as identified in Table V-1, or for accessory parking lot expansions for one- and two-family residences. Section VIII-3.I. of the Zoning Ordinance allows up to two additional accessory parking spaces to be added for one- and two-family residences with certain restrictions.

Part 3

Article VII. Standards and Procedures for Conditional and Special Uses

Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots Adjacent to or Across Public Right-of-Way from R-1, R-2, or R-3 Zoning

Off-site parking lots and adjacent parking lot expansion located adjacent to or across public right-of-way from R-1, R-2, and R-3 zoning shall require a Special Use Permit as specified in Sections V-3.E and V-3.F. In addition to the procedures and requirements of Section VII-6, the special use review shall consider the following factors: protection of adjacent residences from lighting (Section VIII-2.1); provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance); required landscape buffering and/or fencing (Section VIII-2.F); and traffic access and safety. The proposal shall demonstrate conformance to the parking lot design requirements set forth in Article VIII. The City may also consider or require other restrictions necessary to preserve the essential character of the district in which the parking lot is proposed, including, but not limited to, security provisions, areal extent, number of spaces proposed, orientation of drives and spaces, and setbacks.

Explanation: This new Section identifies specific areas of concern to be addressed in considering Special Use Permits for off-site accessory parking lots located adjacent to or across public right-of-way from R-1, R-2, or R-3 zoning and identifies the relevant sections of the Zoning Ordinance or other regulations that provide additional relevant regulatory guidance. The section notes that other special use permit review criteria may be applied as well.

Part 4

Parking Standards

Section VIII-4. Amount of Parking Required

I. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses.

Explanation: This new paragraph includes text from the Definitions section of the Zoning Ordinance in a more appropriate location. At the Plan Commission meeting, public testimony was presented and discussion held regarding whether the limit on 60% should be increased to discourage shared use of parking lots in residential areas. Plan Commissioners determined that any such change would require further analysis as part of a separate case.

Summary of Staff Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan calling for neighborhood preservation.
3. The proposed amendment would address concerns about accessory parking lots that may be located in close proximity to single-family residential areas by requiring special use review.
4. The proposed amendment would clarify current zoning ordinance language pertaining to off-site accessory parking lots.
5. The proposed amendment would identify specific special use criteria and regulations to be considered for off-site or expanded accessory parking lots proposed adjacent to or across public right-of-way from R-1, R-2, or R-3 zoning. These criteria would help to protect nearby residences from impacts that may be associated with the accessory parking lot.

Options

A draft ordinance incorporating the requested text amendment is attached for Council consideration. In Plan Case 1915-T-04, the City Council may:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein.
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny the proposed text amendment to the Zoning Ordinance.

Recommendation

The Plan Commission held a public hearing on January 20, 2005 regarding the proposed amendment. Public testimony and discussion are summarized in the attached minutes. Changes and clarifications recommended by the Plan Commission have been incorporated into the proposed text amendment presented herein. Following discussion and identification of the text changes, the Plan Commission unanimously recommended **APPROVAL** of the proposed amendment. Staff concurs with this recommendation.

Attachments:

Draft Ordinance

Draft Minutes from Plan Commission meeting of January 20, 2005

Cc: Mickie Scheinman

Ann Reisner

Liz Cardman/Lisa Treul

ORDINANCE NO. 2005-02-017

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

(With Respect to Regulation of Accessory Parking Lots Located in Close Proximity to Single-Family Neighborhoods - Plan Case No. 1915-T-04)

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 Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow accessory use parking lots which are proposed to be located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and in close proximity to single-family residential neighborhoods by special use only; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1915-T-04; 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 proposed amendment on January 20, 2005; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1915-T-04 to the Urbana City Council with a recommendation for approval; 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 amend the text of the Urbana Zoning Ordinance as described herein.

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

Section 1. Section II-3, Definitions, Parking Lot, Accessory Use, is hereby amended to read as follows:

Parking Lot, Accessory Use: A parking lot meeting the requirements of Article VIII that is primarily an accessory use to a particular principal use. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section V-3-E.

Section 2. Section V-3, Table of Permitted Uses, by District, is hereby amended to read as follows:

A. In Table V-1, the use listed in a horizontal row with the letter "P" is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter "P" appears, except as provided in paragraph B. below; similarly, the letter "C" indicates that the use is permitted as a conditional use in that district, and the letter "S" indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance.

