



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Marlin

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: June 15, 2017

SUBJECT: AN ORDINANCE AMENDING THE ZONING ORDINANCE (Addition of Section XIII-8 to create the Southeast Urbana Overlay District and special procedures/ Plan Commission Case No. 2302-T-17)

Introduction

In response to property owner and resident concerns over neighborhood safety and quality of life in a portion of Southeast Urbana, the Zoning Administrator proposes an amendment to the Urbana Zoning Ordinance. The proposed amendment would establish the Southeast Urbana Overlay District along with procedures for review of new development within the Overlay District. The proposed procedures would require a Special Use Permit for the construction of a new multiple-family structure or a major addition or major renovation of an existing multiple-family structure within the Overlay District. The Special Use Permit would be evaluated in part on whether the project is able to address the Guidelines for Construction, which are based on Crime Prevention Through Environmental Design (CPTED) principles.

At their June 8, 2017, meeting the Urbana Plan Commission voted to forward the case to the Urbana City Council with a recommendation of approval after several audience members spoke during the public hearing in support and none spoke in opposition to the proposed amendment.

Background

The area referred to as Southeast Urbana or the “Silver/Vawter area” presents unique compatibility issues due to the placement of high density residential uses adjacent to low density residential uses and in close proximity to a commercial area. Over the last ten years the area has seen a reduction in the overall maintenance and condition of the multiple-family properties, along with a more transient rental population, and increases in crime have become a concern of the residents in the neighborhood. This section will give a summary of a previous study of the area conducted by a University of Illinois Student/city intern, an overview of Crime Prevention Through Environmental Design principles and how it is used, as well as a summary of the public input that has been conducted thus far.

Silver/Vawter Area Safety: Planning Solutions

The Silver/Vawter Area Safety: Planning Solutions is a study completed in 2015 by a former University of Illinois student and City of Urbana intern Maximillian Mahalek.¹ The project studied a portion of Southeast Urbana and identified planning solutions to specific issues. Mahalek conducted an in-depth stakeholder survey, conducted personal interviews, and worked with SUNA representatives in order to gather information on planning-related solutions for the community. The project identified that:

- Maintenance issues can lead to additional nuisances and portrays a lack of pride in the area;
- Problematic site designs create physical opportunities for crime to occur; and
- A majority of crime took place in or around the multiple-family residential area.

Among its recommendations, the study recommended the incorporation of Crime Prevention Through Environmental Design principles as part of zoning regulations to promote neighborhood safety.

Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) are principles that focus on passive strategies incorporated into the built environment, which are intended to deter crime.² Crime Prevention Through Environmental Design principles have evolved over time and many variations exist. Mahalek's Planning Solutions study focuses on four key areas: Natural Surveillance, Territoriality, Accessibility, and Maintenance. A brief description of each principal is as follows:

Natural Surveillance- The placement of buildings, lighting, landscaping, and other features, to ensure lines of sight are not blocked and to eliminate potential hiding places. By increasing the perception of supervision, a person may be less likely to commit a crime as they will think they could be observed.

Maintenance- Maintain a clean and orderly environment to communicate that an area is cared for and to reduce the opportunity for inappropriate behavior.

Territoriality- Clearly identify private and public property to remove ambiguity and create a sense of clarity for what is appropriate behavior within each area. This can help to instill a sense of positive ownership.

Accessibility- In a manner that preserves transparency, limit access to private property and provide a pedestrian friendly environment to guide people to proper entrances and discourage offenders.

Other Cities

Many examples of how CPTED principles are used across the country exist. Three examples are listed below:

¹ Mahalek, Maximilian. "Silver-Vawter Area Safety Planning Solutions – Report." 2015.

<http://www.urbanillinois.us/sites/default/files/attachments/Silver-Vawter%20Area%20Safety%20Planning%20Solutions%20-%20Report.pdf>

² Carter, Sherry; Zelinka, Al. "Community CPTED" *PAS QuickNotes*, Feb. 2013.

<https://www.planning.org/pas/quicknotes/previous.htm>

- Riverside, CA- This community uses a Crime Free Multi-Housing Program. A three-phase approach is offered by the Police Department that includes education and certification based on CPTED principles. This program is similar to a Wichita Falls, TX program which saw a drop in calls for service to apartment complexes, by as much as 85%.³
- Providence, RI- One Neighborhood Builders, a nonprofit agency, worked to revitalize the Olneyville neighborhood using CPTED principles. Before the intervention the neighborhood saw a disproportionately high number of calls for service to the area. After the intervention, the calls for service was proportionate to the rest of the city.⁴
- Sarasota, FL- This community created a new zoning district and has used CPTED principles to guide development in the “North Trail” area, an area that struggled with crime and poor property maintenance. The result was a statistically significant decrease in calls for service.⁵

Public Input

Resident concerns documented during the Mahalek study served to initiate the creation of the proposed regulations, demonstrating that public input has been a component throughout the process. Since the input received as part of that earlier study, the following additional outreach has been conducted:

October 11, 2016, City staff held an initial meeting with Southeast Urbana Neighborhood Association (SUNA) representatives during which questions regarding the zoning, setbacks, open space, and allowed uses were discussed. This discussion spurred research into Floor Area Ratios (FAR) and existing regulations of the area.

January 12, 2017, a meeting with property managers, Community Development staff, and police representatives took place to discuss concerns of the Southeast Urbana area.

March 8 & 21, 2017, City staff met with SUNA representatives to present research and help draft proposed language for the guidelines for construction.

May 16, 2017, a follow-up meeting with property managers to discuss possible solutions to the area’s challenges and threats took place. Topics of discussion included a presentation of crime statistics by Lt. Sanders, a presentation of CPTED principles, presentation of draft language for guidelines for construction, and updates from property managers.

May 24, 2017, City staff provided a handout summarizing the proposed Southeast Urbana Overlay district at the SUNA annual meeting.

May 26, 2017, City Staff followed up with property owners within the proposed Overlay District to answer any questions on the district or proposed guidelines.

³ Riverside Police Department. *Crime Free Multi-Housing*. <https://www.riversideca.gov/rpd/CFMH/default.asp>

⁴ Choice Neighborhoods Conference. (2016). *CPTED: It’s more than just Lighting* [PowerPoint slides]. Retrieved from <https://portal.hud.gov/hudportal/documents/huddoc?id=CrimePreventEnvironDesign.pdf>

⁵ Carter et al. “Zoning out Crime and Improving Community Health in Sarasota, Florida: Crime Prevention Through Environmental Design.” *American Journal of Public Health*, Sept. 2003, pp. 1442-1445.

June 8, 2017, City Plan Commission held a public hearing during its regularly-scheduled meeting and voted to forward the case to the Urbana City Council with a recommendation of approval.

These efforts have been in addition to the usual requirements of legal publication in the newspaper, notification letters to residents within and in the immediate area of the proposed overlay district, and the posting of signs notifying residents of the Plan Commission public hearing.

Discussion

Proposed Regulations

The proposed regulations are designed to help promote neighborhood safety and quality of life in the Silver/Vawter area. In addition, the intent of the district is to preserve and enhance the overall condition of the neighborhood in order to protect property owners' investments. Following is a summary of the proposed additions to Article XIII of the Urbana Zoning Ordinance. The full proposed text is attached.

Location

The location of the proposed Southeast Urbana Overlay district, a subset of Mahalek's study, is generally bounded by Colorado Avenue to the north; Philo Road to the East; East Harding Drive and East Mumford Drive to the South; and Fletcher Street, Bruce Drive and Anderson Street to the west (see map below). The underlying zoning of the proposed district is primarily R-4, Medium Density Multiple-Family Residential, with several parcels zoned B-3, General Business, and one parcel with R-6, High Density Multiple-Family Residential zoning (see the attached zoning map).

Proposed Figure XIII-1: Southeast Urbana Overlay District



Procedures

The proposed regulations indicate that if a property is located within the Overlay District, a Special Use Permit would be required in some instances. The procedures would only apply to multiple-family buildings as the Mahalek study identified that much of the crime that occurred took place in or near these buildings. Additional regulations for multiple-family buildings are appropriate to address the crime and safety issues observed in the area. Specifically, a Special Use Permit would be required for development which involves:

- Construction of a new principal use multiple-family residential structure; or
- Increase in the building footprint or the floor area ratio of an existing multiple-family residential structure by more than 15%; or
- Renovations of a multiple-family residential structure that would result in an estimated construction cost of more than 50% of the current estimated market value of the improvements on the property, as determined by Champaign County Assessor data.

A Special Use Permit will not be required for:

- Commercial buildings
- Duplexes
- Single family homes
- Minor changes to multiple-family residential buildings

City Staff, along with the Plan Commission and City Council, would review and administer the district through the Special Use Permit process. The procedures for a Special Use Permit would be the same as those currently required for other Special Use Permits, but additional criteria beyond the standard Special Use Permit criteria would be also considered. Those additional criteria are:

1. That the proposed use is consistent with the 2005 Comprehensive Plan, as amended, as it pertains to the protection and preservation of Urbana's Neighborhoods.
2. That the location, size, and type of proposed development are appropriate to and compatible with the area in which it is to be located.
3. That the proposed use is designed and located so that it is in conformance with the intent of the guidelines for construction.
4. That the proposed development meets the standards contained herein without creating an unreasonable burden on the property owners.

As the proposed Southeast Urbana Overlay District would be an overlay review district, it would not affect the underlying zoning designations. All of the other regulations associated with the underlying zoning designations would remain in place.

Guidelines for Construction

As one of the Southeast Urbana Overlay District approval criteria for a Special Use Permit, the proposed guidelines will help architects and site designers design buildings and sites that provide Natural Surveillance, Maintenance, Territoriality, and Accessibility. Each application would be reviewed to ensure that it is in conformance with the intent of the following guidelines:

1. *Pedestrian Access Networks and Points.* Development patterns that are appropriate and of human scale for pedestrians shall be promoted. Access provisions that are connected and

continuous without the need to cross barriers to and from sidewalks, carports, parking lots, bus stops, entrances and exits of buildings shall be ensured.

2. *Landscaping and Screening.* Each Special Use Permit application shall include a landscape plan indicating the type, number, size and location of trees, shrubs and any other landscaping features to be retained or provided. The use of low maintenance landscaping is encouraged. Placement of landscape materials should be such that it does not interfere with sight lines. For example, shrubs should be no higher than three (3) feet tall and tree canopies should be no lower than eight (8) feet, especially around entryways and windows.
3. *Facades.* Blank facades should be avoided in order to encourage natural surveillance of the area. As a general guideline, no more than one third of a façade should be blank. In addition, windows that look out on streets and alleys should not be blocked by landscaping.
4. *Lighting.* Lighting should be appropriately placed and oriented and should not result in excessive shadow or glare. For example, pedestrian access networks should not have unnecessarily tall, upwards-facing lighting. Lighting fixtures should be well spaced and kept in good working order. Alleys, walkways, and parking lots should be well lit. Lighting should be placed in outdoor common spaces and apartment lobbies and should reflect the intended hours of operation. Motion sensing lights are optimal for these common areas (refer to Section VI-8 Outdoor Lighting Requirements for more detailed lighting standards).
5. *Entrances/ Exits.* Entrances and exits should be clearly visible and well-lit both internally and externally, without excessive shadow or glare. Entrances and exits should be located such that they can be clearly legible from the street. Signage should be clearly legible from the street, with lobbies that are visible from the outside. Recessed doorways should be avoided.
6. *Public versus Private Spaces.* A thoughtful separation between public and private property should be created, taking into consideration fencing, landscaping, screening and sight lines. These distinctions may be made using features such as low walls, fencing, seating, landscape features, and changes of material and texture. Unnecessarily high fences and “keep out” signs should be avoided.
7. *Materials.* The use of context appropriate, durable and low-maintenance building materials are encouraged. Materials should also be graffiti and vandalism-resistant.
8. *Natural Imperatives.* Additional items not listed herein should be considered to promote healthy behaviors and reduce mental fatigue. These can include such measures as providing adequate natural lighting, ventilation for fresh air, additional, landscaping, and access to water features. In addition, proximity to bus stop locations, provision of tenant amenities, and access to exercise equipment can improve health outcomes.
9. *Security.* The installation of appropriately placed security cameras is encouraged, such as in stairwells and elevators and other locations where sight lines may be blocked or which may feel isolated. Elements should be employed which help to clearly define private property from the public domain. When considering fencing, medium to low heights and use of transparent durable materials should be considered.

2005 Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan are supported by the intent of the Southeast Urbana Overlay District:

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.

Objectives

2.1 Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood.

2.2 Encourage the use of landscape materials and ornamentation to improve the appearance and functionality of new developments

2.4 Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

Goal 3.0 New development should be consistent with Urbana's unique character.

Objectives

3.1 Encourage an urban design for new development that will complement and enhance its surroundings.

3.2 Promote new developments that are unique and capture a "sense of place."

Summary of Findings

1. The creation of the Southeast Urbana Overlay District is an extension of the Silver/Vawter Area Safety: Planning Solutions research and incorporates the study's recommendations.
2. Increase in crime rates, reduction in overall maintenance and condition of multiple-family properties, as well as proximity of high density residential to low density residential, have created concerns and challenges in the neighborhood.
3. The Zoning Administrator proposes the establishment of the Southeast Urbana Overlay District and special procedures that apply within the Overlay District.
4. The Overlay District will require a Special Use Permit for construction of a new multiple-family structure, or a major addition or renovation to an existing multiple-family structure.
5. The proposed district will encourage developers to incorporate CPTED principles into new or renovated developments to protect the health, life, safety, and welfare of the residents living within and near the District. The District will protect the property owners' investments by preserving and enhancing the overall condition of the neighborhood.
6. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan, particularly as it relates to Urbana's Neighborhoods.
7. The proposed amendment conforms to the notification and other requirements of the Zoning Ordinance, as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Urbana City Council has the following options regarding Plan Case 2302-T-17:

- a. Approve the proposed Zoning Ordinance text amendment, as presented herein;
- b. Approve the proposed Zoning Ordinance text amendment, with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

Recommendation

At their June 8, 2017 meeting, the Urbana Plan commission voted with six (6) ayes and one (1) nay to forward Plan Case 2302-T-17 to the Urbana City Council with a recommendation for APPROVAL for the proposed text amendment regarding the Southeast Urbana Overlay District. Staff concurs with this recommendation

Attachments

1. Zoning Ordinance to Establish the Southeast Urbana Overlay District
2. Excerpt of Proposed Zoning Map
3. Excerpt of Draft Plan Commission Minutes, June 8, 2017

Prepared by:

Liila Bagby
Community Development Associate

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: June 8, 2017

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Chris Stohr, David Trail, Daniel Turner

MEMBERS EXCUSED: Lew Hopkins

STAFF PRESENT: Lorrie Pearson, Planning Manager; Liila Bagby, CD Associate; Kevin Garcia, Planner II, Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Etenesh Callaway, Melvin Cheek, Jeff Headtke, Molly Headtke, Barbara Kessel, Chad Knutson, Jill Knutson, Theresa Michelson, Vera Waisvisz, Kathy Wallig

NEW PUBLIC HEARINGS

Plan Case No. 2302-T-17 – A request by the Urbana Zoning Administrator to amend Article XIII of the Urbana Zoning Ordinance to establish the Southeast Urbana Overlay District and special procedures for multiple-family dwellings to promote neighborhood safety and quality of life in the area generally bounded by Colorado Avenue to the north; Philo Road to the east; East Harding Drive and East Mumford Drive to the south AND Fletcher Street, Bruce Drive and Anderson Street to the west.

Chair Fitch opened this item on the agenda. Lorrie Pearson, Planning Manager, introduced Liila Bagby, Community Development Associate, and stated that Ms. Bagby would be presenting the staff report for this case. Ms. Bagby began her report by stating the purpose of the proposed text amendment and noting the location of the proposed Southeast Urbana Overlay District. She talked about the Silver/Vawter Area Safety: Planning Solutions study by Maximillian Mahalek that was previously performed on the subject area. She discussed the Crime Prevention Through Environmental Design (CPTED) principles which are Natural Surveillance, Maintenance, Territoriality and Accessibility. She mentioned what other cities such as Sarasota, Florida have done. She talked about the outreach the City performed to gather public input about ways to make improvements in the area. She reviewed the proposed regulations, location, procedures,

exemptions, criteria, and guidelines for construction for the proposed overlay district. She talked about how the goals and objectives of the 2005 Comprehensive Plan support the proposed Southeast Urbana Overlay District. She read the options of the Plan Commission and presented City staff's recommendation for approval.

Mr. Fell questioned if the proposed overlay district had been stretched to meet the zoning district and if some properties had been left out because they were not zoned the same. Ms. Pearson replied that the study showed that crime generally occurred in or around multi-family buildings. Multi-family buildings would only be allowed in higher residential zoning districts of R-4 and up or in the B-3, General Business Zoning District. So, it made sense to limit the overlay district to where the multi-family structures could be constructed.

Mr. Fell commented that he saw potential for some of the R-3 properties to be rezoned to R-4. He asked what the implications would be for this. Ms. Pearson said that if any R-3 properties are likely to be rezoned, then City staff would look at whether they should be included in the overlay district. Mr. Fell wondered if it would be appropriate to add language to say that any contiguous properties that are rezoned to R-4 or higher would automatically be added to the overlay district. Ms. Pearson said that she would caution against adding that language only because the legal notice for this public hearing did not list any additional areas. So, the Plan Commission was bound to the proposed area or smaller. If the Plan Commission felt this should be added, the City staff could propose additional language in a future text amendment.

Ms. Billman inquired if crime would move somewhere else in the City. Has the concept of reducing crimes of opportunity been proven to be accurate? Chair Fitch noted that the staff report states crime calls in Wichita Falls, Texas dropped 85% and in Riverside, California and Sarasota, Florida there were significant less calls. Ms. Bagby added that there was no statistics on whether crime moved to another area of the cities in those locations.

Ms. Billman questioned if there were any plans for new construction in the proposed overlay area. Ms. Pearson responded that City staff had reached out to property owners and managers and was not aware of any plans for redevelopment at this time. However, if a neighborhood is stable and has a high quality of life, there might be an interest in reinvestment in the properties that there might not be otherwise.

Mr. Turner asked if any properties north of Colorado Avenue were considered to be included in the district, such as Sunnycrest Manor. Ms. Pearson said no and explained that this area was not part of the original study. She mentioned that there were neighbors in the audience. The Plan Commission could take comments from the neighbors and possibly expand the district in the future if need be.

Mr. Trail asked if the study was documented and available. Ms. Pearson replied that the Executive Summary is available on the City's website.

Mr. Trail inquired as to how many of the multi-family buildings on the subject properties violate the proposed guidelines. Ms. Pearson explained that the proposed guidelines were not a checklist. They were to be used when reviewing a special use permit application in the proposed overlay district to determine if the overall project meets the intent of those guidelines. A redevelopment project would not necessarily be required to meet all of the guidelines. City staff did not perform

an analysis on if buildings meet all of the proposed criteria. The idea was to catch buildings at the point of major reinvestment. Mr. Trail commented that City staff then has no idea of whether other multi-family buildings violate the guidelines outside of the proposed district. Ms. Pearson said no.

Mr. Trail asked if any of the proposed guidelines were ones that City staff would not apply elsewhere. Ms. Pearson replied that City staff was not suggesting that the proposed guidelines be applied City wide in the proposed text amendment. Mr. Trail questioned if the proposed guidelines would not be good for other multi-family buildings elsewhere in the City. Ms. Pearson answered that she would not say that. The proposed text amendment was only for the proposed area as a result of the study and the concerns expressed by the neighbors.

Mr. Trail questioned why City staff was explicitly excluding commercial areas. He commented that some of the proposed guidelines could apply to commercial areas as well that are contained within the overlay district. Ms. Pearson stated that they were not excluding the commercial areas. Mr. Trail commented that commercial areas were explicitly excluded from the application of the guidelines by the overlay district. Ms. Pearson explained that buildings which are primarily commercial were being suggested to be exempted from the guidelines. However, if a property owner wanted to build multi-family housing on a commercial lot, then the text amendment suggests that they would be required to get approval of a special use permit. The reason for this was because the study showed that most of the crime issues occurred in or around multi-family residential buildings. The text amendment focuses on where the study documented crime instances.

Mr. Trail inquired as to how many of the crimes could be tied to the physical characteristics of the multi-family building as opposed to the management style of the landlords. Ms. Pearson replied that any crime needs to be looked at from multiple facets, and the facet that the Zoning Ordinance could control is the design of buildings and site. As a result, Planning staff was recommending approval of the proposed text amendment. Our Building Safety Division would tackle the maintenance of a building, and Public Works staff would tackle the site maintenance.

Mr. Trail asked if the study documented anything about the particular crimes in the proposed area and whether any of the crimes were related to the issues being addressed by the proposed guidelines. There may be a higher crime rate in the area but did it have anything to do with the building designs or layouts. Ms. Pearson responded that the study did not detail the crimes in each building in the area. However, the study did mention buildings where the crimes occurred do have recessed entrances hidden by vegetation. Mr. Trail asked if there were buildings elsewhere in the City with recessed entrances hidden by vegetation. Ms. Pearson said probably yes, there are other buildings with recessed entrances. Mr. Trail commented that he was trying to understand how the overlay district proposals would address the crime issues in the subject area. Ms. Pearson explained that the proposed guidelines and overlay district would help prevent crimes of opportunity. Mr. Trail asked if that was what most of the crimes that had occurred were. Ms. Pearson responded that she was not an expert in crime.

Mr. Fell asked for clarification in that no existing building would be required to make changes unless the owner would apply for a building permit, correct? Ms. Pearson said that was correct if they apply for a building permit for a major addition or renovation.

Mr. Fell noticed that one of the guidelines contradicts the regulations of the Zoning Ordinance with regards to parking lot screening. Ms. Pearson believed that there was some flexibility in the Zoning Ordinance but that Planning staff would double check because they do not want to have conflicts.

Mr. Fell questioned if the design guidelines were simply suggestions or if there were any rules that must be met. Ms. Pearson answered that the Plan Commission and the City Council would determine if a project as a whole met the intent of the proposed guidelines.

Mr. Turner wondered if there would be potential to look at having guidelines for other areas as well. Ms. Pearson replied that there was always that potential. There has been interest in doing assessments in other neighborhoods. It was good to start in one area and figure out the right approach. If it is successful, then perhaps the City can suggest it for other areas as well.

Mr. Fell questioned that if the proposed design guidelines were good or the proposed neighborhood, then why not blanketly apply it everywhere. Ms. Pearson said that sometimes it was good to start in a small area and test it out to see what was good and what could be improved upon before applying it City-wide. The City did not want to hold up development in areas where they certainly needed development. She was not sure if there was a desire to make the proposed guidelines a requirement throughout the City.

Mr. Stohr inquired about the feedback they received from the property managers of the multi-family buildings in the proposed area. Ms. Pearson explained that at the first meeting, the topic was generally mentioned. She did not recall there being any feedback at that point. At the meeting in May, City staff presented more details about the proposed text amendment. They did not get a lot of feedback; mostly the property managers wanted to know how the text amendment would impact them.

Mr. Ackerson understood the approach fairly well. It has been done in a number of places. It did not displace crime. This was a fairly common approach to reduce opportunities for crime. The proposed text amendment only focuses on a small area and it would only affect property owners who might reinvest in their property. He wondered what the response was from the people who would be impacted by the proposed text amendment. Ms. Bagby commented that overall, the response from the property managers had been positive. Ms. Pearson added that they mostly were asked questions, and not so much given opinions.

Chair Fitch asked if the commercial properties were included in the proposed district because multi-family residential buildings might be constructed there someday. Ms. Pearson said yes. They would be required to get approval of a special use permit though. Mr. Fitch added that if they were not included, then the proposed properties in the district would not be contiguous.

Chair Fitch wondered why the R-3 zoned properties on the south end of the proposed district along Mumford Drive were not included in the proposal. Ms. Pearson explained that multi-family buildings were not allowed in the R-3 Zoning District; therefore, it did not make sense to include them.

Chair Fitch questioned why require a special use permit instead of having the Design Review Board review future redevelopment plans for the proposed district. There are two other review

districts in Urbana that go through the Design Review Board. Ms. Pearson stated that the Design Review Board was designed to look at the mass, scale and architectural features of a building. City staff would not want the Board to focus on these things as much as the CPTED principles and the guidelines for construction. The Plan Commission is a higher bar and requires approval by the City Council. She felt there was interest from the neighbors to really have the higher bar.

Mr. Fitch asked what the definition was for “*multi-family*”. Ms. Pearson noted that it was in the Zoning Ordinance under “*Dwelling, Multiple-Family Residential*”. The Zoning Ordinance goes on to define the use; however, it doesn’t define what zoning classifications it is associated with. The Zoning Map puts “*multiple-family*” in the title of those districts where multiple family residential would be allowed.

Mr. Fitch questioned what criteria would be mandatory. It appeared to him that the only one to be mandatory was the Landscape Plan. Ms. Pearson said that was correct, and it was typical to require a Landscape Plan for a building permit. She noted that if the Plan Commission felt that any of the others should be stated differently, then they could change it. The intent is to make sure a redevelopment project would be evaluated and not just have a checklist of things.

Mr. Turner asked if there was any research on if a special overlay district discouraged improvements in structures that currently exist. Ms. Pearson answered no. This was why they selected the trigger points of new construction or significant renovation or addition. The cost of these would be significant and would involve a major gut, not just paint or minor improvement.

Mr. Fell commented that in the process of applying for a special use permit generally speaking, the development plans are not as detailed as an application before the Design Review Board. As the Plan Commission, they would not be privy to as much detail. Ms. Pearson responded saying that there are some special use permit projects that require some level of architectural detail so Planning staff could get a level of detail that would allow the Plan Commission and the City Council to evaluate whether or not a project would meet the criteria at the special use permit stage. A special use permit by definition is site specific. It is also use specific, and if a vacant property was proposed to be developed for a specific use, the Plan Commission and City Council will want to know what the building would look like, so the applicant would be required to provide more detail than if an existing building was already on the property.

With no further questions for City staff, Chair Fitch opened the hearing for public input. He reviewed the procedures for a public hearing.

Kathy Wallig approached the Plan Commission to speak in favor of the proposed text amendment. She noted that she is a member of the Southeast Urbana Neighborhood Association (SUNA) steering committee. She gave a brief history of Urbana and the University of Illinois. The first chancellor of the U of I was Jack Peltason, who was hired in 1967. He and his family lived on Bruce Drive.

Now look at Bruce Drive today. The Silver/Vawter area was a textbook example of City planning gone wrong. The multiple decisions creating what the area is like now have occurred over the last forty years. Due to less than desirable landlords and little attention paid to multiple family housing by various controlling boards, we now have high crime rates, multiple victims, property neglect, unsanitary living conditions, little accountability until a few years ago, a prevailing

attitude of fear, and plummeting property values. The conditions having been improving somewhat lately, but it has taken the raised voices of many residents adjacent to or in the immediate area to get the attention of the City. While we cannot go back and undue the many decisions for high density housing that have occurred since 1967, but we can start to make things right with the proposed overlay district. The residents understand that change will not happen overnight, but the proposed text amendment could make it more difficult for multi-family property owners. She implored the Plan Commission to approve the proposed text amendment.

Mr. Stohr asked how Ms. Wallig thought the proposed guidelines would improve the area. Ms. Wallig stated that she was perplexed by Mr. Trail's questions for City staff. Many crimes were crimes of opportunity by people who think they are not being seen. When you decrease vegetation, increase lighting and remove other barriers and obstructions to view, then you decrease the crimes of opportunity.

It makes sense to start making improvements with a small area, tweak the system as it moves along and continue to spread through the City. We need to start making improvements though.

Molly Headtke approached the Plan Commission to speak. While no crime has occurred at her home, she and her family live very close to the subject area where crime does occur. She felt that the proposed text amendment was a great opportunity for the City to start to do something rather than do nothing. All kinds of crime were happening in the subject area. She encouraged the Plan Commission to approve the proposed text amendment.

Mr. Ackerson asked if she knew how any of her neighbors felt about the proposed text amendment. Ms. Headtke said that she hadn't talked with any of her neighbors.

Mr. Stohr asked if she had attended the previous SUNA meeting. Ms. Headtke replied no. Theresa Michelson approached the Plan Commission to speak in favor of the proposed text amendment. She mentioned that she was one of the coordinators for SUNA. She stated that Max Mahalek had done an incredible job by doing a lot of research, meeting with SUNA, performing surveys in the neighborhood, and had a meeting with the neighborhood to show the results and present his survey.

She stated that the Silver/Colorado/Vawter/Harding area had experienced problems with public safety particularly with disinterested apartment landlords for a number of years. 82% of the 272 study's survey respondents stated that they were in favor of the types of changes in the proposed text amendment and felt it would improve public safety. The proposed text amendment may not make one bit of difference if no construction or renovations occur in the subject area. However, there are three vacant multi-family buildings and if by chance they should be put up for sale, then a new owner would have to make renovations and would be an opportunity for the proposed overlay district regulations to make improvements and increase the quality of life in the neighborhood.

Mr. Ackerson asked how many people in SUNA believe this would be a good thing to do. Ms. Michelson commented that a large number of people who would be affected are apartment dwellers. She hadn't really talked with many of them. Property values have diminished due to the high crime rate. What would be their objection to the proposed text amendment? When Mr.

Mahalek surveyed the neighborhood and presented his survey results to SUNA, 82% of the respondents agreed that the proposed overlay district would improve safety in the area.

Melvin Cheek approached the Plan Commission to speak. He mentioned that he owns one unit in a multi-family dwelling. He did not believe that the proposed text amendment would make too much difference for his property because there was no room to grow and there were no plans to renovate. He expressed concern about hearing that the area had the second highest crime rate in the City of Urbana. As for the proposed overlay district, he had no objection. It makes sense to him.

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

Mr. Ackerson mentioned that he has worked to help decrease crime on the U of I campus. The principles and guidelines mentioned in the proposed overlay district were accepted as common things that can be done to decrease crimes of opportunity. There is a balloon effect in that if the City puts pressure on one area to clean up crime, then crime can move elsewhere, which was why most cities like to address crime City-wide. Therefore, he was concerned about the proposed text amendment only affecting a small area of town. The proposed text amendment in and by itself won't do much; however it is a push into the future. It is a beginning to doing something.

Mr. Fell questioned whether they should put some kind of periodic enforcement review in the proposed text amendment. For example with landscaping, when bushes are planted they are small, but in 15 years they can grow to be tall if uncontrolled. Ms. Pearson replied that this would also be a good reason to make it a special use permit because they would need to continue to comply with the conditions of the special use permit. Mr. Fell asked what the penalty would be if they did not comply. Ms. Pearson answered that the Zoning Ordinance has provisions for enforcement and the City could fine the property owner per shrub per day, for example.

Mr. Fell wondered if the Planning staff had a tool for remembering there is an overlay district next to a contiguous property should the property owner want to rezone it. Ms. Pearson responded that overlay districts are shown clearly on the Zoning Map.

Mr. Fell asked if a contiguous property was rezoned to multi-family residential, would staff insist on the property becoming part of the proposed overlay district. Ms. Pearson said that there would be discussion amongst City staff and the property owner about this.

Mr. Fell stated that as an architect he submits applications for special use permits and creates detailed plans for property owners. To him, there was nothing in the proposed text amendment that was not part of a good design. It was not in the best interest of anyone to not adopt it. In addition, it would not cost his client any extra money to do the things that are being asked in the proposed text amendment.

Mr. Trail expressed concern that we always over regulates pockets of poverty. Why do we need a special overlay district? Why not apply the proposed guidelines throughout the City? The proposed overlay district would do nothing to regulate right now today. He did not see how the proposed text amendment would be a way to help crime. In fact, he believed it might discourage marginal investment. People who may buy the multi-family buildings in the future won't want to

make improvements for fear of triggering the proposed text amendment in the Zoning Ordinance. The special overlay in a special area and the exclusion of commercial properties near it – how much of the issue here is the condition, structure and zoning of the commercial area that discourages pedestrians to any of the businesses. All the commercial areas along Philo Road discourage pedestrians. While the proposed text amendment may sound great, if you sell it as an anti-crime thing and apply it only to a specific area, then it is kind of selective. Why not make a blanket change to all multi-family zoned areas? Why only limit it to the proposed area where it won't have an immediate impact?

Mr. Fell stated that he understood Mr. Trail's point; however, he disagreed with it. Part of the Plan Commission's job is to react to situations that happen in the community. Why do we have a Zoning Ordinance? It is because we want to regulate what happens in certain places and we don't want certain things next to other certain things. It is a small part of the Zoning Ordinance, but it is important. Why do we have any overlay districts or a Design Review Board for certain places and no other places? We have them because citizens in those particular neighborhoods are concerned about something, and it is the Plan Commission's job to help mitigate those concerns. That is exactly what the proposed text amendment would do. Although it may not make a giant impact right now, in the future, it will help. It is the Plan Commission's job to help regulate the growth of the community.

Chair Fitch commented that he was on the Plan Commission when both the Lincoln-Busey Corridor district and the East Urbana Design Review District were created. There is still tension between the developers and the residents in the Lincoln-Busey area. To make the proposed text amendment be city-wide would be more difficult than one would think. Mr. Trail replied that the creation of the Lincoln-Busey Design Review District has unintended consequences. His concern is whether the proposed text amendment would actually do anything about the crime in the subject area. Why create an overlay district if it doesn't help the reason why you want to put it in? He has not been shown that the nature of the crimes committed were crimes of opportunity.

Mr. Stohr inquired if the proposed guidelines were adopted for this particular area, would it have an effect on other architectural types of work in the City. Would architects take note and incorporate some of the better practices in designs and modifications elsewhere? Mr. Fell said yes and no. A reasonably good architect considers all of these factors anyway. Except for installing security cameras, there is no economic impact on clients if it is designed well.

Mr. Stohr moved that the Plan Commission forward Plan Case No. 2302-T-17 to City Council with a recommendation for approval. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	No	Mr. Turner	-	Yes
Mr. Ackerson	-	Yes			

The motion passed by a vote of 6 to 1. Ms. Bagby noted that this case would be forwarded to City Council on June 19, 2017.

ORDINANCE NO. 2017-06-032

AN ORDINANCE AMENDING THE ZONING ORDINANCE

(Addition of Section XIII-8 to create the Southeast Urbana Overlay District and special procedures/ Plan Commission Case No. 2302-T-17)

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

WHEREAS, the area referred to as the Silver/Vawter area presents unique zoning compatibility issues, and the Zoning Administrator proposes an amendment to the Urbana Zoning Ordinance in response to these compatibility concerns; and

WHEREAS, the proposed amendment would establish the Southeast Urbana Overlay District and procedures for review of multiple-family development within the Overlay District; and

WHEREAS, the proposed procedures would require a Special Use Permit for new construction, large additions, or major renovations to multiple-family structures; and

WHEREAS, in addition to the standard criteria on which a Special Use Permit is evaluated, other criteria, including meeting the intent of the specified guidelines for construction, would be also considered; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; 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 on this application at their June 8, 2017, meeting; and

WHEREAS, the Urbana Plan Commission on June 8, 2017, voted 6 ayes to 1 nay to forward the proposed Zoning Ordinance amendment to the Urbana City Council with a recommendation for approval; and

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

Section 1. That Section 8, Southeast Urbana Overlay District, is added to Article XIII as follows:

Section XIII-8. Southeast Urbana Overlay District

A. Background and Intent

1. *Location.* Generally bounded by Colorado Avenue to the north; Philo Road to the east; East Harding Drive and East Mumford Drive to the south; and Fletcher Street, Bruce Drive, and Anderson Street to the west. The exact boundaries of the Southeast Urbana Overlay District are shown in Figure XIII-1.
2. *Land use.* This area is primarily comprised of medium-to-high density residential and commercial land uses and is located adjacent to low density residential. The area is nearby and to the west of the Philo Road Commercial Area.
3. *Intent.* To improve the quality of life within the District and in the surrounding neighborhood, specific environmental design standards are established and which apply to certain properties in the District. These standards are referred to herein as the Guidelines for Construction, and are set forth in Section XIII-8.E below. The guidelines for construction focus on four key areas: Natural Surveillance, Maintenance, Territoriality, and Accessibility.
4. *Exemptions.* The provisions listed within this section only apply to multiple-family residential principal use structures within the District; Lower density residential and commercial principal use structures are exempt.

B. The Purposes of the Southeast Urbana Overlay District are as follows:

1. To ensure that planning and development are consistent with the goals and objectives of the Urbana Comprehensive Plan, particularly as this plan relates to the protection of neighborhoods.
2. To protect the health, life, safety and welfare of the residents residing within and nearby the District.
3. To ensure that any new development or substantive redevelopment is constructed so as to be compatible with the fabric and character of the surrounding neighborhood.
4. To build residential pride through the promotion of development and redevelopment that residents and visitors recognize as being of a high quality.
5. To encourage the incorporation of design elements in new developments and redevelopments that contributes to and improves the functionality and appearance of the area.
6. To protect property owners' investments in the area by encouraging the timely and appropriate maintenance of property within the District.
7. To preserve and enhance the overall quality and condition of the neighborhood.
8. To prevent and ameliorate any evidence of blight within the area.

C. Applicability to Urbana Zoning Ordinance and Zoning Map

1. Definitions and requirements of the Urbana Zoning Ordinance are applicable within the District unless specifically modified pursuant to this section; however, no lawful existing use or building shall be made nonconforming by virtue by the provisions of this section so long as the existing use or building is not modified and remains in compliance with Article X. Nonconformities in Zoning Ordinance.
2. The provisions of this section are applicable to all properties within the Southeast Urbana Overlay District, the boundaries of which are shown in Figure XIII-1 and which shall be shown as an overlay district on the Official Zoning Map of the City.
3. This section establishes new standards for the development of property within the District and may require the obtainment of a Special Use Permit for such development as identified in Section XIII-8.D.

D. Special Use Permits Required

1. No building permits within the Southeast Urbana District shall be granted except in compliance with the provisions of this section.
2. A special use permit shall be required for any development which involves:
 - a. Construction of a new principal use multiple-family residential structure; or
 - b. Increasing the building footprint or the floor area ratio of an existing multiple-family residential structure by more than 15%; or
 - c. Renovations of a multiple-family residential structure that would result in an estimated construction cost of more than 50% of the current estimated market value of the improvements on the property, as calculated by the Champaign County Assessor.
3. Construction of single family homes, duplexes, and structures used solely for commercial purposes shall be exempt from the provisions in this section.

E. Guidelines for Construction

1. *Generally.* The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all new construction, major additions, and major renovations of multiple-family residential structures in the Southeast Urbana District, except as otherwise stated or modified in this section. The following are Guidelines for Construction:
 - a. *Pedestrian Access Networks and Points.* Development patterns that are appropriate and of human scale for pedestrians shall be promoted. Access provisions that are connected and continuous without the need to cross barriers to and from sidewalks, carports, parking lots, bus stops, entrances and exits of buildings shall be ensured.
 - b. *Landscaping and Screening.* Each Special Use Permit application shall include a landscape plan indicating the type, number, size and location of trees, shrubs and any other landscaping features to be retained or provided. The use of low maintenance landscaping is encouraged. Placement of landscape materials should

be such that it does not interfere with sight lines. For example, shrubs should be no higher than three (3) feet tall and tree canopies should be no lower than eight (8) feet, especially around entryways and windows.

- c. *Facades.* Blank facades should be avoided in order to encourage natural surveillance of the area. As a general guideline, no more than one third of a façade should be blank. In addition, windows that look out on streets and alleys should not be blocked by landscaping.
- d. *Lighting.* Lighting should be appropriately placed and oriented and should not result in excessive shadow or glare. For example, pedestrian access networks should not have unnecessarily tall, upwards-facing lighting. Lighting fixtures should be well spaced and kept in good working order. Alleys, walkways, and parking lots should be well lit. Lighting should be placed in outdoor common spaces and apartment lobbies and should reflect the intended hours of operation. Motion sensing lights are optimal for these common areas. (Refer to Section VI-8 Outdoor Lighting Requirements for more detailed lighting standards.)
- e. *Entrances/ Exits.* Entrances and exits should be clearly visible and well-lit both internally and externally, without excessive shadow or glare. Entrances and exits should be located such that they can be clearly legible from the street. Signage should be clearly legible from the street, with lobbies that are visible from the outside. Recessed doorways should be avoided.
- f. *Public versus Private Spaces.* A thoughtful separation between public and private property should be created, taking into consideration fencing, landscaping, screening and sight lines. These distinctions may be made using features such as low walls, fencing, seating, landscape features, and changes of material and texture. Unnecessarily high fences and “keep out” signs should be avoided.
- g. *Materials.* The use of context appropriate, durable and low-maintenance building materials are encouraged. Materials should also be graffiti and vandalism-resistant.
- h. *Natural Imperatives.* Additional items not listed herein should be considered to promote healthy behaviors and reduce mental fatigue. These can include such measures as providing adequate natural lighting, ventilation for fresh air, additional, landscaping, and access to water features. In addition, proximity to bus stop locations, provision of tenant amenities, and access to exercise equipment can improve health outcomes.
- i. *Security.* The installation of appropriately placed security cameras is encouraged, such as in stairwells and elevators and other locations where sight lines may be blocked or which may feel isolated. Elements should be employed which help to clearly define private property from the public domain. When considering fencing, medium to low heights and use of transparent durable materials should be considered.

F. Approval Criteria

In addition to the criteria of approval for Special Use Permits set forth in Section VII-4. A, the Plan Commission shall also find that the following criteria are met:

1. That the proposed use is consistent with the 2005 Comprehensive Plan, as amended, as it pertains to the protection and preservation of Urbana's Neighborhoods.
2. That the location, size, and type of proposed development is appropriate to and compatible with the area in which it is to be located.
3. That the proposed use is designed and located so that it is in conformance with the intent of the guidelines for construction as contained herein.
4. That the proposed development meets the standards contained herein without creating an unreasonable burden on the property owners.

G. Application Procedures

The procedures for a special use permit within the Southeast Urbana Overlay District shall be the same as those required in Section VII-4, except as modified herein.

H. Submittal Requirements

In addition to the submittal requirements listed in Section VII-4, the Special Use Permit application for this District shall also demonstrate conformance with the approval criteria contained herein.

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).

Figure XIII-1 Southeast Urbana Overlay District



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 _____, 2017.

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

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor