



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### m e m o r a n d u m

**TO:** Mayor Laurel L. Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** February 26, 2009

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

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### **Introduction**

Plan Case No. 2098-T-09 is a request to amend Urbana Zoning Ordinance Section V-8, Additional Use Regulations in the MOR District. The proposed text amendment would place quantifiable limits on the type of projects allowed to undergo administrative review and would remove the Zoning Administrator's ability to grant minor variances in order to provide for improved public input.

The Plan Commission held a public hearing for this case at their February 19, 2009 meeting. The Plan Commission voted 7 ayes and 0 nays to forward the case to City Council with a recommendation for **approval**.

### **Background**

The MOR zoning district was created as a result of the recommendations of the 1990 Downtown to Campus Plan. The Downtown to Campus Plan consisted of an area-wide zoning study for much of the West Urbana and campus neighborhoods. It was concluded in the plan that a special office/residential zoning district was needed for much of the Green Street and Elm Street corridors. The purpose of the new district would be to allow a variety of residential, office, and commercial uses in the district but to encourage the adaptive re-use of the existing structures. The plan stressed that as an incentive to adaptively re-use existing structures, a wider variety of uses should be permitted. It was envisioned that Green Street and Elm Street could contain single-family and small-scale multi-family residential development along with small-scale boutique shops and offices intermixed and where buildings were designed with a residential character.

The proposed amendment is an outcome of an administrative review of an adaptive reuse project in the MOR zoning district in Spring 2008. On February 28, 2008, the Urbana Zoning Administrator granted zoning approval for the renovation of an existing residence at 601 W. Green Street with two administrative variances for the proposed renovations. Two additional administrative variances were granted on April 10, 2008. Under Section V-8, public notice is not required for administrative review of adaptive re-use projects (as an incentive to re-use existing structures). As such, neighboring property owners were not notified of the site plan approval or of the granting of variances in this case. In order to provide for improved public notice of adaptive reuse projects in the MOR and in response to citizen concerns about the project at 601 W. Green Street, both the Mayor and the Zoning Board of Appeals have requested an amendment to the Zoning Ordinance.

### **Existing Regulations**

The regulations pertaining to the Mixed Office Residential (MOR) District were amended in 2003 to promote adaptive reuse of existing structures in the District by allowing for administrative approval of site plans and granting of certain minor variances (ordinance attached as Exhibit D). The administrative approval mentioned above was the first such approval granted since the regulations were amended. Zoning Ordinance regulations relevant to the administrative review of adaptive re-use projects in the MOR are contained within Section V-8, Additional Use Regulations in the MOR District. Relevant sections are set forth below:

Section V-8.B states:

*As an incentive to encourage the adaptive re-use of existing principal structures in the MOR District, any proposals for a change of use, building addition, or exterior remodeling that incorporates the adaptive re-use of an existing structure within the district shall not require review by the Design Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" specified in Section XI-12.J as determined by the Zoning Administrator. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D.*

Allowable adjustments to existing codes and regulations for adaptive re-use projects are contained within Section V-8.D:

#### *D. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*

*1. The Zoning Administrator or Development Review Board may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code for adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principal structures is proposed. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. Adjustments or modifications to the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects may be authorized:*

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

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

*c. Section VIII-5, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-5;*

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

*e. Article VI, Development Regulations; except that the Zoning Administrator shall only approve the adjustments listed in Section XI-3-C.2.b (i.e., for minor variations) and no others; and*

*f. Chapter 7 of the City Code, Fences.*

### **Issues and Discussion**

The proposed text amendment would continue to encourage the adaptive reuse of existing buildings, but would better clarify the administrative review process and the roles of the MOR Development Review Board and the Zoning Administrator. The current language regarding projects that incorporate the adaptive re-use of an existing structure states that such a project may be reviewed by the Zoning Administrator unless a proposed addition and/or remodeling effort is so extensive as to result in a substantial change to the appearance and/or scale of an existing building.

The first change in the proposed text amendment would add clearer, more quantifiable criteria to clarify what types of projects may be reviewed by the Zoning Administrator and which require review by the full Board. The criteria listed below are modeled after the recently-adopted criteria in Section XI-15, Design Review Board. The three additional criteria would ensure projects that would significantly impact the character of a neighborhood would undergo review by the full

MOR Development Review Board yet still allow minor projects to be reviewed administratively so as not to discourage property maintenance and improvements. Additionally, having consistency between the triggers for full Board review by the MOR DRB and by the newly created Design Review Board would allow for improved administration and create better consistency.

Proposed changes to Section V-8.B (see Exhibit B for a clean copy of proposed text amendment and Exhibit C for a strike-out version):

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

1. Increase the building footprint by more than 15 percent; or
2. Increase the floor area ratio by more than 15 percent; or
3. Include installing or enlarging a parking lot; or
4. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the chair of the MOR Development Review Board;

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with the provisions of the Board as specified in Section XI-12 and shall also demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

The proposed text amendment would also remove the Zoning Administrator's ability to grant minor variances from the Zoning Ordinance for adaptive reuse projects in the MOR. The adaptive re-use case at 601 W. Green Street was the first time the Zoning Administrator had granted administrative variances. Under the existing regulations pertaining to the administrative approval of site plans and granting of minor variances in the MOR zoning district, there is no requirement to notify the public and no structured means to take public testimony. Several members of the public expressed concern about public notice and the opportunity to give testimony regarding the improvements to 601 W. Green Street. Due to practical difficulties with providing proper notice and hearing facilities for administratively granted variances, City staff recommends eliminating this provision. Variances may still be granted by the MOR Development Review Board as an incentive for adaptive reuse projects.

Proposed changes to Section V-8.C:

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

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

- a. Section VIII-3, *Design and Specifications of Off-Street Parking*;
- b. Section VIII-4, *Location of Parking Facilities*;
- c. Section VIII-5, *Amount of Parking Required*; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-6, *Off-Street Loading Regulations*;
- e. Article VI, *Development Regulations*; and
- f. Chapter 7 of the City Code, *Fences*.

One final addition in the proposed text amendment is to add a reference to the appeals process as outlined in Section XI-3.D. The other changes are to simplify and clarify the language and meaning in the section.

### **Urbana Plan Commission**

The Urbana Plan Commission held a public hearing concerning this case on February 19, 2009. Three members of the public spoke in support of the text amendment. During the Plan Commission discussion, some concern was expressed regarding the fourth criterion to determine what type of review a project would undergo: Section V-8.B.4 states *Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the chair of the MOR Development Review Board*. The concern was that this criterion is too subjective and could lead to the difficulties encountered during the 601 W. Green Street case. The four criteria are consistent with those of the newly created Design Review Board. Staff recommended including this criteria to act as a "safety net" to catch proposals which do not come under the three new criteria (increasing building footprint, increasing floor area ratio, and installing or enlarging a parking lot), but may still be considered a significant change requiring full Design Review Board review. Additionally, the proposed text amendment adds a further safeguard of having the Zoning Administrator consult with the Chair of the Board in making this determination. Following discussion, the Plan Commission, in a vote of 7 ayes and 0 nays, recommended that Plan Case 2098-T-09 be forwarded to City Council with a recommendation for **approval** as presented. Draft minutes of the Plan Commission public hearing can be found at the end of this packet.

### **Summary of Staff Findings**

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code;
2. The Mixed Office Residential (MOR) Zoning District was established in 1991 to encourage the adaptive re-use of existing structures;
3. Section V-8, Additional Use Regulations in the MOR District, was amended on September 7, 2004, to allow for administrative review of adaptive reuse projects;

4. On February 28, 2008, the Urbana Zoning Administrator granted zoning approval for the renovation of an existing residence at 601 W. Green Street along with two administrative variances for the proposed renovations. Two additional administrative variances were granted on April 10, 2008.
5. On October 15, 2009, the Zoning Board of Appeals requested City staff review the regulations in the Zoning Ordinance pertaining to the MOR District with regard to administrative review procedures.
6. Urbana Mayor also requested City staff review the regulations in the Zoning Ordinance pertaining to the MOR District.
7. The proposed amendment would continue to encourage the adaptive reuse of existing structures, but would include clearer, more quantifiable criteria to clarify what types of projects may be reviewed by the Zoning Administrator and which would require review by the full Design Review Board.
8. The proposed amendment would remove the Zoning Administrator's ability to grant minor variances, thus ensuring public notification and hearing of requests for all variances.
9. At their February 19, 2009 meeting the Urbana Plan Commission in a vote of 7 ayes and 0 nays recommended that City Council **approve** the proposed text amendment in Plan Case 2098-T-09.

## **Options**

The Urbana City Council has the following options regarding Plan Case No. 2098-T-09:

1. Approve the request as presented herein; or
2. Deny the request.

## **Staff Recommendation**

Based on the analysis and findings presented herein, the Urbana Plan Commission recommends that City Council **APPROVE** Plan Case No. 2098-T-09. Staff recommends that City Council **APPROVE** Plan Case No. 2098-T-09.

Prepared by:

Rebecca Bird, Planner

Attachments: Draft Ordinance

Exhibit A: Location Map

Exhibit B: Proposed draft of Section V-8, clean copy

Exhibit C: Proposed draft of Section V-8, marked up

Exhibit D: Ordinance No. 2003-11-120

Cc: FYI, email, ZBA  
FYI, email, WUNA

ORDINANCE NO.

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

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

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

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

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

WHEREAS, the Mayor and the Urbana Zoning Board of Appeals requested City Staff to amend Section V-8; and

WHEREAS, the Urbana Zoning Administrator has requested to amend Section V-8 of the Urbana Zoning Ordinance regarding administrative review in the M.O.R., Mixed-Office Residential Zoning District to place quantifiable limits



on the type of projects allowed to undergo administrative review and remove the Zoning Administrator's ability to grant minor variances; and

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

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

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

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

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

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

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

- A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of principal buildings, proposed changes to existing principal buildings which do not:

- A. Increase the building footprint by more than 15 percent; or
- B. Increase the floor area ratio by more than 15 percent; or
- C. Include installing or enlarging a parking lot; or
- D. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the Chair of the MOR Development Review Board;

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with the provisions of the Board as specified in Section XI-12 and shall also demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

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

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

- a. Section VIII-3, Design and Specifications of Off-Street Parking;
- b. Section VIII-4, Location of Parking Facilities;
- c. Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-6, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; and
- f. Chapter 7 of the City Code, Fences.

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

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

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

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

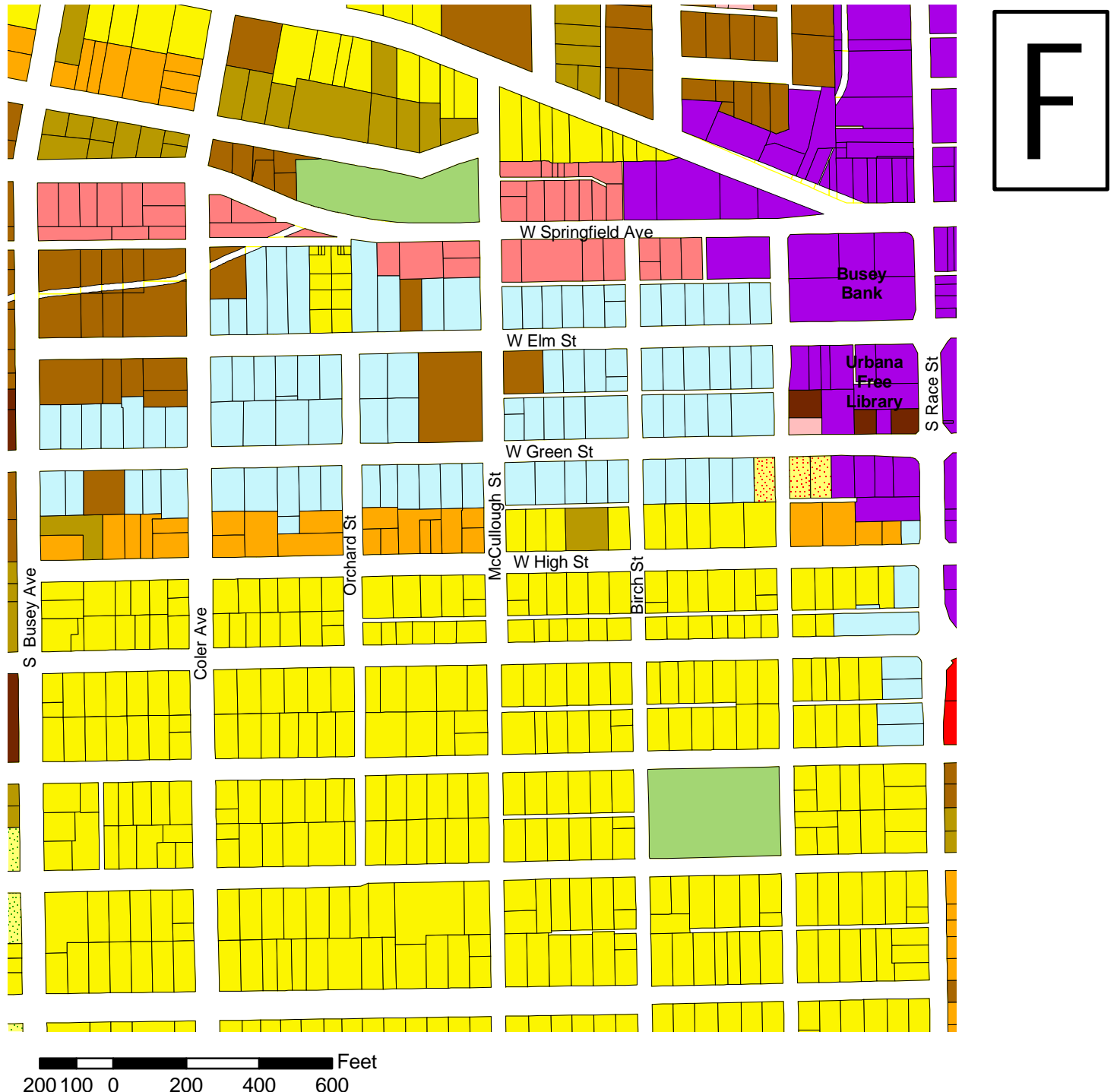
\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**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 \_\_\_\_\_, 2009, the corporate authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revisions to Section V-8, "Additional Use Regulations in the MOR District", to the Urbana Zoning Ordinance - Plan Case No. 2098-T-09) 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 \_\_\_\_\_, 2009, 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 \_\_\_\_\_, 2009.

# EXHIBIT A: MOR Zoning District Location Map



**Plan Case:** 2098-T-09  
**Subject:** Proposed Text Amendment to Section V-8,  
 Additional Use Regulations in the MOR District.  
**Zoning District:** MOR  
**Petitioner:** Zoning Administrator

- MOR
- B2
- B4
- CRE
- R2
- R3
- R4
- R5

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

- A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of principal buildings, proposed changes to existing principal buildings which do not:
  - 1. Increase the building footprint by more than 15%; or
  - 2. Increase the floor area ratio by more than 15%; or
  - 3. Include installing or enlarging a parking lot; or
  - 4. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the chair of the MOR Development Review Board;

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with the provisions of the Board as specified in Section XI-12 and must demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

- C. *Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects.*
  - 1. For site plans incorporating the adaptive re-use of existing structures, the MOR Development Review Board is empowered to authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:
    - a. Section VIII-3, Design and Specifications of Off-Street Parking;
    - b. Section VIII-4, Location of Parking Facilities;
    - c. Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
    - d. Section VIII-6, Off-Street Loading Regulations;
    - e. Article VI, Development Regulations; and
    - f. Chapter 7 of the City Code, Fences.
- D. *Appeals.* See Section XI-3.D for information regarding the appeals process. All appeals must be filed within 45 days as prescribed by the State Zoning Act (65 ILCS 5\11-13-12).

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

- A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of principal buildings, proposed changes to existing principal buildings which do not:
1. Increase the building footprint by more than 15%; or
  2. Increase the floor area ratio by more than 15%; or
  3. Include installing or enlarging a parking lot; or
  4. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the chair of the MOR Development Review Board.

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with the provisions of the Board as specified in Section XI-12 and must demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

- ~~B. As an incentive to encourage the adaptive re-use of existing principal structures in the MOR District, any proposals for a change of use, building addition, or exterior remodeling that incorporates the adaptive re-use of an existing structure within the district shall not require review by the Design Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" specified in Section XI-12.J as determined by the Zoning Administrator. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request MOR Development Review Board review and approval of the project. The MOR Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D.~~
- ~~C. Proposals not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the MOR Development Review Board in accordance with the provisions of the Board as specified in Section XI-12 and must demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.~~

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

1. For site plans incorporating the adaptive re-use of existing structures, the MOR Development Review Board is empowered to authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:
1. ~~The Zoning Administrator or MOR Development Review Board may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code for adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District. When changes are proposed to the use of~~

~~existing structures and/or when additions or exterior remodeling of existing principal structures is proposed. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. Adjustments or modifications to the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects may be authorized:~~

- a. Section VIII-3, Design and Specifications of Off-Street Parking;
- b. Section VIII-4, Location of Parking Facilities;
- c. ~~Section VIII-5, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator~~ and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-6, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; ~~except that the Zoning Administrator shall only approve the adjustments listed in Section XI-3-C.2.b (i.e., for minor variations) and no others;~~ and
- f. Chapter 7 of the City Code, Fences.

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



ORDINANCE NO. 2003-11-120

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

(Revisions to Various Sections of the Urbana Zoning Ordinance  
As They Pertain to the Requirements of the M.O.R., Mixed-Office-Residential  
Zoning District and the Procedures of the Development Review Board,  
Plan Case No. 1865-T-03)

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

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District called into question their compliance with the stated intent of the district; and

WHEREAS, on July 21, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-07-073 creating an Interim Development Ordinance and establishing a 120-day moratorium on development in the district so city staff could study the district and propose changes to the requirements of the district and the procedures of the Development Review Board; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-

COPY

Office Residential Zoning District and the procedures of the Development Review Board; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1865-T-03; 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 opened a public hearing to consider the proposed amendment on October 9, 2003 and continued the public hearing to the October 23, 2003 meeting; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 1 nay on October 23, 2003 to forward the proposed amendments set forth in Plan Case No. 1865-T-03 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.

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

Section 1. Section IV-2.I, Purpose of Districts, in the MOR District, of the Zoning Ordinance is hereby amended to read as follows:

The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.

Section 2. Section V-8, Additional Use Regulations in the MOR

District, of the Zoning Ordinance is hereby amended to read as follows:

- A. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of existing principle structures in the MOR District, any proposal for a change of use, a building addition, and/or exterior remodeling of an existing structure(s) shall not require review by the Development Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the established MOR design guidelines specified in Section XI-12.J. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D. below.
- C. New construction not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.
- D. *Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*
  1. As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Zoning Administrator may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code. The Zoning Administrator may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principle structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. The Zoning Administrator is hereby authorized to make minimum adjustments or modifications

to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects:

- a. Section VIII-2, Design and Specifications of Off-Street Parking;
- b. Section VIII-3, Location of Parking Facilities;
- c. Section VIII-4, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-5, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; except that the Zoning Administrator is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and
- f. Chapter 7 of the City Code, Fences.

*Commentary: The intent of Section V-8.F is to allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures.*

Section 3. Section XI-12, Development Review Board is hereby amended to read as follows:

A. *Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all site

plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.

3. The Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
  - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;
  - b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines;
  - c. Determine if proposed development plans meet the intent of the district as stated in Article IV.2.I;

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

1. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in XI-12.A.2. The Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in XI-12.G.
3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. The Development Review Board shall consist of seven members. A quorum of the Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
  - a. A member of the Urbana Plan Commission;

- b. A member of the Urbana Historic Preservation Commission;
  - c. A licensed architect;
  - d. A resident of property in the MOR, Mixed-Office Residential Zoning District;
  - e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
  - f. A local developer;
  - g. An owner of a local small business with fewer than 40 employees.
2. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three (3) consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

- 1. There shall be a Chair and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one (1) year and shall be eligible for re-election. Elections shall be held annually.
- 2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
- 3. Secretary. The Secretary of the Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
  - a. Take minutes of each Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
  - b. Provide administrative and technical assistance to the Development Review Board to assist it in making the decisions and findings as provided herein;

- c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
- d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
- e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of Development Review Board members;
- f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
- g. Have no vote.

E. *Meetings.*

1. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.
2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.
2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. Approval of a site plan shall require a two-thirds majority vote and shall be calculated on the basis of those voting members present and not abstaining, however, in no instance shall fewer than four "aye" votes constitute a two-thirds majority.

G. *Application and Site Plan Submittal Requirements*

1. A request for site plan approval by the Development Review Board shall be made by the applicant in writing

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

2. Site Plans must contain the following information:
  - a. Size and dimensions of the parcel to be developed drawn to scale;
  - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
  - c. Identification of neighboring property owners listed on the site plan;
  - d. Location of all existing structures on the parcel;
  - e. Location of adjacent parcels and structures;
  - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
  - g. Location and layout of any proposed access drives, parking area and walkways;
  - h. Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
  - i. Elevations or perspectives of adjacent existing structures;
  - j. Floor plans indicating the interior layout of the proposed structure or addition;
  - k. Location of existing trees and shrubs and proposed landscaping;
  - l. Detail view drawings as necessary to show key design elements;
  - m. Relevant site details including lighting, dumpster locations, signage, and other features;
  - n. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
4. The Development Review Board may require additional information necessary to consider applications.

#### *H. Development Review Board Review Procedures*

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.



2. After reviewing the proposed site plan according to the criteria in Section XI-12-I, the Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall cause the Secretary of the Board to appeal the request to the Board of Zoning Appeals in accord with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Section VII-1. The Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

*I. Site Plan Review Criteria.*

Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.

**1. Compatibility with Surrounding Neighborhood**

Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2-I. In reviewing proposals the Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.

**2. Parking and Access**

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

**3. Screening and Landscaping**

Proposals shall demonstrate the preservation of existing natural features where practical. The Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and

screening requirements identified in the Urbana Zoning Ordinance. The Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

#### 4. Site Details

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.

#### 5. Design Guidelines

The Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.

#### J. Design Guidelines Review

The Development Review Board shall evaluate the design of any proposed new development to determine compatibility with the residential character of the neighborhood. Any new structure shall:

1. Have a main entrance on the street side of the building. If the lot has more than one street frontage, then (the main entrance shall be) on the more major frontage.
2. Have windows facing each street frontage.
3. Have a pitched roof.
4. Have architecturally screened parking if parking is beneath the building, so that cars are not visible from the front, side or back yards, except in front of the entrance.
5. In addition, compatibility shall be determined by considering how many of the following design criteria are incorporated:
  - a) Asymmetrical design, a juxtaposition of masses and volumes or design elements so that they are not equal in importance.
  - b) Narrower façade faces the street
  - c) Building taller than wide when viewed from the street
  - d) 1-1/2 or 2-1/2 stories for buildings with a maximum height of 3 stories
  - e) Height consistent with the immediately adjacent buildings

- f) Few flat plane elevations
- g) Provide a foundation line (rusticated bases)
- h) First floor porches
- i) No porches or balconies on second floor or higher on sides abutting single-family residences
- j) A minimum of 25% and a maximum of 60% of wall face to be windows
- k) Bay windows are favored
- l) Windows taller than wide
- m) Street facing doors onto balconies, patios or porches to be French-style, paned and hinged (i.e., no sliding doors)
- n) Exterior doors of same style as front doors of single family homes
- o) Gable or multi-gables
- p) In designs without gables, use dormers or other features along the front façade to break-up the front plane or roof line of the structure
- q) Front-yard setback no less than the average of setbacks of adjacent properties
- r) Retention of trees
- s) "Green space" in front yard
- t) Use of wood, brick, or stucco versus vinyl siding

Section 4. 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 17th day of November,  
2003.

AYES: Chynoweth, Hayes, Huth, Patt, Wyman

NAYS: Otto, Whelan

ABSTAINS:

  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 25th day of November,  
2003.

  
Tod Satterthwaite, Mayor

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** February 19, 2009

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

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

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**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White


**MEMBERS EXCUSED:** Tyler Fitch

**STAFF PRESENT:** Robert Myers, Planning Manager; Lisa Karcher, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Liila Bagby, Brian Craine, Justin Gholson, Andrew Fulton, Victor Johnson, Michael Kinate, Georgia Morgan, Phillip Newmark, Danielle Ross, Steve Ross, Bob Stewart, Susan Taylor, Janet Torres, Joshua Vonk, Jack Washington, Trars Wilkinson

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**COMMUNICATIONS**

 Comments from Dannie Otto regarding Plan Case No. 2097-T-09 (Garage Setback) and Plan Case No. 2098-T-09 (MOR Design Review)

**NEW PUBLIC HEARINGS**

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

Rebecca Bird, Planner I, presented the proposed text amendment to the Plan Commission. She explained that the proposed text amendment was requested by both the Zoning Board of Appeals and the Mayor following administrative approvals of a project in the MOR, Mixed-Office Residential Zoning District last spring. She reviewed the proposed changes to Section V-8.B and Section V-8.C of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation, which is as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Urbana Plan Commission recommend approval of the proposed text amendment to the Urbana Zoning Ordinance.*

Mr. Grosser asked for clarification on Section V-8.B.3 regarding installing or enlarging a parking lot. This is only considered in the case of a change in the principle structure on the lot, correct? Ms. Bird said yes.

Ms. Stake is concerned that there is not a definition for “minor” or “major” work. Ms. Bird stated that the existing criteria to determine whether or not a project goes to the Zoning Administrator or to the Board for review is whether or not the project would substantially change the building’s appearance and/or scale. This is being clarified by adding three concrete criteria, any one of which would trigger design review by the MOR DRB. For the fourth (current) criteria, staff added in language that the Chair of the Board and the Zoning Administrator together will make the determination as to whether there would be a substantial change or not.

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

Georgia Morgan, 804 West Nevada Street, urged the Plan Commission to strengthen the Zoning Ordinance by approving the proposed text amendment.

Steve Ross, 609 West Green Street, felt the proposed changes are definite improvements in making projects more quantitative rather than qualitative. The criteria listed in Section V-8.B.1-3 would have caught the project at 601 West Green Street and will catch most of the future adaptive reuse projects.

Chair Pollock summarized comments provided in writing by Danny Otto.

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

Ms. Stake commented that she still does not feel that the proposed text amendment will do the job that they want to achieve. We still need definitions for “major” and “minor”. Also, the proposed text amendment does not say how many variances a property owner could have. It is not written as clearly as it should be. She asked if the neighbors would be notified when a redevelopment case goes before the MOR Development Review Board. Ms. Bird said yes. Any public hearing has to follow the notification process, so any case that goes before the MOR Development Review Board will be required to notify the neighbors.

Ms. Stake inquired as to whether there would be conditions included in the proposed text amendment that requires shade tree planting. Ms. Bird explained that the language in Section VIII-3. Design and Specifications of Off-Street Parking already exists and that City staff is not proposing any changes to it.

Robert Myers, Planning Manager, noted that under the current ordinance, the Zoning Administrator is allowed to grant some minor variances. Under the proposed ordinance, the Zoning Administrator could no longer do this. Only the MOR Development Review Board could do so. That's a major difference between the existing and proposed ordinances.

Ms. Stake wondered if there were a maximum number of variances. Mr. Myers replied that, for example, there are no limits on the maximum number of variances for projects going before the Zoning Board of Appeals. A petitioner has to justify approval of any variance requests.

Mr. Myers commented that everyone says they want infill development, but actually it can be quite difficult. There are layers of rules and approvals needed. The idea behind allowing the MOR Development Review Board to review variance requests pertaining to infill development is to combine the two processes into one and to prevent a petitioner from having to go before both the Zoning Board of Appeals for small variances and before the MOR Development Review Board for design review approval. The City is trying to strike a balance assurances for what will be built and being so burdensome that we drive infill development away. Ms. Stake stated that she is mainly concerned with the preservation of neighborhoods. One of the problems we have is with the neighbors. The City is not considering the neighborhoods in some of the developments that are being proposed.

Mr. Hopkins asked for clarification about who can grant variances. Ms. Bird explained that the MOR Development Review Board will be able to grant variances pertaining to future developments in the MOR Zoning District. The Zoning Administrator will no longer be permitted to grant variances if the proposed text amendment is approved. Mr. Myers pointed out that the triggers in Section V-8.B. are really about who determines if a redevelopment plan meets the design review standards. Both the Zoning Administrator and the MOR Development Review Board will use the same design guidelines to review projects.

Ms. Burris expressed her concern about what would constitute a maintenance repair that would need to be brought before the Board versus what the Zoning Administrator would review. It currently sounds like everything would go before the Board. As a result she is trying to understand what the Zoning Administrator's responsibility would be. Ms. Bird gave the example of someone wanting to replace a window. If the repair required a building permit, then the Zoning Administrator would determine whether under any of the criteria listed in Section V-8.B. the MOR Board would need to review the application. Just a replacement window would probably only need to be reviewed by the Zoning Administrator. Actually if no structural changes were made in a repair, then a building permit would not be required and there would be no review process.

Ms. Stake inquired about the difference between the MOR Development Review Board and the Design Review Board. Ms. Bird explained that the Design Review Board reviews designs of development in the Lincoln-Busey Corridor and perhaps other future overlay districts. The MOR Development Review Board reviews designs of development only in the MOR Zoning District.

Mr. White moved that the Plan Commission forward Plan Case No. 2098-T-09 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

Mr. Grosser remarked that he appreciates the changes and the work that City staff has done on this. In some cases, it is a little treacherous territory to try to create conditions based on a single case, but he feels the addition of the fourth criteria will serve as a catch all.

Ms. Upah-Bant wondered whether the ordinance shouldn't just state outright that the Zoning Administrator doesn't have the power grant variances. Why does the language need to be so oblique? Ms. Bird responded that the Zoning Administrator was only able to grant variances because of a special permission allowed by the Zoning Ordinance. By removing that language, the Zoning Administrator will no longer have that authority.

Chair Pollock noted that there was a comment made that in looking at the proposed text amendment, they are not considering the well being of the neighborhoods. He feels this comment is completely wrong. In fact, they are considering the neighborhoods first and foremost because there was a case where things did not go as the City thought they would have because there were holes in what the City had created. It had not been tested and never been used. City staff did a great job in identifying the problems with the previous text amendment and bringing forth another text amendment to fill those holes to make sure the neighborhoods are protected without being onerous in terms of homeowners do small jobs and maintenance on their homes. The proposed text amendment does substantial limit the ability of the Zoning Administrator to make some of these decisions.

Ms. Stake still felt concern about the ambiguity of the proposed text amendment. 15% is a rather big change. However, she will vote in favor of the proposed text amendment.

Roll call on the motion was taken and was as follows:

Mr. White	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Stake	-	Yes	Chair Pollock	-	Yes
Mr. Hopkins	-	Yes	Mr. Grosser	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before City Council on March 2<sup>nd</sup>.