- B. The use of right-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, water mains, sanitary sewers, and storm drains, whether belonging to a governmental body or a public utility, shall be considered to be permitted, conforming uses in each district.
- C. In any zoning district, more than one (1) principal building per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:
1. The uses are permitted by right (P) or as a conditional use (C) in the district in which the lot or parcel of land is located.
 2. The lot or parcel of land does not qualify as a residential, commercial, or industrial PUD.
- D. In the R-6B, B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MOR, and OP Zoning Districts, more than one principal use may be allowed in a single building without Zoning Board of Appeals Approval if the uses are permitted by right (P) within the district in which the lot or parcel of land is located.

Note: Properties within the Boneyard Creek District and Business Development and Redevelopment District are subject to special rules and procedures as set forth in Section VII-8 and Section VII-9 respectively.

- E. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be

located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:

1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.
2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
 - a) The off-site parking shall be permitted by right if either the principal use or a "principal use parking lot," or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.
 - b) The off-site parking shall require a special use permit if a) above is not applicable.
3. If the off-site parking is located immediately adjacent to or across public right-of-way from property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VII-10.

4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.

5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site. If the parking is maintained off-site, the petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained on-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.

F. Accessory use parking located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and which is adjacent to or across public right-of-way from property zoned R-1, R-2, R-3 shall be permitted by special use only, subject to the provisions of Section VII-10. Special use approval would not be necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval would also not be necessary for one and two-family residential accessory parking expansions allowed under Section VIII-3.I.

Section 3. Article VII. Standards and Procedures for Conditional and Special Uses, Section VII-10. Reserved, is hereby amended to read as follows:

Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots Adjacent to or Across Public Right-of-Way from R-1, R-2, or R-3 Zoning

Off-site parking lots and adjacent parking lot expansion located adjacent to or across public right-of-way from R-1, R-2, and R-3 zoning shall require a Special Use Permit as specified in Sections V-3.E and V-3.F. In addition to the procedures and requirements of Section VII-6, the special use review shall consider the following factors: protection of adjacent residences from lighting (Section VIII-2.1); provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance); required landscape buffering and/or fencing (Section VIII-2.F); and traffic access and safety. The proposal shall demonstrate conformance to the parking lot design requirements set forth in Article VIII. The City may also consider or require other restrictions necessary to preserve the essential character of the district in which the parking lot is proposed, including, but not limited to, security provisions, areal extent, number of spaces proposed, orientation of drives and spaces, and setbacks.

Section 4. Article VIII, Section 4, Amount of Parking Required, is hereby amended to add the following item I:

- I. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that

principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses.

Section 5. 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 _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (With Respect to Regulation of Accessory Parking Lots Located in Close Proximity to Single-Family Neighborhoods - Plan Case No. 1915-T-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2005, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2005.

(SEAL)

Phyllis D. Clark, City Clerk

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: January 20, 2005

TIME: 7:30 P.M.

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

MEMBERS PRESENT: John Cooper, Laurie Goscha, Michael Pollock, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Lew Hopkins, Randy Kangas, Bernadine Stake

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services, Paul Lindahl, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Michael Doran, Ann Reisner

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

The meeting was called to order at 7:34 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

NOTE: Chair Pollock took a moment to welcome John Cooper to the Plan Commission.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes from the January 6, 2005 meeting of the Plan Commission as presented. Ms. Upah-Bant seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

There were none.

Plan Case # 1915-T-04: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to regulation of accessory parking lots located in close proximity to single-family neighborhoods.

Ms. Tyler presented this case to the Plan Commission. She stated what the current regulations were for accessory parking lots according to the Urbana Zoning Ordinance. She explained how the proposed text amendment came about and why it was being directed by the City Council. She pointed out the changes that would be made for each of the four parts of the proposed text amendment. She summarized staff findings and read the options of the Plan Commission. She 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 at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance.

She noted one small typo under Part Three in the underlined heading. It should read as such, Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots ~~In or~~ Adjacent to R-1, R-2, or R-3 Zoning.

Mr. White believed that a major problem in areas like this, particularly in East Urbana where there were apartment buildings and single-family homes, was parking. In a way, the proposed text amendment would prevent or slow down the process of creating additional parking. Ms. Tyler replied that this was a paradox that staff had seen happen over and over again, particularly in the neighborhood close to campus. Parking pressure in that area led to things like the parking permit program. It also led to pressure, like the parking lot at 806 West Iowa Street, which involved a great expense and trouble to accommodate just a few precious parking spaces. There was a paradox with an increase of pressure for on-street parking at the same time there was concern by neighbors that houses not be torn down and turned into parking lots. There was recognition that these were contradictory stances, but they both come from a neighborhood preservation point-of-view.

Mr. White mentioned that the proposed text amendment would be treating things within 600 feet the same as a parcel that would be contiguous with another parcel. It appeared to him that if he owned a parking building and needed to create spaces, he could buy a single-family home next door, and it should be relatively easy for him to turn the single-family home into a parking lot. Ms. Tyler thought there was merit to the off-site being treated differently from the contiguous; however, the problem was that the case that prompted the proposed text amendment was contiguous, even though it was in the rear of the property and three lots removed.

Mr. Pollock inquired if the definition of "adjacent" included something across the street. Ms. Tyler answered by saying that it would be an interpretive item for the Zoning Administrator. It would be hard to say that it was not adjacent even if there was a roadway.

Mr. Pollock asked if it currently was legal for a property owner of an apartment in a R-5 zoning lot, to purchase a single-family house next door, tear the house down, and build a parking lot.

Ms. Tyler replied no, because the R-2 zoning district did not allow an apartment. An accessory parking lot needed to be in zones that allow the principal use.

Mr. Pollock talked about Article VII. Standards and Procedures for Conditional and Special Uses. There were many things listed that a special use permit could consider in deciding whether this was appropriate or not. It certainly was not limited to those listed. Could the Plan Commission and City Council, having the final word, impose whatever special use conditions they would feel would be appropriate and not be limited to those listed in this article? Ms. Tyler said that was correct. The Plan Commission had pretty broad powers. When looking at the criteria for any special use permit case, the Commission was looking to preserve the integrity of the district, the character of the neighborhood, etc. So, there was a whole number of tools that the Plan Commission could use. The things listed under Article VII only defined what some of those tools might be.

Mr. Pollock questioned if any use for parking that was not adjacent would have to go through a special use permitting process. Ms. Tyler noted that there could still be accessory parking 600 feet from the principal use. She felt that this was a good rule, particularly in the built up areas. Mr. Pollock added that this was true only if the zoning of the accessory parking lot was the same as the principal use. Ms. Tyler stated that was one rule. If it were in the residential zones, then the accessory parking lot would have to be used by residential occupants. If the proposed text amendment were approved, then a special use permit review would be triggered by any accessory parking lot being proposed next to any R-1 or R-2 in any form.

Mr. Pollock inquired if there was any way currently or under the proposed text amendment that a lot, which was 600 feet away and not zoned the same as the principal use, could be granted a use as parking. Ms. Tyler recalled the bed-and-breakfast case, which had to get a special use permit for the parking.

Dick Brazee, of 905 South Busey Avenue, stated that he was one of the co-owners of a property near 806 West Iowa Street. In Article II. Definitions, Section II-3. Definitions, there was a sentence stated as follows: "At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use." He asked if the Plan Commission wanted to perpetuate the 60%. The parking spaces at 806 West Iowa Street were costing over \$20,000 a piece. With the 60% rule, the City would be creating an incentive to rent those parking spaces out. He would like to see the percentage of the total number of parking spaces be increased between 80% and 100%. Ms. Tyler stated that City staff did get concerned when a principal use parking lot was permitted as an accessory parking lot and then a sign appears renting out the spaces. It becomes a different use than what was permitted.

Her only concern was that the language did not just pertain to the residential zones, but rather it pertained to all of the zoning districts. Allowing shared use of parking in a lot of areas was important and efficient. It prevents more parking lots. However, if the Plan Commission wanted to increase the percent in the residential areas, then it might prevent the fear of the residential accessory parking lots being built as a business enterprise.

Mr. Pollock questioned whether it was reasonable to assume that given the value of parking in the near campus area that it would be worth it for someone to develop a parking lot, even if they

were only able to use 40% of the parking lot as rentals. Would it be financially feasible for them to do that? Ms. Tyler felt it changed every year. There were more students, more students with cars, and more safety concerns. Busier students who want to park close, because they have jobs and they live off campus. The pressure was only increasing. The University of Illinois was building more parking and planned to build a parking garage along Lincoln Avenue, which would help some of Urbana's neighborhoods. She believed that there would be more rental parking spaces. Mr. Pollock asked if it would take a separate plan case to raise the percentage in strictly residential districts. Ms. Tyler said yes.

Ms. Goscha asked if some of the spaces were rented for a fee, would it change the use of the parking lot to be a principal use parking lot? Ms. Tyler replied by saying that if she received complaints and saw a sign suggesting that a parking lot was being used as a principal use parking lot, which was only permitted in the higher zones, then the proposed text amendment would give her some guidelines to correct the problem. Ms. Goscha stated that it would not be a zoning violation to rent out 40% of the parking lot. Ms. Tyler agreed.

Mr. Pollock inquired if this was enforceable. Had it ever been enforced? Ms. Tyler mentioned that she had not dealt with the 60%. However, she had some concerns and complaints of signs saying, "Spaces for Rent". Staff had the signs removed and the practice of placing those signs removed, because that begins to look like a commercial use. She had not gotten to the 60% rule as of yet. If staff thought a parking lot was looking like a principal use, then they would warn the landlord.

Ms. Tyler pointed out that there was a problem with the word "adjoining" in the definitions. It did not include the right-of-way. She read the definition of "adjoining" from the Zoning Ordinance. Mr. Pollock clarified that the public right-of-way included not only the street, but the sidewalks as well. So, residents who live across a street from a parking lot would not be able to be considered adjacent or adjoining. This could create hassles in the future with people living across the street from a proposed parking lot having concerns. Ms. Tyler noted that it was written with the intent that it would apply across the street as well.

Ann Reisner, co-owner of 905 South Busey Avenue, offered some anecdotal evidence that at least on campus, parking lots were going up for sale all the time. Basically, she saw a tremendous number of signs in the bathrooms on campus advertising parking spaces being sold. Students were considering it a source of revenue.

Ms. Reisner felt that 80% was a more reasonable figure. There may be some lots empty if it was 100%, but 60% was offering a tremendous amount of flex in terms of what people could expect. She wanted to avoid setting up an incentive structure.

Ms. Goscha pointed out that the word "adjacent" had been used and not "adjoining". Ms. Tyler stated that she had used the wrong word; however, it was also defined. The discussion item would be if the Plan Commission wanted to consider whether across rights-of-way needed to also trigger the special use permit. As it was currently written, across rights-of-way would not trigger the need for a special use permit. The Plan Commission could add "*immediately adjacent to or across the public right-of-way from property*". Mr. Pollock clarified that Ms. Goscha's intent was to eliminate across the right-of-way. So, the question was, "Which right-of-

ways were they talking about? Streets and alleys? Streets, but not alleys?” Ms. Tyler pointed out that “adjacent” includes alleys, but not streets, for all practical purposes because “right-of-way” was defined as 28 feet. A local street has about a 60-foot right-of-way. Mr. Pollock stated that if the Plan Commission wanted to eliminate alleys, then they needed to amend the language. Otherwise, the language was acceptable as it was written.

Ms. Goscha asked for clarification. A special use permit would be required when an accessory parking lot was proposed adjacent to, which means bordering, a R-1, R-2 or R-3 zoning district. Ms. Tyler stated that was correct, but if two lots were separated by a public right-of-way greater than 28-feet wide, then the lots would not be deemed adjoining.

Ms. Goscha believed that lots across the street should be considered adjacent. If she lived across the street from where a parking lot could be proposed, then she would like a special use permit to be required. There should be some special screening, etc. for the visual impact that the parking lot would make. Ms. Tyler suggested changing the text in Part Two, Article V. Use Regulations, Section V-3. Table of Permitted Uses, by District, E.3 to read as follows: If the off-site parking is located immediately adjacent to or across public right-of-way from property zoned R-1, R-2 or R-3, it shall require a special use permit subject to the provisions of Section VII-10.

Mr. White gave an example of someone who owned property that had space on it next to an apartment building. Currently, by right, the owner could expand a parking lot into that space. The proposed text amendment would take away that right if the property across the street were zoned R-1, R-2 or R-3. Ms. Tyler responded by saying that the by-right would be taken away, but the property owner would still have the special use ability. Mr. Pollock noted that the property owner could add more parking spaces on his/her own property. Mr. White asked if that person bought a R-4 zoned property adjacent to the first property and there was a R-1, R-2 or R-3 zoned property across the street, then the person would need a special use permit for the parking lot. Ms. Tyler said that was correct, but the property owner could possibly replat so that the two lots would become one parcel.

Ms. Goscha moved that the Plan Commission forward the proposed text amendment to the City Council with a recommendation for approval with the following change: 1) wherever the word “adjacent” had been used to insert the phrase, “or across public right-of-way from” with regard to properties zoned R-1, R-2 and R-3 and 2) change the underlined title as suggested by Ms. Tyler in Article VII. Standards and Procedures for Conditional and Special Uses to read as such, “Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots ~~In or~~ Adjacent to R-1, R-2, or R-3 Zoning.” Ms. Upah-Bant seconded the motion.

Ms. Upah-Bant stated that she did not feel real strongly about across the public right-of-way. However, enough Plan Commission members do feel strongly about it, that she would vote in favor of it.

Mr. Pollock agreed with Ms. Goscha. Having lived across the street from R-4 zoned lots that were under severe pressure for a number of years in a single-family home neighborhood that was making a comeback. A parking lot could have been built in the neighborhood, and it would have been devastating to that comeback.

Roll call was as follows:

Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Mr. Cooper	-	Yes
Ms. Goscha	-	Yes			

The motion was passed by unanimous vote.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission