



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: June 14, 2007

SUBJECT: Plan Case No. 2023-T-06: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance by adding Section XIII-5, "Neighborhood Conservation Districts."

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow property owners and neighborhood groups to apply for designation of neighborhood conservation districts. A neighborhood conservation district (NCD) is a zoning tool designed to support the character and quality of life in established neighborhoods. Applicants for a NCD would apply for City designation through a zoning overlay district which would include requirements specific to the needs of each particular district. Requirements could include design review for new infill construction, a standard streetscape design for future public improvements, special parking provisions, or other requirements concerning the physical design of the neighborhood.

The proposed NCD ordinance establishes a process to create NCDs but would not enact any particular district at this time.

City staff initiated this Zoning Ordinance text amendment following City Council direction in 2006 to pursue six strategies to support Urbana's established neighborhoods, including NCDs. Neighborhood conservation districts are also recommended in the 2005 Comprehensive Plan and the Historic East Urbana Neighborhood Association's neighborhood plan.

The Plan Commission first reviewed this amendment on February 22, 2007 and provided comments at four additional meetings. The Plan Commission concluded that the underlying concerns for neighborhood conservation are important and need to be achieved but that it was not clear to the Commission that the NCD text amendment reviewed by them was the best way to resolve these concerns. Consequently the Plan Commission voted 6 in favor and none against

to recommend denial of the proposed ordinance. The Plan Commission and public hearing attendees provided a great deal of useful comments which have been incorporated in the attached ordinance to the greatest extent possible. The major revisions made following Plan Commission review include:

- Making the NCD ordinance separate from the Historic Preservation Ordinance;
- Allowing the applicants to be either 15% of property owners in a proposed district or a neighborhood association;
- Making application review primarily a responsibility of the Plan Commission;
- Establishing an advisory review by the Historic Preservation Commission;
- Further clarifying the differences between the neighborhood plan and design guidelines;
- Changing the sequence of property owner approval by registered preference forms so that it follows the Plan Commission public hearing; and
- Changing property owner approval to 60% of those **responding** to the City's notification.

Background

The idea of protecting neighborhood character in Urbana through neighborhood conservation districts has a long-standing basis. The 1990 Downtown to Campus Plan, for instance, which sought to achieve a balance between residential, institutional, and commercial uses in Urbana's core, included the following objective:

Recognize and preserve the neighborhood's existing buildings and unique character through the use of neighborhood conservation zoning, historic preservation ordinances or similar methods.

The 2005 Comprehensive Plan incorporated several earlier neighborhood plans such as the Downtown to Campus Plan. The Comprehensive Plan includes an implementation strategy to "Develop a 'Conservation District Ordinance' and consider neighborhoods that could obtain conservation district status based on residents' desires" (p. 88). And as a strategy for neighborhood stability in West Urbana, the plan's Future Land Use Map #8 calls for exploration of Neighborhood Conservation District strategies.

The current City Council's Common Goals also address the NCD concept:

Develop conservation districts for historic and sensitive areas of the city. Conservation districts should include review of demolitions, approval of new construction. And design guidelines applied by MOR style Design Review Board, or as fixed requirements required by the zoning ordinance.

Furthermore, the Historic East Urbana Neighborhood Association's neighborhood plan calls for "conservation areas" to promote "compatible construction and remodeling styles," and to "preserve the residential quality of the old neighborhood".

Beginning in the spring of 2006, City staff began working to possible solutions to ongoing neighborhood quality of life issues. Research and feedback on neighborhood conservation districts has been at the forefront of this effort. The following is an overview of City presentations on the issue.

- May 2006. A detailed research report, “Neighborhood Conservation District Study for the City of Urbana, Illinois”, was completed by Rebecca Bicksler as a City staff intern project.
- August 24, 2006. City staff presented initial findings on neighborhood conservation issues to the Plan Commission. The Plan Commission requested additional research, including a comparison between NCD and other neighborhood improvement measures.
- August 28, 2006. Staff presented initial findings on neighborhood conservation issues to the Committee of the Whole. They requested that City staff follow up with: (1) information on review of building demolitions; (2) making presentations to neighborhoods on the NCD concept; and (3) consideration of the idea of forming a special task force to identify potential historic landmarks and districts.
- Oct. 23, 2006. Staff returned to the Committee of the Whole with the requested research, including a detailed analysis of demolition trends in the West Urbana and Historic East Urbana Neighborhoods. Staff recommended pursuing six strategies to improve the quality of life in older neighborhoods, including adoption of a neighborhood conservation district ordinance. The Committee formally requested that staff follow up with implementing these measures.
- Nov. 1, 2006. Staff presented findings and recommendations to the Historic Preservation Commission and asked for comments.
- Nov. 9, 2006. Staff presented its additional findings to the Plan Commission and offered an opportunity for comment.
- Feb. 5, 2007. New demolition noticing procedures were established.
- Feb. 7, 2007. The City Council and Historic Preservation Commission held a joint meeting to discuss improving the City’s historic preservation efforts. The discussion also touched on the neighborhood conservation district concept.
- Feb. 22, 2007. City staff initiated a Zoning Ordinance text amendment at the Urbana Plan Commission. A public hearing was initiated and the Plan Commission provided comments.
- March 7, 2007. The Urbana Historic Preservation Commission reviewed and commented on the proposed text amendment.
- March 22, 2007. The Plan Commission continued their public hearing and provided further comments.
- April 4, 2007. The Historic Preservation Commission concluded their review of the proposed text amendment.
- April 5, 2007. The Plan Commission continued their public hearing and provided further comments.
- May 10, 2007. The Plan Commission concluded their public hearing on the Zoning Ordinance text amendment and provided final comments. The Plan Commission recommend denial of the proposed text amendment

Minutes of the May 10, 2007 Plan Commission meeting are attached. The motion to recommend denial included the following explanation:

- 1) The Plan Commission believes that the concerns and intent of the neighborhood conservation that led to the creation of the proposed text amendment are important and need to be achieved.
- 2) It is not clear to the Plan Commission that the proposed text amendment as it is currently written is the best way to achieve those concerns and intent.
- 3) If a NCD ordinance in some other form comes back to the Plan Commission, they suggest that it include the following five elements:
 - A) Citizen initiative
 - B) City assisted plan
 - C) Design review with design guidelines
 - D) Initiative and protest, and
 - E) A process which includes Plan Commission recommendation and City Council action.

Additionally, City staff has made several presentations to residents of the West Urbana and Historic East Urbana neighborhoods, and sponsored a workshop on another neighborhood conservation tool: housing investment corporations.

Comprehensive Plan

The 2005 Comprehensive Plan provides the following relevant goals, objectives, and implementation strategies for considering a neighborhood conservation district ordinance.

Comprehensive Plan Goals and Objectives

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

Objective

- 1.1 Promote the organization of neighborhood groups to help advocate for neighborhood preservation and enhancement.
- 1.2 Encourage investment in older properties to help maintain their appearance and long-term potential.
- 1.3 Promote the improvement of existing structures through the enforcement of property maintenance codes.
- 1.4 Promote established neighborhoods close to campus and the downtown as attractive places for people to live.
- 1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

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

Objective

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

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

Goal 12.0 Preserve the characteristics that make Urbana unique.

Objective

- 12.1 Identify and protect neighborhoods and areas that contain significant historical and cultural resources.
- 12.2 Pursue the establishment of historic landmark and/or historic district status for sites that have contributed to the history of Urbana.
- 12.3 Encourage public/private partnerships to preserve and restore historic structures/sites.
- 12.4 Promote and educate the public about the benefits of historic preservation.
- 12.5 Preserve and maintain brick sidewalks and streets which are unique to Urbana's older neighborhoods consistent with the city's Brick Sidewalk Plan.

Comprehensive Plan Implementation Strategies

Amend the Urbana Zoning Ordinance to include site design standards for multi-family residential development in established neighborhoods to ensure that new development maintains the urban fabric and pattern of established neighborhoods.

Develop a "Conservation District Ordinance" and consider neighborhoods that could obtain Conservation District status based on residents' desires.

Update historic surveys of older neighborhoods in order to develop an inventory of historic resources.

Study the feasibility of initiating a low-interest loan or grant/match program for exterior renovation projects on structures that have been designated as "historic" under the Urbana Historic Preservation Ordinance.

Coordinate with local non-profit agencies (such as PACA) focused on preserving historic structures within the community through membership and education coordination.

Designate downtown Urbana and portions of West main Street (where appropriate) for historic district status.

Comprehensive Plan Future Land Use Map Annotations

In addition to objectives and implementation strategies pertinent City-wide, the following Future Land Use Map annotations are pertinent development policies for specific areas:

"King Park Neighborhood, Community Development Target Area; Improve existing housing stock and promote new infill development" (Map 3)

“West Urbana, Strategies for Neighborhood Stability: 1. Explore “Neighborhood Conservation District” Strategies, 2. Promote Single-Family Residential Uses in areas zoned for single-family, 3. Preserve existing zoning protections, 4. New development to respect traditional physical development patterns.” (Maps 8 & 9)

“Lincoln/Busey Corridor. Preserve these uses as they now exist while precluding further encroachment of higher density buildings into this unique residential area.” (Maps 8 & 9)

“Green/Elm Street Corridors, Mixed Residential. Promote small-scale residential, office and business development with a residential character. Adaptively re-use existing structures where feasible.” (Map 8)

“Historic East Urbana. Strategies for Neighborhood Stability: 1. Preserve unique character of neighborhood, 2. Determine compatible zoning for neighborhood, 3. Improve existing infrastructure, 4. Improve existing housing stock, 5. New development to respect traditional physical development patterns.” (Map 10)

City staff believes that there is clearly an adequate policy basis for submitting the attached NCD ordinance.

Issues and Discussion

Attached is a proposed text amendment to the Zoning Ordinance enabling the City create neighborhood conservation districts based on the petition of property owners or neighborhood groups. The text is based on research summarized in the May 2006 NCD study for Urbana as well as input provided by the Plan Commission, Historic Preservation Commission, the Urbana City Council, Historic East Urbana Neighborhood Association (HEUNA), and the West Urbana Neighborhood Association (WUNA). NCD ordinances for the cities of Iowa City, Iowa; Wilmington, Delaware; and Chapel Hill, North Carolina initially served as models, but the current ordinance has been rewritten to fit Urbana’s needs.

It is important to note that the attached ordinance is limited to establishing the process for review and approval of NCD applications and would not enact any particular district.

Proposed Designation Process

Step 1 - Submit application

An application may be submitted by at least 15% of the property owners within the proposed district or by a neighborhood association. A preliminary determination for eligibility will be scheduled and property owners within the district will receive a copy of the application and information on neighborhood conservation districts.

Step 2 – Preliminary determination meeting

The Plan Commission will review the application and determine whether or not the application meets the minimum eligibility criteria.

Step 3 – Review by the Historic Preservation Commission

The Historic Preservation Commission will review the application and provide input as to whether or not the district appears to be eligible for designation as local historic district. The applicants may then either withdraw their NCD application and apply for historic district designation or continue forward as a NCD.

Step 4 – Neighborhood plan and design guidelines

In consultation with the applicants, property owners, and residents, City staff will write a neighborhood plan and any design guidelines or other special requirements necessary to enact the plan. The plan will identify what aspects or elements of the neighborhood are significant and how they should be conserved.

Step 5 – Notification of public hearing

City staff will notify the applicants, property owners, residents, and the general public of a Plan Commission public hearing on the application, proposed plan, and design guidelines or other proposed zoning requirements.

Step 6 – Plan Commission public hearing

The Plan Commission will hold a public hearing. Upon conclusion of the public hearing, the Plan Commission will recommend to the City Council whether to approve, approve with specific changes, or deny the proposed NCD application.

Step 7 – Property owner registered preferences

The City will notify property owners of the Plan Commission’s recommendation and include a registered preference form. Property owners may submit registered preferences for or against designation. Sixty percent of those responding must indicate they are in favor in order for the application to be approved.

Step 8 – Protest

Property owners choosing to do so may submit a formal protest. A valid protest signed by 25% of the property owners within the proposed district would require two-thirds approval by the City Council for the ordinance to be enacted.

Step 9 – City Council Hearing

If there is no formal protest, City Council may by majority vote designate a neighborhood conservation district and any design guidelines or other special zoning requirements necessary to enact the neighborhood plan.

Step 10 – Notification of Designation

The City will notify district residents and property owners of the City Council’s final decision, along with information about new requirements.

NCD requirements for future development

For most adopted NCDs, the City Council will approve an ordinance designating the area, as well as design guidelines or other special zoning requirements for the area. Any design guidelines would not only enact design review for future development but also establish the appropriate board, commission, or City staff administrative review for different levels of

improvements. For instance, relatively minor improvements might be reviewed and approved administratively by City staff. Larger projects with more discretion involved might be reviewed by the Development Review Board, Historic Preservation Commission, or Plan Commission.

Summary of Findings

1. Protecting neighborhood character through use of neighborhood conservation districts is recommended by Urbana's 2005 Comprehensive Plan, City Council Common Goals, and the Historic East Urbana Neighborhood Association's neighborhood plan.
2. At the October 23, 2006 Committee of the Whole meeting, the Urbana City Council voted to pursue six strategies to support neighborhoods, including adopting a neighborhood conservation district ordinance.
3. The Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to permit applicants to apply for City designation of neighborhood conservation districts.
4. The proposed zoning text amendment enables neighborhood conservation districts to be created with design review and other possible NCD protections intended to conserve desirable neighborhood character, improve the quality of life in established neighborhoods, reduce blight, and build property values.
5. This petition was presented to the Urbana Plan Commission as Plan Case 2023-T-06.
6. After due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on February 22, 2007 and continued the public hearing on March 22, 2007; April 5, 2007; and May 10, 2007.
7. The Urbana Historic Preservation Commission reviewed and commented on the application at their March 7, 2007 and April 4, 2007 meetings.
8. The Urbana Plan Commission voted 6 ayes to 0 nays on May 10, 2007 to forward Plan Case #2023-T-06 to the Urbana City Council with a recommendation for denial of the proposed amendment.
9. The proposed Zoning Ordinance text amendment conforms to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan.
10. It to be in the best interest of the City of Urbana to allow adoption of neighborhood conservation districts.

Options

The City Council has the following options in Plan Case 2023-T-06:

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

Recommendation

At their May 10, 2007 meeting, the Plan Commission voted 6 ayes to 0 nays to forward this Zoning Ordinance text amendment to the City Council with a recommendation for denial. Based on detailed comments provided by the Plan Commission and at the public hearings, City staff has subsequently incorporated as many revisions as possible in the attached ordinance. City staff recommends that the City Council **APPROVE** the revised text amendment as attached to allow creation of neighborhood conservation districts.

Prepared by:

Robert Myers, AICP, Planning Manager

Attachments:

Neighborhood Conservation District ordinance
Urbana Plan Commission minutes for Feb. 22, 2007; Mar. 22, 2007; April 5, 2007; and May 10, 2007
Urbana Historic Preservation Commission minutes for March 7, 2007 and April 4, 2007

cc:

Chris Stohr	Betsey Cronan
405 E High St	305 W High St
Urbana, IL 61801	Urbana, IL 61801

Urbana Plan Commissioners
Urbana Historic Preservation Commissioners

ORDINANCE NO. 2007-06-059

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

(Adding Section XIII-5, "Neighborhood Conservation Districts", to the Urbana
Zoning Ordinance - Plan Case No. 2023-T-06)

WHEREAS, protecting neighborhood character through use of neighborhood conservation districts is recommended by Urbana's 2005 Comprehensive Plan, City Council Common Goals, and the Historic East Urbana Neighborhood Association's neighborhood plan; and,

WHEREAS, at the October 23, 2006 Committee of the Whole meeting, the Urbana City Council voted to pursue six strategies to support neighborhoods, including adopting a neighborhood conservation district ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to permit applicants to apply for City designation of neighborhood conservation districts; and,

WHEREAS, the proposed zoning text amendment enables neighborhood conservation districts to be created with design review and other possible NCD protections intended to conserve desirable neighborhood character, improve the quality of life in established neighborhoods, reduce blight, and build property values; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case 2023-T-06; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on February 22, 2007 and continued the public hearing on March 22, 2007; April 5, 2007; and May 10, 2007; and,

WHEREAS, the Urbana Historic Preservation Commission reviewed and commented on the application at their March 7, 2007 and April 4, 2007 meetings; and

WHEREAS, the Urbana Plan Commission voted 6 ayes to 0 nays on May 10, 2007 to forward Plan Case #2023-T-06 to the Urbana City Council with a recommendation for denial of the proposed amendment; and,

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to allow adoption of neighborhood conservation districts by amending the text of the Urbana Zoning Ordinance as described herein.

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

Section 1. A new Section XIII-5, Neighborhood Conservation Districts, is hereby added:

Section XIII-5. Neighborhood Conservation Districts

A. *Purpose.* The purposes of establishing a neighborhood conservation district are to:

1. Conserve the unique characteristics, including architectural, historical and aesthetic qualities, of older neighborhoods;
2. Provide for design review of new construction and alteration of existing buildings to ensure compatibility with the existing character of the district;

3. Encourage the retention and rehabilitation of existing structures in older neighborhoods;
4. Encourage reinvestment in older neighborhoods; and
5. Protect the setting and context of historic landmarks and historic districts in close proximity to or surrounded by neighborhood conservation districts.

B. *Definitions.*

Conservation District Design Guidelines: A document identifying significant physical design features within a defined Neighborhood Conservation District as well as design guidelines for future physical improvements within the district.

Neighborhood Conservation District: An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects with unifying qualities or characteristics which are to be conserved.

Parcel Owner: An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.

Secretary: The Secretary of the Plan Commission, or designee.

C. *Minimum eligibility requirements.* The minimum eligibility requirements for nomination of neighborhood conservation districts are:

1. The proposed district shall consist of a minimum of twenty-five adjoining zoning lots which for the purposes of this Section may be separated by a street right-of-way wider than 28 feet;

2. The proposed district boundaries shall designate a logical, coherent, and cohesive district in terms of the physical location of properties in relation to one another; and

4. The proposed district shall be predominately residential in use or character.

D. *Neighborhood Conservation District Applications.* Applications shall be made by means of a completed application form provided by the City and may be initiated by either a minimum of 15% of the parcel owners to be included in the proposed district or by a neighborhood organization.

The Plan Commission Secretary shall have five working days to determine whether or not an application is complete. Applications shall minimally include:

1. The name and address of the owner of record of each property proposed for designation;

2. A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;

3. A map delineating the boundaries and location of the district proposed for designation;

4. A written statement describing the district and specifying the reasons the district needs to be conserved;

5. A statement and description of the desired outcome of the designation, including any expectations for conservation district design guidelines; and

6. Any required filing fee.

E. *Application Notice.* Upon receipt of a complete application for designation of a neighborhood conservation district, the Secretary shall notify parcel

owners within the proposed district of the time and date of the Plan Commission meeting where preliminary review of the application will occur. Notification shall include a copy of the application or relevant portions thereof for the property owners' information. Additionally, the City of Urbana will make a good faith effort to post signs within the proposed district notifying the public of the preliminary determination hearing.

F. *Preliminary Determination.*

1. The Urbana Plan Commission shall make a determination as to whether or not the proposed district has a cohesive and identifiable visual setting, character or association:
 - a) Representing the traditional character of Urbana neighborhoods through architecture; building scale, massing, setbacks, and orientation; or streetscape design;
 - b) Exemplifying a neighborhood development pattern significant to the cultural history or tradition of Urbana; or
 - c) Containing an identified unique or unusual physical character that creates distinctiveness.
2. Within sixty days of receiving the application, the Plan Commission shall make a preliminary determination as to whether a proposed neighborhood conservation district meets one or more of the criteria in Section XIII-5.F. The Secretary shall notify the applicant in writing of the preliminary determination for the nomination, specifying the date of said determination.
3. Additionally, the Secretary shall forward the application to the Urbana Historic Preservation Commission for review. The Historic Preservation Commission may find that the proposed district appears to qualify for designation as a local historic district, in which case the applicants may choose to withdraw their application and apply for historic district designation under Section XII-4 of the Zoning Ordinance or continue with the neighborhood conservation district application.

G. *Conservation District Design Guidelines.* Following the preliminary determination, the City, in consultation with district property owners and residents, may prepare design guidelines for the proposed district. Conservation district design guidelines should minimally include:

1. An inventory defining what is significant about the established character of the proposed neighborhood conservation district, including building characteristics such as established setbacks from property lines and patterns in height, massing, bulk, and orientation; patterns of parcel size and orientation; and streetscape elements.
2. Defined boundaries of the neighborhood conservation district;
3. Proposed design guidelines prescribing future development within the district, which may include the following elements:
 - a) Building size and massing;
 - b) Roofline and pitch;
 - c) Façade/elevation features, including orientation of doorways and window openings;
 - d) Porches;
 - e) Exterior materials; and
 - f) Parking areas.
4. An outline of the proposed review process for future exterior changes and whether these changes are to be reviewed by a commission or board, City staff, or a combination thereof depending on levels of review.

H. *Notification of Public Hearing.* The Secretary shall schedule a public hearing on the application and any design guidelines at the Plan

Commission. The Secretary shall provide the following notice not less than ten days before a public hearing on the proposal:

1. *Notice by Mail.* The Secretary shall notify owners of all properties within the proposed district the date of the public hearing.

Notification shall be sent by first-class U.S. mail to:

a) The address of the property affected;

b) The address of the person who last paid the general taxes on the affected property according to the records of the Champaign County Supervisor of Assessments;

2. *Notice by Publication.* At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed neighborhood conservation district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street addresses or address ranges, a description of the proposed district boundaries for which such action is sought, as well as a brief description of the proposed action.

3. *Notice by Sign.* The Secretary shall make a good faith effort to post notice by sign in accordance with Section XI-10 of the Urbana Zoning Ordinance.

J. *Public Hearing of the Plan Commission.* The Plan Commission shall hold a public hearing at which the Commission shall take testimony of the applicants, property owners, residents, and any others wishing to be heard on the application. In addition, the Plan Commission shall consider all written comments received prior to or during the hearing.

K. *Plan Commission Recommendation.*

1. Within 60 days following the public hearing, the Plan Commission shall by majority vote recommend to the City Council whether to approve, approve with changes, or deny the application, including any design guidelines.

2. The Plan Commission's recommendation shall be accompanied by findings and a report summarizing the evidence presented at the hearing.
 3. Within 15 days of the Plan Commission's recommendation, property owners in the proposed district shall be mailed a copy of the Plan Commission's recommendation and a registered preference form.
 4. The City shall provide owners of record thirty calendar days to submit a registered preference form in favor of or opposing designation of the neighborhood conservation district. Signatures of 60% or more of owners of record responding in favor of designation shall be required for approval. The determination as to endorsement of the owners of record shall be, if a sole owner, by his or her signature, and if multiple owners, by the signatures of owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation or partnership, a signed resolution must be submitted indicating an endorsement. Each parcel is considered independently, regardless of single ownership of multiple parcels.
- L. The Secretary shall forward to the City Council the application, plan and design guidelines, Plan Commission recommendation, results of returned registered preference forms, enacting ordinance for the district, and an ordinance or resolution adopting any proposed design guidelines. Copies shall be sent to the applicants, the Historic Preservation Commission, and the Urbana Building Safety Division.
- M. *Protests Against Designation.* Prior to commencement of the City Council meeting in which a vote on the proposed action is taken, owners of property within the proposed district may file an official protest against designation of the neighborhood conservation district. A protest shall be considered valid if written opposition is signed by the owners of at least 25% of the lots within the proposed district as follows:
1. If a sole owner, then protest shall be signed by the sole owner; or
 2. If multiple owners, then protest shall be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it

would take three of such joint owners to sign the protest for it to be valid.

3. There shall be one registered preference for each parcel within the proposed district. For example, if an owner owns four lots, each lot would have one vote.

N. *Final Determination.*

1. The City Council shall by majority vote of a quorum either approve, approve with amendments, or deny both the proposed district and any design guidelines.
2. In the case of a valid protest as specified in Section XIII-5.M, action on both the proposed district and any design guidelines shall not be authorized except by a favorable vote of two-thirds of the members of the City Council.
3. At its discretion, the Plan Commission may refuse to consider a request for a neighborhood conservation district if such request is identical to or substantially similar to a proposed district denied by the City Council within the past year.

O. *Amendment and Dissolution.* The district boundaries of any adopted neighborhood conservation district may be amended by the same procedures and criteria as for designation. The City Council may amend any design guidelines enacted as part of the neighborhood conservation district following the notification requirements of Section XI-10 of the Zoning Ordinance. Neighborhood conservation districts may be dissolved by a two-thirds "affirmative" vote of the City Council members then holding office.

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 _____, 2007.

PASSED by the City Council this ____ day of _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2007.

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 _____, 2007, 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 (Adding Section XIII-5, "Neighborhood Conservation Districts", to the Urbana Zoning Ordinance - Plan Case No. 2023-T-06)" 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 _____, 2007, 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 _____, 2007.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 22, 2007

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: None

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary; Gale Jamison, Assistant City Engineer

OTHERS PRESENT: Tyler Fitch, Angie Fred, Debbie Insana, David Monk, Dennis Roberts, Charles Smyth, Christopher Stohr, Joel Vanessen, Dianna Visek

COMMUNICATIONS

- Flowchart for the “Neighborhood Conservation District Designation Process”

NEW PUBLIC HEARINGS

Plan Case 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, began his presentation to the Plan Commission by giving background information on the policy basis for the proposed text amendment to establish Neighborhood Conservation Districts (NCDs). He reviewed the proposed designation process.

Mr. Hopkins was unclear about why a neighborhood that could qualify as a historic district and does not get approved as a historic district could never become a NCD. Mr. Myers explained

that it is City staff intent that areas that could qualify to become historic districts would not use a NCD as a substitute.

Mr. White commented that he is under the impression that a historic preservation district is much more restrictive than a NCD. What happens if property owners prefer to become a NCD rather than a historic district? He does not understand why the Historic Preservation Commission will be reviewing NCDs at all. He believes that the homeowners should decide which they would like to petition for. Mr. Myers responded by saying that if a property or group of properties are truly historic and the owners want to save their properties as a historic neighborhood, then it should be under the historic preservation standards so that there is not a loss of historic character and diminished integrity. Mr. White felt that the property owners should have a say in whether they want to sink money into keeping their property historic or not.

Mr. Ward remarked that a property could end up not getting any protection at all under the language of the proposed text amendment. A neighborhood might qualify for historic preservation, but not pass as a district by the Historic Preservation Commission. It would not be able to qualify as a NCD and would be left with no historic protection. To him there are three levels of historic protection for a neighborhood, which are as follows: 1) doing nothing so that there is no protection at all; 2) protection by a NCD, which provides some protection but not as much as historic preservation district; and 3) protection by historic preservation district. He believes that they should try to provide as much protection as possible. Therefore, he suggested that City staff review the process again.

Mr. Myers continued with his presentation. He talked about the implementation of a NCD (Steps 5 through 7). He noted that City staff would like to get input from the Plan Commission during this meeting but for them to delay making a recommendation to the City Council until the Historic Preservation Commission has an opportunity to provide input. Staff would then bring the text amendment back to the Plan Commission on March 22nd.

Mr. White understood that a historic district requires an initial petition of 25% of the property owners' approval. He wondered why a NCD would only require 10% of the property owners' approval. It seemed to him that 10% is a low number of people in a neighborhood. He believed that the percentage should be much higher. He also was not sure why City Council should be able to make an application for a NCD rezoning. Mr. Myers explained that the City Council can initiate any zoning action within the City. Mr. White wondered why it is mentioned in the proposed ordinance that City Council can apply. Mr. Myers replied that City staff wanted to make sure that this is clear.

Regarding the 10% versus the 25% in making the initial application, getting 25% of the property owners to actually be the applicants is different than getting people to buy into the concept latter on. Some people may not actually want to be an applicant. Mr. White expressed his concern for the property owners who do not want a NCD. Mr. Myers explained that in order to initiate the process 10% of the property owners would need to agree to be the applicants. At this point, there would not have been any hearings, so some property owners may not have all of the information that they really need to make a determination on whether it is a good idea or not. Next, we

would have the public hearing to talk about the substance of application. Then a petition would need to be submitted with at least 60% of the property owners' approval.

Mr. Ward pointed out that Step 4 in the written staff report mentions open house meetings, yet he did not see them mentioned in the proposed ordinance. He feels that the idea of open input and maximum input is a good idea. Is there a legal definition of "open house"? Is there a requirement for notice? He wants to make sure that we have maximum input all the way through the process. Mr. Myers stated that City staff did not include open house in the proposed ordinance but realistically their would be heavy neighborhood involvement in preparing the district plan.

Mr. Ward reiterated that he wants to insure that we maximize the number of people to give input. Again, who would City staff notify? How would City staff notify them and how far in advance before the meeting? Where would the meeting be held? What is the meeting procedure? These are the questions that he is looking for answers for. He suggested that City staff include some of these answers in the proposed ordinance. Chair Pollock agreed. He felt that if it is important enough to mention in the flow chart, then it is important enough to mention in the proposed ordinance. Mr. Myers responded by saying that in terms of noticing for an open house, the City staff notices a public hearing. Throughout the proposed process, there would be lots of noticing, such as for the Historic Preservation Commission meeting, the Plan Commission meeting and for the City Council. Mr. Ward remarked that he would not want to miss out on an open house for his neighborhood because he did not know about it because there was no formal notification. Lack of notification will undermine the legitimacy of the NCD program.

Ms. Stake expressed that she is pleased that the City is moving forward with a text amendment to establish NCDs. She had some questions. She referred to Page 15 of the proposed ordinance under Section E.2, which states, "*The Preservation Commission may amend, but not extend the boundaries of the proposed neighborhood conservation district*". She wondered why the Historic Preservation Commission could not extend the boundaries, because sometimes it may be a good idea. Mr. Myers replied that if the Historic Preservation Commission was able to extend the boundaries, then it would change what the applicants had applied for and would include areas not given public notice.

Ms. Stake inquired as to who is in charge of a Certificate of Appropriateness. Mr. Myers explained that the Historic Preservation Commission approves or denies a proposed Certificate of Appropriateness (COA). COAs come after a historic district or landmark has been approved for review of projects. The references to COAs in the Historic Preservation Ordinance are already adopted and staff just provided the entire Historic Preservation Ordinance in the packet for reference.

Mr. Grosser suggested the following changes. They were as follows:

- 1) On Page 15, under Section XII-6.C.2.a, it should read, "*Upon 10% or more property owners within the proposed district who apply for it; or*".
- 2) On Page 15, under Section XII-6.E.2, it should read, "*...The Preservation Commission may ~~amend~~ reduce, but not extend ...*".

Mr. Myers stated that it goes back to public notification purposes. If the Historic Preservation Commission expands the area, then the expanded area would not have been included in the notification process and it would not serve the public notice. However, if the Historic Preservation Commission shrinks the area, then at least the people in that area would have still been notified.

Mr. Grosser felt confused by the flow chart in that 60% of the property owners have to sign off on wanting a district plan that has not been prepared. According to the flow chart, the district plan is prepared after the property owner petition is submitted. He understood that City staff probably did not want to go through the work of generating a district plan without knowing whether the property owners even would support a plan, but as a property owner he would not be able to say that he wants a plan without knowing what is in it. This is a problem that he is not sure how to solve. Chair Pollock added that the lack of clarity could doom a proposal.

Mr. Grosser inquired if there is anything that precludes a NCD from later becoming a historic preservation district. Mr. Myers said no. Mr. Grosser agreed that property owners should be able to apply for a NCD if their properties are not approved by the Historic Preservation Commission as a historic district.

Mr. Hopkins commented that we need to be careful between the designation of the Historic Preservation Commission and the Plan Commission public hearing to be precise about what is going on. By describing this as a plan making process, we are confusing people, because what is actually being proposed is the development of a neighborhood specific regulatory ordinance. It is not actually a plan in the strict sense of the word. We would be developing an ordinance and would be imposing regulations, which would come before the Plan Commission as an amendment to the Zoning Ordinance. Mr. Myers responded by saying that design review documents are typically enacted through either resolutions or ordinances. Mr. Hopkins pointed out that the only precedent that the City of Urbana has for this kind of regulation is the MOR District. Each enacted district would be an amendment to the Zoning Ordinance. He feels that we are creating confusion by describing the process after the Historic Preservation Commission's determines an application is eligible through the Plan Commission conducting a public hearing as a planning process. It is not a planning process. It would be an ordinance drafting process. It has public hearing requirements, etc.

Ms. Upah-Bant brought up the issue of new construction, which is mentioned in Section XII-6.A.2. Is this the only section of the proposed NCD Ordinance that talks about new construction? Mr. Myers stated that at the time the district itself is being proposed, any design guidelines would determine whether people wanted to review new construction or not. It depends on how a district wants to handle new construction.

Ms. Tyler responded to Mr. Hopkins question about whether it is an ordinance or a plan. City staff envisions it as having elements of both. The MOR is a zoning district and was enabled in the Zoning Ordinance as a text amendment. However, the MOR Design Guidelines were accepted separate from the Zoning Ordinance and adopted by its own ordinance. So, she does not think that we want to encumber the Zoning Ordinance with several small neighborhood

plans. The intent really is to do some planning in these districts to tailor them to each neighborhood and to address the concerns in each neighborhood, which is a planning exercise. To come out with ordinances that deal with things like design review or development review, we really do not know because each neighborhood would be different. It will be a text amendment to the Zoning Ordinance, but it will be something else as well.

Concerning outreach, she realized that there are some concerns about the open house meetings. City staff does have pretty rigorous notification requirements for public hearings. The problem is if we just do a public hearing, then we cannot have that informal interaction. She did not know how to make an informal public outreach formal. She agreed that we need to have both the formal public hearings and the informal meetings.

Chair Pollock commented that the idea is to provide property owners a chance to come together to form a neighborhood generated initiative. He did not feel that it needed to be mentioned in the proposed ordinance that it could or should be done or suggested that it be done by direction of the City Council.

Ms. Stake feels that the City Council should be able to give direction to do a NCD, because some people may not realize what they could do to preserve their neighborhood. When the City Council sees that there are places that should be preserved, then it would be reasonable for them to initiate a NCD.

Mr. Myers mentioned that in certain instances, it is appropriate for the City Council to take leadership on rezoning cases, such as to implement the Comprehensive Plan.

With no further questions or comments for City staff, Chair Pollock opened the hearing up to take testimony from members of the audience.

Dianna Visek, of 608 West Pennsylvania Avenue, objected to the purpose and the process of NCDs as expressed in the proposed ordinance. She has mentioned several issues that she has with the document.

On Page 4 of the written staff report, one of the purposes stated is as follows, "*Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing*". Aesthetics is a very subjective thing. Many of the buildings built by some famous architects in the City of Urbana might not have ever been built if voted upon based on aesthetics. We would have had very mundane, bland, generic, conforming buildings. We would not have the character that we have today. Therefore, this purpose is in direct opposition of what the City of Urbana represents, which is a more individualistic orientation.

On Page 16 of the proposed ordinance, under Section XII-6.G.4, it states, "*Establishment of a review board (administrative or board review) and level of review required for changes of appearance to buildings within the Neighborhood Conservation District; and*". "Appearance" is a very broad word, which covers things like color. It could mean color of shingles, paint, or shutters. She personally has been subject to comments about the ghastly color of her shutters.

People like to regulate other people's behavior, and they like to impose their aesthetic standards on others. She did not feel that the City of Urbana is the place for this.

On Page 16 under Section XII-6.G.3, the proposed ordinance talks about things that could be regulated such as façade/elevation features, roofline and pitch, building size and massing, openings, outdoor living space, materials, parking areas and landscaping. She mentioned that she is an avid gardener. She does not think others have the right to tell her what she could plant.

She is concerned about the process. City Council should not be able to suggest a NCD in a neighborhood. She feels that to initiate a NCD it should come from the neighborhood and more than 10% of the neighborhood should be required. The bit about 60% of the property owners must be in favor of the petition for a NCD. That leaves 40% of the property owners against it, and this could cause a great dissention in a neighborhood. The percentage should be much higher than 60%.

The proposed NCD text amendment is touching on areas of property rights and areas of aesthetics, which has nothing to do with functionality, public safety, or density. This is mirco-zoning. These are ordinances that would affect as few as 25 lots. She feels this is a dangerous thing, and she would like the Plan Commission and City Council to think very hard about approving this.

Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), expressed his appreciation for the ability to talk about the NCD text amendment. He commended Mr. Myers, Mr. Wempe and Rebecca Bicksler for the work that they have done in researching and preparing the proposed text amendment.

The goal of trying to preserve the character of Urbana's residential neighborhoods is a noble one. HEUNA has had particular problems in their neighborhood with the wear down-tear down and replace it with the cheapest possible multiple-family structure with parking in the front and no windows and doors facing the street. It runs down the adjacent property values and discourages neighbors from keeping up the appearance and maintaining their homes.

In looking at the proposed process for a NCD designation, he wondered if the application should be submitted by 10% of property owners or *resident* property owners. HEUNA has many absentee landlords in their neighborhood. This would make a big distinction about who would apply for designation of a NCD.

He expressed his concern about the preliminary determination and the role of the Historic Preservation Commission. As has been brought up previously, the role of the Historic Preservation Commission is one that requires a great deal of study and a lot of documentation before a historic preservation district is determined. He is concerned that if this same sort of process (lengthy study and documentation) might require the Commission to do a lot as they try to determine whether a neighborhood falls into the historic preservation category or the neighborhood conservation category.

He wondered if the 60% meant resident property owners. He noticed that only 25% of the property owners need to apply for a historic preservation district nomination, which has more constraints on what can be done with a property. He would like to see more discussion on this and see if it could not be brought more in line with what is done for the historic preservation districts. The process might even be molded more along that line.

Tyler Fitch, of 503 East California, noted that he lives in the Historic East Urbana Neighborhood. They do not want a NCD to be anything like a historic preservation district. They were thinking more of a MOR-type of scenario. On rebuilds, new structures, and maybe significant remodels, there would be some level of design review.

HEUNA has questions about why a NCD nomination would have to be reviewed by the Historic Preservation Commission. The way the proposed ordinance is written sounds too much like a historic preservation ordinance. It raises the kind of fears that makes people wonder if they are going to be told how to keep up or maintain their property.

HEUNA is really only worried about incompatible, large multi-family structures coming into the middle of a residential neighborhood. The neighborhood is mostly made up of single and two-family units. They want to stop the encroachment of multi-family structures. If the neighborhood was zoned right, then they would not need a NCD.

Mr. Fitch commented that there were some good points raised earlier in the discussion about the sequence of steps. HEUNA has questions about the 60% petition requirement. Finding 60% of the property owners at home over 60 days would be really difficult. A referendum process for special improvement districts might be an alternative.

Chair Pollock questioned whether HEUNA talked about the possibility of a rezoning plan for the neighborhood as a way to protect and prohibit what they are afraid of. Mr. Fitch stated that possible down-zoning and a zoning review is part of their neighborhood plan. They are in the process of doing a house-by-house inventory, so they know what the existing uses are. There is a lot of rental property in the neighborhood, which is not really a problem. It is a low crime area. Chair Pollock responded by saying that rezoning might be easier than creating a NCD.

Mr. Fitch stated that there is real confusion about what a NCD is. How is a NCD different from a historic preservation district? And what exactly is the problem that a NCD is trying to solve? Ms. Stake replied that one of the problems to solve is to preserve the residential areas. Apartments keep pushing from all directions, so that many of the residential areas are encroached upon. Mr. Fitch pointed without rezoning the area a NCD would still allow multi-family structures. There would only be more restrictions on landscaping, exterior features, etc.

Mr. Grosser appreciated comments from the public. He felt it would be useful if City staff would come up with a hypothetical situation where a NCD identifies and solves the problems of an area that could not be solved in other ways. Chair Pollock stated that he is not sure of what might be involved in putting something like this together. It seems to be a discussion that would be perfect for a neighborhood considering the development of a NCD. Mr. Grosser understood that one of the reasons for the development of the proposed NCD ordinance is for a

neighborhood like the Historic East Urbana neighborhood. Yet, he thinks it is a reasonable point that some of the problems that people in the HEUNA neighborhood have could be solved and would be better solved through a zoning change. Mr. Myers noted that the City Council has directed staff to work on the possibility of rezoning some of the properties in the Historic East Urbana neighborhood to conform better with the predominant land uses.

Chair Pollock inquired as to whether people have expressed interest in creating a NCD anywhere outside the Historic East Urbana and West Urbana neighborhoods. Mr. Myers said that these are the two areas that have expressed interest in NCDs.

Mr. Grosser stated that he it would not have to be a plan or anything that extensive. He would just like to have a presentation of a few issues say in the West Urbana neighborhood that we think people are wanting to fix or change with a NCD, so that he has more of a sense over why a NCD is the best way to fix those problems. Mr. Myers gave examples of some of the issues such as apartments built on stilts and apartments with blank walls (no windows or openings) facing the street. Simply rezoning properties would not resolve these issues.

Mr. Ward agreed that a discussion of what problems a NCD would solve and what other options there might be would be helpful. He is beginning to think that the proposed NCD ordinance is a blunt instrument designed to do micro surgery, and it will not work. He is boggled by the 60% requirement. The thought of any group in the City of Urbana by a 60% vote could approve anything seems impossible. He is worried that they might be creating an unworkable solution to some very real problems. He would like to see what the other options are. Although the proposed text amendment is before the Plan Commission because City Council directed it, he feels that the Plan Commission is obligated to explore other options to solve the problems.

Ms. Stake commented that NCDs are part of the Comprehensive Plan.

Chair Pollock inquired whether City staff had enough information to provide the overall need for a NCD and specific remedies that it would be designed to address. Mr. Myers replied yes.

Ms. Stake suggested that City staff get more information on how it has worked in other cities, so people would understand that it would not be telling people exactly what to do and that it is a concerted effort to preserve neighborhoods and make it like we want them to be.

Chair Pollock tabled Plan Case No. 2023-T-06 until the March 22, 2007 meeting.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 22, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Ben Grosser, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Lew Hopkins, Michael Pollock

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Anel, Planning Secretary

OTHERS PRESENT: Brian Adams, Martin Allen, Fidaa Araj, Carolyn Baxley, Kevin Duff, Gregor Girolami, Tony and Mary Graham, Eric Hansen, Mark Inglert, Linda Lorenz, Ilona Matkovski, Georgia Morgan, Alice Novak, Dennis Roberts, Chris Stohr, Susan Taylor, Roger Woodbury

CONTINUED PUBLIC HEARINGS

Plan Case No. 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, presented an updated staff report to the Plan Commission. He gave a brief review of the purpose for the proposed text amendment by stating that it would be an enabling legislation that would allow neighboring property owners to come together and petition the City to enact neighborhood conservation districts (NCDs) for protection such as design review for new construction. He discussed the changes that were made to the proposed text amendment based on input from both the Plan Commission at their last meeting and from the Historic Preservation Commission. He provided illustrations for the types of design review typically seen in neighborhood conservation districts, such as front porches, roof lines, street tree, and front-yard setbacks. He showed how additions can be made to homes which still maintaining the established building bulk by providing offsets to break up larger wall masses.

Ms. Stake questioned whether they would need to have 60% of the property owners in favor to nominate a NCD or to enact a NCD. Mr. Myers answered by saying that 60% of the property owners would have to be in favor of enacting a NCD. Only 10% of the property owners would be required to nominate a NCD.

Ms. Upah-Bant pointed out that while Mr. Myers talked about NCDs being block-by-block, the staff report only suggests 25 contiguous zoning lots. Therefore, we could end up with a NCD that ends mid-block. Mr. Myers said that was correct. The minimum requirement for a NCD is 25 contiguous properties. The key would be to have boundaries that are logical. It might be logical to have a NCD end mid-block such as in the example of a block where there is a break between residential and institutional buildings.

Ms. Stake inquired if there could be more than 25 contiguous properties in a NCD. This is just the minimum number of homes required, right? Mr. Myers said yes.

Ms. Burris expressed her concern with only 10% being able to apply for a NCD. 10% of the minimum requirement of 25 contiguous properties is 2.5 property owners. This means that 2.5 households could tell everyone else what to do with their properties. If people living in a neighborhood want to become a NCD then the thing to do would be to talk to their neighbors. It seems reasonable that there should be more than 2 or 3 households could start the process. Therefore, she suggested that they increase the minimum percentage of property owners required to nominate a NCD. Mr. Myers responded that sometimes people are willing to accept or agree to an application, but they are not willing to be the applicant. If we require too high of a number to be the applicants that may really discourage applications. Ms. Burris stated that if two percent want to be the applicants, then that would be fine as long as they have signatures from other residents supporting their application. She would like to see more of a consensus; otherwise, she sees it as a few people dictating for the many, and this does not set right with her. She believes that conservation is a wonderful thing, and it is what we want to do with these types of neighborhoods. However, she is concerned with a few people impacting many other people.

Mr. Ward supports this sentiment. Along the same lines, there could be a small percentage who supports a NCD nomination while other people in the area have a contrary view. Another ten percent could initiate a second application for the same area, and then there would be dueling proposals for the same neighborhood. By raising the percentage, you start out with the petitioners being obligated to have broader support before they proceed.

Mr. Myers asked what the Plan Commission felt would be a good number in terms of a required percentage for the nomination process. The Plan Commission agreed that 25% would be good.

Acting Chair Grosser stated that there will probably be a lead applicant who shuttles things through the process. For the remainder of the 10% or 25% who make up the applicants, what would they be required to do? Mr. Myers replied that there are two things the applicants would need to take the lead on. The first one is to get neighborhood support if they really want their application to get approved. They need to meet with people and talk with them about the

proposal. The second thing they need to do is to coordinate between the neighborhood and City staff in terms of helping to write the design guidelines.

Mr. Grosser commented that some of the examples presented in the slide show such as the facades or roof lines being similar do not represent the City of Urbana because our neighborhoods are not very homogeneous. Ms. Stake pointed out that a NCD would decide what they want in their NCD. Mr. Myers added that it depends on the qualities of a neighborhood that the people really value. In East Urbana, there are some themes that run throughout the neighborhood, such as the height of the buildings and orientation of the front entry ways faces towards the street, but that many of the front porches have already been filled in so that is no longer a common theme.

Mr. Grosser wondered if outdoor living spaces in the design criteria referred to porches. Mr. Myers said yes.

Mr. Ward felt the list (a through g) under the Design Guidelines on Page 16 is permissive. It states that the design guidelines “*may*” include the items on the list. His understanding is that the group that submits an application would make a determination of which of these items they would include in the application. Are the design guidelines confined to this list? What if there are things that are not included on the list that an applicant would like to include? Would it be permitted? Mr. Myers answered by saying that the proposed ordinance would specify if other elements besides the items listed are included.

With no further questions from the Plan Commission towards City staff, Acting Chair Grosser reopened the public hearing.

Roger Woodbury, 310 West Iowa Street, stated that most of the blocks are already built up. He did not feel that anyone was arguing about changing the size of the buildings or adding porches. There are two basic issues in the West Urbana Neighborhood area, which are apartment buildings and churches. He understood a NCD as something to give a neighborhood as small as a block some added protection against apartment buildings and churches being built in place of two or three houses. If this proposed text amendment is approved, he plans to start nominating neighborhoods around Carle Park to be NCDs. All his criteria will be about churches and apartment buildings and not what people do to the outside of their homes. He felt that if a group could not get 25% of the property owners to initiate an application, then it would not work anyway. He plans to go door-to-door in his neighborhood to get property owners involved. He feels the proposed text amendment is flexible and would be a bottom up democracy type of thing.

Mr. Myers pointed out that a NCD would be an overlay zoning district. It would not affect the underlying zoning or the uses that are allowed in that zoning. For example, if an underlying zoning allowed an apartment building, a NCD could not say that apartment buildings could not be built anymore, but it could say that apartment buildings would need to be built in a certain way.

Georgia Morgan, of 804 W. Nevada, urged the Plan Commission to move forward on this case. She believes that NCDs would give the City of Urbana the option to preserve the neighborhoods. Some neighborhoods are 100 years old. It would be a real shame to allow these neighborhoods to be interrupted by buildings that do not fit. She urged the Plan Commission to pass a flexible text amendment regarding NCDs, because the needs of one neighborhood might be different than the needs of another neighborhood.

Mr. Grosser asked what she meant by saying “buildings that do not fit”. Ms. Morgan answered by saying that the blue apartment building on stilts on the corner of Iowa Street and Lincoln Avenue. She does not feel that it fits into the neighborhood.

Chris Stohr, of 405 East High Street, mentioned that he is with the Historic East Urbana Neighborhood Association (HEUNA). He stated some of the concerns that HEUNA has with the proposed text amendment. They are concerned with having to submit a second petition. Especially with the Plan Commission recommending that City staff raises the percentage of property owners who must apply for a NCD to 25%, to submit a second petition is unusual. It would be difficult to find the property owners. Therefore, he suggested that the Plan Commission might consider allowing a mail voting process, where a mail vote would be sent out to the property owners and allow a certain amount of time for them to reply. It takes a lot of time to contact property owners and get them to sign a petition. Most people want to take time to research the topic prior to signing.

Mr. Stohr inquired as to whether there would be a process to amend or change the design guidelines or would there need to be a new petition process to make changes. It is not unlikely that some features or changes might need to be made to a NCD over time. There are other conflicting concerns of HEUNA that he would like to submit to City staff in a summary form for staff to sort out. In brief, there seems to be confusion about what should be regulated as a guideline and what should be put in the enabling ordinance. Maybe there could be some sort of workshop to help people better understand how a NCD might work.

Ms. Stake wondered if the City staff would be able to help locate property owners who live out-of-town. Mr. Myers thought that individual property owners could sign and mail in. The City has access to find out who owns properties and what their addresses are. It would be a burden to have to go door-to-door and find that an owner does not live on the property but lives out-of-town.

Ms. Stake asked if there could be a limit on the length of time that out-of-town property owners could have to respond. Mr. Myers mentioned that City staff left leeway in the proposed ordinance in terms of timing for submitting the petition.

Mr. Stohr stated that HEUNA would prefer to have some sort of voting process where perhaps 60% of the property owners responding might be a way of adopting a NCD.

Ms. Burris asked for more clarification on what was meant when Mr. Stohr said that HEUNA would like to see a process where a NCD or its guidelines could be amended. Mr. Stohr noted that once a NCD is created, there are usually set. There may be something overlooked or some

new building material or circumstance that may arise that a NCD might want to consider. Rather than having to go through the entire process again, they feel that there should be a simpler process. Ms. Burris commented that this would make sense.

Mr. Ward inquired as to what Mr. Stohr might suggest for the process to be as a possibility. Mr. Myers stated that it typically works in most communities where there is an ordinance amending the Zoning Map. And then there is a separate ordinance or resolution that actually adopts the design guidelines. Because the proposed ordinance does not differentiate between the two clearly enough he agreed that the wording would be adjusted. Most communities need to modify their design guidelines every few years to keep up with changes.

Carolyn Baxley, 510 West Main Street, congratulated City staff on how the proposed case had been prepared. She was pleased to see a preliminary review included in the NCD process to allow the Historic Preservation Commission an opportunity to look at NCD applications. There are areas where there are opportunities to create historic districts which would provide more protection for historic properties. She supports the proposed ordinance and urged the Plan Commission to forward it to City Council with a recommendation for approval. She believes it is a step in the right direction.

Acting Chair Grosser wondered if during the preliminary review, the Historic Preservation Commission decides that a NCD application has historical significance, would the NCD application convert to a historic district application or would it require a new application for the Historic Preservation Commission? Mr. Myers replied that a new application would need to be submitted to nominate a historic district.

Mr. Myers responded that the change to the proposed ordinance have been made as suggested by the Plan Commission regarding the Historic Preservation role in reviewing NCD applications. The applicants will now be able to reapply for a NCD application should their historic district application be rejected. The Historic Preservation Commission expressed a concern about not having enough information to determine whether or not a proposed NCD district has historical significance. The Commission and City staff decided that they would have to use the information that is readily available or on hand at that time. In most cases, it will be obvious whether a NCD would be eligible for a local historic district or not.

Acting Chair Grosser questioned whether an applicant would have to go through the same process over again if the Historic Preservation Commission determined a NCD to be of historical significance. Mr. Myers answered that the applicant would have to follow the process for a historic district nomination. We would not want to covert the signatures from a NCD to a historic district nomination because some property owners may not agree with becoming a historic district. However, the same 25 people could sign the historic district application if they chose to.

Ms. Stake asked if an applicant could still follow through with the NCD process if they do not want to become a historic district. Mr. Myers responded by saying that the way the proposed ordinance is currently written is that if a district qualifies as a local historic district, then it would

be ineligible for a NCD. The purpose for this is to not have historic neighborhoods circumvent the historic preservation process by going with the type of district that has fewer restrictions.

Mr. Ward commented that this presents a problem. If a NCD application comes forward and is determined by the Historic Preservation Commission to be eligible as a historic preservation district, then what happens if the applicants do not want to become a historic district? If they do not sign the historic district nomination, then there is no valid application to submit for a historic district. Is it just in limbo at this point? Mr. Myers agreed.

Mr. White stated that he did not understand why the Historic Preservation Commission needed to review NCD applications. Mr. Myers said that the Historic Preservation Commission members are the experts in determining whether or not properties qualify for historic landmarks and historic districts. Mr. White replied that the property owners are applying for conservation districts not historic districts.

Acting Chair Grosser inquired as to the rationale for this section of the proposed ordinance. Is it because City staff is concerned that a neighborhood would apply for a NCD rather than a historic district because of a NCD would have less regulations? Mr. Myers said yes, this is one concern. Mr. White asked if this would not be the decision of the property owners. Mr. Myers responded that the Plan Commission would have to weigh this when making a decision about the proposed text amendment.

Ms. Stake commented that she is very pleased with the proposed NCD ordinance. She mentioned that she would have liked to have some review of demolition of buildings mentioned in the ordinance, but maybe it is not possible to do so. She would rather have the proposed text amendment than nothing. She felt the Plan Commission should go forward with it.

Acting Chair Grosser noticed that there would be two different points of notice to property owners. The first notice is after the application before the plan is enacted, and the other notice is after the plan has been developed when the applicants and City staff are looking to get 60% approval of the property owners. During the second notice, City staff also posts signs and publishes the legal ad in the newspaper in preparation for the Plan Commission meeting and the City Council meeting. He felt it would make sense to post signs when the first notice was mailed out as well prior to the preliminary discussion. Mr. Myers felt this is probably a good idea.

Acting Chair Grosser asked if when a NCD proposal eventually comes before the Plan Commission, would they be able to suggest changes to the City Council or would they only be able to recommend approval or denial of what is presented to them? Mr. Myers stated that he would review this section of the proposed ordinance and make any necessary changes to allow the Plan Commission an opportunity to recommend changes, because in almost every application the Plan Commission can recommend approval as submitted, approval with changes, or denial.

Mr. Ward remarked that this presents another set of problems. Normally when something comes before the Plan Commission, they have the options that Mr. Myers mentioned. Normally, the applicant is an individual developer or property owner. Once the Plan Commission makes a recommendation and City Council makes a determination, the applicant can either choose to go

ahead or not go ahead. With NCD applications, it is more of a group effort to develop design guidelines for their neighborhood. The Plan Commission or City Council could make changes that destroy the integrity of the applicants' plan. Once a NCD is approved, the group cannot decide whether or not to go ahead with it as with the other types of cases that are presented to the Plan Commission and City Council. He is not sure how to avoid this problem, but he feels that we need anticipate that this could happen and find some way to negotiate these things so that before it is finally approved by City Council that both the applicants and the Plan Commission are happy with it.

Acting Chair Grosser inquired as to what staff preferred the Plan Commission to do at this meeting. Did staff want the Plan Commission to forward this case to the City Council? Mr. Myers replied that he could make the changes discussed tonight and bring them back to the Plan Commission at the next scheduled meeting. Mr. Ward commented that he preferred to have staff bring it back with the updated changes. He would like to find a way to get more public input on the changes before the Plan Commission considers the case.

Mr. White proposed that City staff take out all the input and consideration involving the Historic Preservation Commission. Some property owners clearly do not want to have to fit under the regulations of a historic district. If they wanted their properties to be considered historic districts, then they would have applied for it. At the same time, the property owners might see some advantages of some sort of overlay and want to come up with a set of guidelines themselves.

Ms. Stake feels that it is important to have the Historic Preservation Commission to review NCD applications, because they have been studying NCDs and know a lot about it. There may be some property owners who may very well want to become a historic district, but just have not thought about it or do not know about historic preservation. She also felt that there should be a way for applicants to follow through with a NCD application if most of the property owners do not want to be a historic district.

Many people do not realize how important their properties are to the City of Urbana. There are historic districts that have not even been nominated yet. Part of the problem is that the Historic Preservation Commission is not allowed to nominate properties for historic districts or historic landmarks. As a result, she feels it is important to have the Historic Preservation Commission review NCD applications, so that they are able to let property owners know if their properties have significant historic value.

Mr. Ward suggested that all NCD applications be reviewed by the Historic Preservation Commission. If the Historic Preservation Commission feels that a NCD is eligible for historic significance, then the applicants should be given an opportunity to amend their application and make an application for a historic district. But, if the applicants decide not to do so, then nothing should impede them from continuing on to apply for a NCD. He does not like how this part of the proposed ordinance is currently worded. We are mixing two things that are tangentially related, but do not overlap. It may very well be as Ms. Stake pointed out that the applicants may not know that they are eligible for historic preservation. If they find out they are eligible for historic designation, they may decide that is a direction that they want to go. If they do, then

they should have that option. If they don't want to proceed in that direction, then they should have that option as well. It should be fairly easy to write this into the proposed ordinance.

Ms. Upah-Bant questioned whether a NCD could become a historic district as well. Mr. Myers said that a NCD could later become a historic district.

Acting Chair Grosser asked the Plan Commission for a show of hands of who would support removing the section of the proposed ordinance that would allow the Historic Preservation Commission to stop a NCD application because the proposed district has historical significance. Five of the six Plan Commission members raised their hands.

Acting Chair Grosser commented that it is unlikely that applicants will not have talked to City staff prior to submitting a signed application for a NCD. When a group of interested property owners comes in to talk with City staff to talk about the issues, City staff could give them a sense if their properties might be eligible for a historic district.

Mr. White pointed out that we have zoning regulations which are enforceable; many neighborhoods have covenants, and then a NCD if approved on top. He expressed his concern for the 25% of the property owners who protest a NCD application, and the City Council enacts the NCD anyway. He suggested that if 30% of the property owners protest a NCD application, then the process should end there. Ms. Upah-Bant replied that "majority rules." Mr. White remarked that "majority rules" is one thing, but this is different because there is already zoning regulations and covenants that they would have to follow.

Ms. Stake stated that a NCD would only be preserving the homes, not changing them. A NCD would only change what could be done in the whole area. Mr. White exclaimed that a NCD would be changing what a property owner could do with their property that fits within the zoning and what fits within the covenants when they purchased the property. Mr. Myers felt that if a NCD application meets the minimum qualification then it needs to be taken through its final course with a vote of the City Council. However, under the protest requirements through the State of Illinois' enabling legislation, there is a 2/3 super majority vote in favor required for official protests to rezoning applications.

Ms. Upah-Bant likes the wording the way it is written.

Mr. Woodbury re-approached the Plan Commission. He said that when the Urbana Comprehensive Plan was being updated three or four years ago, he did the research on bringing up NCDs. He thought it would be a light way of protecting some of the neighborhoods from the encroachment of apartment buildings and churches. From what he has heard during this meeting, he feels that it has become way too complicated and would not provide any protection. He feels it might be a lot of effort for nothing.

Alice Novak, of 601 W. Delaware and Chair for the Historic Preservation Commission, commented that she was shocked by the course of this discussion. She felt City staff did an excellent job at writing the proposed ordinance. She feels that it is very important for the Historic Preservation Commission to be able to review NCD applications for possible historic

districts. She does not think the Historic Preservation Commission review should be taken out of the proposed ordinance.

She is disappointed that the Plan Commission is recommending that the mandatory provision for historic districts be stricken from the ordinance. She believes that many people feel that a NCD is a way out of becoming a historic district. These people want all the protection of a district without the pain. She has written over 100 nominations to the Register of Historic Places. She has worked with a number of communities throughout the Midwest in establishing historic districts both local and to the National Register. She personally feels that she has a good feel for what a historic district is in terms of architectural significance.

There are a number of historic areas in the City of Urbana that for a variety of reasons have not been proposed as historic districts. It takes work to research and to do the documentation, much less the percentages that are required to get these things done. Therein is the huge issue. She believes that NCDs will be like historic district applications in that there will not be that many NCDs written up because of the amount of work it takes to create such a document. People will need to show a commitment to having the desire to having a NCD or historic district to happen for whatever means of protection. This builds in an impediment from the start to have the applicants sign on and then to require 60% approval of property owners.

Many people do not realize how historic their homes are. Nor do they realize the historic value of their homes to the community. She figured there are about 800 buildings, not counting ancillary ones, which are historically and architecturally significant. She thought the National Register might be a good logical step to start with because there are no aesthetic controls with it. This might help to prove that these are historically and architecturally significant buildings. This is something that she would love to look at, but the fact is that she does not have the time to volunteer to document these 800 buildings to put together a historic district nomination.

Her main point is that she does not like to see our mission of trying to recognize the historic character in our community sapped by someone going for a NCD status because they want to be able to change their windows, put a large addition on, enclose the front porch, etc. that might be regulated differently through historic district status.

Mr. Stohr re-approached the Plan Commission. He talked about the process of making changes to a NCD's design guidelines. There has been an undue level of alarm raised about this process. This may also be part of the reason why there has been a hesitancy of establishing historic preservation districts and landmarks in the City of Urbana with unfamiliarity with the Certificate of Appropriateness process and concern with the struggle of getting approval to make changes. He believed it would benefit the community and clarify some of the process of trying to adopt a NCD ordinance if City staff would summarize the process of how to make a change, such as replacing a storm door or re-roofing to give property owners a better idea of what the process would be like.

Dennis Roberts, of 507 East Green Street and Councilmember, agrees that there needs to be more discussion on this topic. He appreciates and supports Ms. Novak's interest in historic preservation in the City of Urbana. He mentioned that he has begun to look into the process of

nominating a historic landmark. The landmarking process is a much lighter review process than creating a historic district.

Historic preservation districts accomplish a lot. If there are 800 houses in the West Urbana Neighborhood area that could immediately become suitable for such a designation, we need to ask why is there a great resistance for historic preservation designation. He likes the idea of preservation; however, we need to find out why the list of requirements that a property owner would need to meet or maintain to make any changes to the property is not working for the residents of the City. He came to the conclusion that greater regulations over personal property is unappealing to people. They like the idea of historic preservation but they do not want the level of regulations or restrictions that apply. To change out storm windows or to add a dormer or porch on the front of the house, a property owner who has historic district or landmark designation on his/her property would first need to seek approval of the Historic Preservation Commission which probably will have different values than the property owner who lives there.

He feels that there is a place for historic preservation, and that place is with those people who have a conviction for it. It tends to be something that is more likely to appeal to the well-educated professional residents of the City. There are many people who own homes who are more blue-collar, who perhaps have different values or different pocket books when it comes to repairing their home who are afraid of historic designation. If quite a few of these people live in an old neighborhood, then how do we protect the homes or keep any stability in the neighborhood? He believes the concept of a NCD is created to meet the different kinds of needs of part of our community.

If we make the initial NCD application too steep, then we will never actually see an application fulfilled here at the City of Urbana. It takes education and clarification to make what is available and possible understood by the people so they can make a decision. This is why it will be important to have neighborhood meetings to sell the project.

Mr. Roberts feels that a NCD has different goals and uses than historic districts. Perhaps Mr. White's comment about removing Section E on Page 15 might have some merit. Really isn't the purpose and wish of the group that proposes a NCD is that they already know about the possibility of historic preservation, and they do not want to go that route?

He thinks it would be fair to have the Historic Preservation Commission review NCD applications. They are the professionals in it. Sometimes when you are a professional, your goals and interests are different than those of the petitioners, so there needs to be an allowable process so that if the applicants do not want to pursue historic preservation, then they need to have the right not to. Perhaps we need to have a greater dialogue in education about the importance of historic preservation in this town.

One of the problems is that in certain parts of Urbana we have residential areas where one or two houses are demolished and replaced with an apartment building. People wonder why this is possible. Well, it is because the zoning allows it. There are large sections of neighborhoods with homes that are zoned R-4 or R-5. Anyone who owns one of these properties could tear down the existing single-family home and construct an apartment building by right. What can be

done about this? The only thing to do is to install some kind of measure to protect a mass structure and many other features of typical NCDs as evaluation points for a NCD. That is why the proposed NCD ordinance has such great use to neighborhoods.

Greg Girolami, of 2709 Holcomb Drive, asked if Certificates of Appropriateness do not apply to NCDs. Mr. Myers replied that the Certificate of Appropriateness section is already in the historic preservation ordinance and is for local landmarks and historic districts, not for NCDs. Mr. Girolami was puzzled by the mechanism by which the Historic Preservation Commission would review proposed changes and how their review is taken into the process. Mr. Myers stated that the Historic Preservation Commission would not be part of the review process after a NCD is created. If a NCD was created, design review would most logically be carried out by the Development Review Board. Mr. Girolami did not see in the proposed NCD ordinance where the Development Review Board would have input into the approval process for any construction project within the NCD. Mr. Myers said that the process would be in the enacting ordinance for each particular NCD. If design guidelines were proposed, they would come with an ordinance and that the enabling ordinance would say who would review it. Mr. Girolami asked if the Development Review Board would have the decision making authority of whether to approve or disapprove a particular construction project within that NCD. Mr. Myers said yes. They would find whether or not the changes would be appropriate or inappropriate based on the design guidelines enacted by City Council for that particular district.

Mr. Girolami wondered if there would be an appeal process of the approval or denial of a particular project. Mr. Myers stated that would have to come as part of the enabling ordinance. Mr. Girolami questioned who the appeal would be brought to. Mr. Myers stated that typically appeals go to City Council and then it could be appealed to a court of law. There is always a way to appeal any decision made by City staff, a board, or the City Council.

With no further discussion from the Plan Commission and no further input from the public, the Plan Commission recommended that this case and the public hearing be continued to the next scheduled Plan Commission meeting on April 5, 2007.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: April 5, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Jane Burris

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Fidaa Araj, George and Nancy Boyd, Susan Chavarria, T. Cotcas, Matt Dixon, Chris Enck, Steve Feriburg, Jennifer Feucht, Angela Fike, Jackie Holke, Bjorg Holte, Zach Kennedy, Sang Lee, Joseph Levre, Danielle Quivey, Norma Ray, Dennis Roberts, Tim Scovic, Emily Smith, Brent Solinsky, Kevin Stewart, Christopher Stohr, Susan Taylor, Joel VanEssen, Latonya Webb, Mary Wood, Roger Woodbury

CONTINUED PUBLIC HEARINGS

Plan Case No. 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, highlighted the changes that City staff made to the proposed text amendment based on the discussion of the Plan Commission at their previous meeting on March 22, 2007. He acknowledged that obtaining 60% approval of property owners to become a neighborhood conservation district (NCD) would be difficult which might prevent many districts from going forward. He shared what some other cities are requiring in terms of property owner approval with NCDs. City staff would be comfortable with moving forward with a recommendation if the Plan Commission is.

Ms. Stake feels that 50% might be a good number for the City of Urbana since that is what is required in other communities.

Mr. Ward expressed confusion about the language on Pages 14 and 15 of the proposed text amendment. Section C (Neighborhood Conservation District Nomination) goes from uppercase letters to lowercase letters. Should the lowercase letters be numbers to be consistent? Mr. Myers answered that he would correct this.

Mr. Ward noted that Item f, which should be a 6, under Section C still says that a minimum of 10% of the owners is required to initiate a NCD. Is this an oversight? Mr. Myers replied yes. This has now been corrected to read 25%.

Mr. Grosser inquired about the placement of signs as part of notifying the neighborhood about the initial review by the Historic Preservation Commission. Mr. Myers stated that he could add posting of signs for the initial review by the Historic Preservation Commission.

Mr. Fitch stated that there was language in the proposed text amendment under K.3 that states one registered preference for each parcel and wondered if, for instance, one property owner owned 25% of the lots in a proposed NCD, then he/she would be able to more easily force a two-thirds majority vote in terms of protesting a NCD. Mr. Myers said yes.

With no further questions for City staff by the Plan Commission, Chair Pollock opened the public input portion of the hearing.

Christopher Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), expressed his concern about Section G of the proposed text amendment, which requires approval of at least 60% of the property owners. He mentioned that even in the recent case where the Historic Preservation Commission applauded the well researched nominations for two properties for historic landmark designation, the petitioner apparently did not provide the correct property owner for two properties. He foresees this as being an obstacle in establishing a NCD in the City of Urbana. Many of the areas in HEUNA are rental properties. To contact the owners of rental properties who live out of town or wish to not be contacted could pose a burden for property owners who live in the area and wish to nominate a NCD. He urged the Plan Commission to reduce the percentage of property owners required for approval from 60% of the property owners to 60% of the property owners who respond or even a simple majority as would normally be the case to choose elected officials. Mr. Stohr wanted to hear more about "signed endorsements". How much time would a property owner have to respond? He felt that there should be more detail in the proposed text amendment regarding this issue.

Roger Woodbury, of 310 West Iowa Street, mentioned that he has informally polled property owners around Carle Park to see how many would be interested in a NCD for their neighborhood. He did not see a problem with getting 25% of the property owners to apply for a NCD or with getting 60% of the property owners' approval as long as they can set up a NCD with no design control beyond the City's Building Code. Once you start talking about design controls, then it becomes more difficult to keep people interested.

Basically, a NCD for the Carle Park Neighborhood would say that their properties are zoned R-2 Zoning District and that the property owners would be opposed to any application for rezoning. They would also oppose any conditional or special use permit applications. He did not see any problems with getting support for this type of NCD, but he just wants clarification that they would not have to have design controls.

Ms. Upah-Bant asked Mr. Myers to respond to the issue of signed endorsements. Mr. Myers explained what a signed resolution is, which is as follows: Whenever a corporation owns a property, then whoever signs the petition on behalf of the corporation or agreement has to have the authority to do so.

Mr. Myers stated that the requirement should be to contact the owner of record who is the person or company listed on the tax rolls as the owner or owner's agent. Otherwise, we would have to do a title search for each and every property which would be impossible. He stated that in the case of the historic landmark applications, the City did send notice to the owner of record. Ms. Stake inquired as to who is the owner of record for 502 and 504 West Elm Street. Mr. Myers replied that according to the Champaign County Tax Assessor's Office, the taxpayer is Campus Property Management.

Chair Pollock asked who would establish design guidelines for a NCD. Would it be the NCD property owners? Would it be possible to have a NCD with no design guidelines? Mr. Myers responded that almost every NCD that he knows of uses design guidelines. However, he supposed that a neighborhood could use a NCD as an honorary designation or as an area of recognition with self-imposed guidelines on future public improvements within street rights-of-way.

Ms. Stake believed that the reason why these questions have come up is because the areas that have expressed the most interest in using NCDs as a tool to preserve their neighborhoods already exist. The buildings are built, and some sense of guidelines is in place. Property owners want NCDs to protect what already exists and to try to prevent new development.

Mr. Myers stated that we need to keep in mind that NCDs also rely on the underlying zoning. If there is a fundamental problem with the underlying zoning that may affect a NCD, then it would typically be dealt with separately. There may be other avenues to solve neighborhood problems. Ms. Stake thought maybe in some instances the uses could be changed if there is a problem with uses that seem inappropriate for an area.

Elizabeth Tyler, Director of Community Development Services Department, pointed out that a NCD plan could include policies that might indicate zoning changes or preferences, infrastructure, and things that are not just related to design. Each plan should reflect the unique characteristics of its neighborhood and identify policies unique to the neighborhood but have legislative actions necessary to implement them such a zoning change.

With respect to Ms. Stake's comment regarding existing neighborhoods and design guidelines, NCDs with design review in areas that already exist ensure that if something happens such as a fire, then it will be rebuilt to fit the character of what is envisioned in the NCD. Therefore, they do apply to existing neighborhoods.

Mr. Ward stated that this might raise a problem. If there is a NCD with no design guidelines, then what standards would be applied when a property is rebuilt after a fire? Ms. Tyler replied that there are still additions, garages being added, and rebuilds in existing neighborhoods. She agreed that these types of things cannot be reviewed without guidelines.

Mr. Hopkins commented that almost all of the proposed text amendment, except for Section F, talks about how property owners petition for a NCD to be created. Once this happens, the City Council could approve or deny such a district. In Section F, it states that the City in consultation with the property owners shall prepare design guidelines. He understood this to mean that this would be required. Working backwards, he pointed out that the City could do this anyway, regardless of whether 60%, 20% or 10% petition or do not petition. We did this in the MOR, Mixed Office Residential Zoning District. So, it is not clear to him why all the subtleties about this petition process actually matter.

His second concern is that everything Mr. Woodbury talked about could actually not be done through a NCD because all of it involves actual amendments to the Zoning Ordinance. A group of neighborhoods could lobby City Council to get these done anyway. Their success would not have to depend upon a required percentage of petitioners or property owners who approve a NCD for their neighborhood. So, he is confused about what the Plan Commission and City staff are trying to accomplish.

Ms. Tyler responded by saying that this is a concept that is to empower neighborhoods. It is a mechanism to create a grass roots plan. City staff has done a lot of research on the use of NCDs. Rebecca Bicksler, who was the Community Development Associate for the City of Urbana, found ways that different communities use NCDs. Most of what Ms. Bicksler and other City staff have found points to design guidelines. However, it should not be exclusive to them. We talked about a NCD Plan providing policy for a neighborhood, but it could also be an overlay.

Mr. Hopkins stated that the only way this could be done, according to the way the proposed text amendment is written, is through design guidelines. There is nothing else in the proposed language that allows any other mechanism, and it is all still completely discretionary to the City Council. Mr. Hopkins inquired about other things that a NCD could do. Mr. Grosser noted that Mr. Woodbury and his neighbors are interested in using it as an advisory tool.

With no further comments or questions from the public audience, Chair Pollock closed the public input portion of the hearing. He opened it up for Plan Commission discussion.

Mr. Grosser felt that if the proposed text amendment is not going to require design guidelines, then the word "shall" on Page 15 under Section F needs to be changed to "may". He had not thought about the possibility of a NCD without design guidelines until Mr. Woodbury mentioned the idea. He did not believe that what Mr. Woodbury's neighborhood wants would be binding without design guidelines according to how the proposed text amendment is currently written.

Mr. Myers commented that part of what would be enacted for a NCD would be a plan and part of it could be prescriptive, such as design guidelines. The plan portion defines what is unique about the neighborhood. Without the design guidelines, there would still be the plan portion of the NCD defining the character of the neighborhood, and it could include a statement of how the neighborhood wants to go about preserving the unique character. He can't foresee everything

that a NCD could possibly be used for and is trying to keep an open mind. Neighborhoods may come forward with creative solutions no one has thought about.

Ms. Stake believed that they should all go back to the reason why we want NCDs. The reason is because many of the older neighborhoods have been invaded with people who buy properties, let them deteriorate and then tear them down. There are many beautiful homes in areas of Urbana that are part of our history and should be saved. So, the big issue is how do we keep this from changing. The answer is neighborhood preservation. NCDs would be different from one neighborhood to another depending on what is important to a neighborhood to protect. NCDs are supposed to be a grass roots plan that begins with the neighborhood deciding what is important to them.

Many years ago, the City began with down zoning properties in the West Urbana Neighborhood area, and it helped a lot in preserving the neighborhoods. She did not see the proposed text amendment being a big problem if property owners are really serious in preserving their neighborhoods. She felt that the proposed text amendment is good. The design guidelines should be optional. There are many other things other than design guidelines that we need to do in order to save a neighborhood.

Mr. Ward agreed with Ms. Stake in terms of the goals of a NCD text amendment. However, as he reads the proposed text amendment, he does not think that it does anything. He does not know why anyone would go through the effort to create a NCD because it would not afford any protection that is not already there.

He mentioned the chart that Rebecca Bicksler put together describing the problems of different neighborhoods and what mechanisms could be used to help solve those problems. In almost every single case, it was not a NCD that would be the best solution. Either those other mechanisms are already in existence or they could be placed into existence.

He did not see anything dangerous about a NCD, except that it gives people a sense of protection when they are really not. He agreed with Mr. Hopkins in that the proposed text amendment does not really do anything.

Mr. White mentioned that he had a real problem with allowing no design guidelines in a NCD. He felt that some people might think that a NCD would be a way to change the zoning uses or requirements for one area and not all areas with the same zoning designation. Once you take the design guidelines out of preserving the appearance of older neighborhoods, then he could not support it.

Ms. Tyler reminded the Plan Commission that this is enabling legislation that would enable a NCD to be formed. City staff has received many requests for this tool. It is a tool in a toolbox that also includes rezonings, text amendments, etc. The present ordinance may not seem exciting or impressive because it does not enact a NCD. Once we get a NCD application and City staff creates a plan then we will find out what the needs of that neighborhood really are. The proposed text amendment just allows this process to occur. She felt that the proposed text amendment legitimizes it and makes it easier by setting up a process that has been successful in other communities. It is a type of tool that is common in college towns with older residential

neighborhoods that have outside pressures who want to show that they want to preserve the homes and that new development be consistent with the character of the neighborhood.

Mr. Hopkins understood the interest in codify the process to some extent and inviting additional instances for example of the Downtown to Campus and the MOR Zoning District. He thought there is reason for a sense of fairness about how access to these capabilities are distributed in the City. The Downtown to Campus Plan and the MOR Zoning District are located in particular parts of the City of Urbana. However, it is not clear to him with the way the proposed text amendment is written actually accomplishes that. It almost seems to make it harder. Did the people who live in the MOR Zoning District have to go through this process in order to get the MOR Zoning District created? If he wanted to get the equivalent of the MOR Zoning District in East Urbana, would he choose to do this or would he choose to lobby the City Council? He stated that he would choose lobbying the City Council, because it is not clear to him what the proposed text amendment does.

Mr. Myers responded that it is true property owners can always get together and lobby the City Council to enact some sort of zoning provision, but it would be on a top down basis. The proposed text amendment is more grass roots, from the bottom up. It is a defined process and almost a required collaboration rather than seeing a top down process imposed.

Ms. Tyler added that the Downtown to Campus Plan was a very tough process, and it took many years. There was a lot of controversy. With a NCD, people would come together and would work on it from the grass roots. So they would be committed to the plan from the start instead of a typical planning process, which is a little more top down and a little more controversial. The Downtown to Campus Plan took a long time, and some people still feel that they lost with the plan. It dealt with specific issues, and other issues were not dealt with. Therefore, she did not feel the Downtown to Campus Plan to be equivalent to a NCD.

Ms. Stake commented that one of the things we need to keep in mind is that NCDs work. They have and are working in other communities to preserve some of their residential areas that are near big schools. She believed the proposed text amendment is a good plan, because it lets the people in the community decide what they want to do. She likes the idea that the City is not telling the people what to do.

Mr. Hopkins inquired if one of the advantages would be that 25% of the property owners could force the City Council to accept reviewing a NCD. Mr. Myers replied that with 25% of the property owners petitioning, then it would start City staff and some of the boards working. The 25% would then need to start collaborating with the neighborhood and putting together their design guidelines or other measures. If 60% of the property owners approve of the design guidelines and the plan, then it would require the City Council to take up the issue.

Mr. Hopkins asked if the 60% approval of property owners came after a detailed proposal for the design guidelines have been developed. Mr. Myers said yes.

Mr. Hopkins questioned whether the City Council would still be able to vote on the design guidelines if there was not 60% approval of the property owners. Mr. Myers stated that it means the application would not go forward to the City Council. Mr. Hopkins did not believe that the City Council could be bound in this way. If a neighborhood got 25% of the property owners to

initiate a NCD, this would force City Council to direct City staff to work on creating a plan. But what would the neighborhood gain by getting 60% of the property to approve of the plan? The 60% approval could not be binding on the City Council to adopt the plan or to not adopt the plan if they did not have 60% approval of the property owners.

Mr. Ward felt that as a Plan Commission member, he wants to be able to modify plan proposals. However, as a property owner involved in a NCD proposal, he would be frightened by the fact that the Plan Commission and/or the City Council could modify a plan that his neighbors and he had put together. Once a NCD proposal gets beyond a certain point, the neighborhood, who initiated the proposal, loses control over what happens in the plan. Therefore, a plan could be enacted that is very different from what was being initiated.

Mr. Myers believed that there needed to be some wiggle room to allow for modifications because that is the purpose of the public process. For example, City staff has incorporated a lot of the comments heard during public testimony throughout the previous meetings into the proposed NCD text amendment. If the Plan Commission and City Council could only vote an application up or down without making modifications, then what would be the need for a public process.

Mr. Fitch talked about the Historic East Urbana Neighborhood area. He spoke about their primary concern, which is land use and down zoning. They are looking creatively at a MOR type scenario that would allow mixed uses and possibly have some design criteria. In certain parts of the neighborhood, the existing use has gone more towards multi-family. Where down zoning would be impossible, a NCD would be viewed as one tool that could help with the problem.

He agreed that if someone has the ability through regular political process to influence the City Council, then they would not need a NCD. However, he believed that the proposed text amendment has value.

Mr. Grosser agreed with Mr. Ward that he would not like the Plan Commission and City Council making changes to his neighborhood's plan, especially if the plan had gone through all of the steps of the process of getting 25% of the property owners to initiate an application and then getting 60% of the property owners to agree on the plan. He questioned when the last point was that a 25% protest could be made. Mr. Myers said that the last point a protest could be made is before the City Council makes their determination. Mr. Grosser stated that this adds another problem, because the 25% of the property owners that protest a plan would not have the opportunity to see the changes or modifications that the City Council might make.

Mr. Hopkins did not understand how the fact that 25% of the property owners in protest could legally prevent the City Council from doing something that it could do anyway. He can see a benefit for the 25% of the property owners who could force the City Council to do something that some neighborhoods in the City have a hard time forcing the Council to do by previously conventional means. Twenty-five percent of the property owners could start the process, which sounds like a potential benefit. But, almost all the rest of the process after the initial step sounds like either a road block or an illusion.

Mr. Grosser understood the initial 25% of the property owners would not force City Council to do anything. They would force City staff to work with them on creating a NCD plan. Obviously,

City Council could say that they liked the plan and go ahead and approve it. Mr. Hopkins meant that the City Council could direct the City staff to do this anyway. By adopting the proposed text amendment, citizens could then essentially direct the City staff to do something or force the City Council to direct City staff to do something.

Ms. Upah-Bant was concerned that one of the most vocal people in favor of a NCD does not want any design criteria. What would be the purpose of a NCD without design review? Mr. Myers explained that most all of the NCDs that he is aware of have design guidelines. He would like to leave the door open for creative ideas. There are going to be two parts to a NCD plan. The first part of the plan will include the character defining elements of the neighborhood, and the second part of the plan is typically regulatory. City Council could make changes to a plan to include design guidelines that help with maintaining the character defining elements.

Ms. Upah-Bant gave the example of a NCD without design guidelines where a neighbor wants to build a porch on his house, what happens? Mr. Myers said that there would be no design review. Ms. Upah-Bant wondered how the NCD plan would affect the neighbor. Chair Pollock said he would get to build his porch with no design review. Ms. Upah-Bant wondered why they would then have a NCD plan.

Chair Pollock understood that people would like to have an organization that is ongoing, advocates for the neighborhood, and is not necessarily interested in imposing standards on the property owners. Why they would need this to do that, he was not sure. Mr. Myers noted that a NCD could conceivably deal with parking, screening, etc.

Ms. Tyler mentioned that City staff has spent well over a year working on the proposed NCD text amendment and is not hearing a lot of support even after a year of work. Chair Pollock believed that as you begin to look at a proposal like this and dig into the fine print and hear from the public, you evaluate what is in front of you. It is not going to be exactly what City staff heard six months ago. He felt it showed discretion on the part of the Plan Commission to look at the issues. It does not mean that there is not support for doing something that would be a benefit for the neighborhoods. Perhaps, this just is not what people have envisioned a NCD to be.

Mr. Grosser stated that for the most part when people have come in and talked about NCDs during the public input portion of the hearings over the last year, most of the issues they bring up are potentially solvable in other ways. For examples, people not wanting single-family homes turned into apartment buildings. He is not sure a NCD would be the best way to accomplish this.

Mr. Myers commented that City staff began this process by proposing an array of potential solutions, and that NCDs was proposed as one tool. There is no silver bullet to solve all neighborhood problems in an area. It takes a layering effect of different programs and initiatives. NCDs would only be one potential tool.

Chair Pollock reminded the Plan Commission of the options of the Plan Commission.

Mr. Hopkins understood the frustration of City staff. However, Ms. Bicksler did a thorough study which actually concluded what the Plan Commission is concluding now. There are a couple of things that the Plan Commission wanted, and they have sustained the notion that NCDs could do them. His inclination is to suggest a simpler ordinance that would codify in a way that

would encourage neighborhoods to feel like they could get action from the City Council in sort of a predictable way, such as with the 25% requirement of property owners to initiate a NCD. The ordinance would also indicate the notion of creating a NCD in order to create a review panel for design guidelines is an option. Another option from the 25% initiative is to simply force the creation of a plan. It could simply be an initiative to do a study to get rezoning or to do a study like the Downtown to Campus to get the kinds of imperfect but significant results of the buffer around Lincoln Avenue or the MOR Zoning District. The plan could be forced. It might not lead to a NCD as a legal entity that would have to be created. Therefore, he would get rid of all of the things that are illusions. Chair Pollock stated that he sees the wisdom in this. However, if there are going to be major directional changes to the proposed text amendment, then the Plan Commission needs to make a recommendation to the City Council on what has been brought to them and allow the City Council the prerogative of directing City staff to shift gears.

Mr. Grosser stated that one of the things that he likes about the proposed text amendment is that if there is going to be design review restrictions placed on properties, then at least the majority of the property owners would want it. He mentioned that he would not support the way it is currently written, because it would allow City Council to change and approve something that the majority might not end up wanting. Chair Pollock pointed out that the City Council responds to public input and to what the people in their neighborhoods want to see done, especially if there is a petition signed by most of the people in an area listing specific things that they would like to have happen in their neighborhood.

Mr. Hopkins wondered if the City Council directed City staff to develop a NCD text amendment. Mr. Myers responded that City staff proposed at a Committee of the Whole meeting six initiatives that deal with conserving neighborhoods in the broad sense. NCDs was one of those six initiatives. City Council through a motion asked City staff to follow up with those six initiatives.

Mr. Hopkins moved that the Plan Commission forward the proposed NCD text amendment to the City Council with a recommendation that they consider the following key points: whether a simpler form of the proposed ordinance would be better using the 25% threshold to require, first, City staff planning work in a neighborhood, and second, the enabling of the creation of NCD as a legal entity to operate a design review or other kind of review board. Ms. Stake seconded the motion.

Mr. Ward stated that he would feel more comfortable with the motion if the following two things were added: 1) some language that would make it clear to the City Council that the proposed text amendment as currently written is not something that the Plan Commission is recommending and 2) to indicate whether other mechanisms exist to accomplish the purpose of this. Chair Pollock felt sensitive to the time that has been put into the proposed text amendment by City staff, the direction from the City Council to look at NCDs and the number of times it has been brought back to the Plan Commission. However, if the proposed text amendment as it is currently written is not what the Plan Commission wants to send to the City Council, then the Plan Commission should send a motion saying that they recommend not to pass it. They should include in the motion that there are specific things that could be addressed in another effort or in a different way and/or that there are questions that remain unresolved as a result of the Plan Commission's discussion. How the motion is currently worded does not give the City Council a clear idea about what the Plan Commission thinks about the proposed text amendment.

Mr. White commented that if we want to talk about design criteria with regards to porches, roof slopes, parking and things of this nature, then the proposed text amendment is fine. Once we start talking about not requiring design guidelines, then he cannot support the proposed text amendment anymore, because he feels that it has more to do with rezoning.

Ms. Tyler stated that the motion is advisory, which is fine, but it would be helpful to the City Council if the Plan Commission either moved to approve the proposed text amendment, move to approve it with changes, or move to deny it. It almost appears like the Plan Commission is delegating up, and the case could come right back to the Plan Commission. Mr. Grosser agreed with Ms. Tyler. He believes the word denial should be in the motion to make it clear to the City Council how the Plan Commission feels about the proposed text amendment as it is currently written.

Ms. Stake did not feel that the Plan Commission was talking about the preservation of neighborhoods. NCDs work in other communities. The City of Urbana has a problem of not preserving our residential areas. She expressed her disappointment with the direction that the Plan Commission had taken. She felt that the proposed text amendment was a more comprehensive way to solving neighborhood issues and problems. She felt it is a good proposal.

Mr. Hopkins withdrew his motion.

Mr. Ward moved that the Plan Commission forward the proposed text amendment to the City Council with a recommendation to not approve along with the message that the Plan Commission is very interested in the idea of neighborhood preservation in the City of Urbana and would like to find a workable mechanism for preserving neighborhoods. The Plan Commission would like the City Council to advise staff on how to proceed, but the present proposal is not something that the Plan Commission can support. Mr. Hopkins seconded the motion.

Mr. Fitch moved to amend the main motion that they should include the 25% initiative to start the planning process, include looking at the 60% requirement for plan approval, include looking at the ability of the Plan Commission and the City Council to modify the plan after approval, and include looking into whether there are existing alternatives to a NCD. Mr. Hopkins seconded the motion.

Mr. Ward mentioned that his problem with the amendment is that the list should be longer. One way to do this is to not mention any of the specifics but simply indicate that the Plan Commission minutes reflect the issues that they have raised.

Mr. Fitch asked whether he could make an amendment to the amendment to add "and other items reflected in the Plan Commission minutes". Ms. Tyler commented that it appears to her that the Plan Commission is still delegating up. She feels that the items in the amendment are issues that the Plan Commission could have spent the time debating and correcting. City Council will wonder if the proposed text amendment is fixable, and if so, why did not the Plan Commission take the time to do it. The amendment gives the illusion that the proposed text amendment is fixable.

Mr. Grosser believed that since the City Council directed City staff to work on this and because the Plan Commission is suggesting something quite different, then the City Council should have the opportunity to review the proposed text amendment and make a determination. Chair Pollock questioned whether the motion tells the City Council that the proposed text amendment is fixable or does it tell City Council to start over from scratch.

Mr. White felt that the proposed text amendment was going to go through and be approved until Mr. Woodbury voiced his concern about not having to have design guidelines. The proposed NCD text amendment deals primarily with architectural and historic qualities in the neighborhood such as design criteria, roofs, porches, etc. It does what it is intended to do in terms of architecture. As long as everyone agreed and understood that the proposed text amendment applies to architecture and not rezoning, then he would be willing to support it. We then need a second motion to let City Council know that property owners are really interested in changes in zoning.

Chair Pollock suggested that changing the zoning and neighborhood plans would be on the list of items in the amendment to the motion. He did not feel that the Plan Commission had to tell the City Council what their abilities are in order to accomplish what the proposed text amendment intends to accomplish.

Chair Pollock took a hand vote of the Plan Commission members on the amendment. The motion to amend the main motion failed by a vote of 4 ayes – 4 nays.

Mr. Hopkins commented that the Plan Commission to trying to accomplish two things, which are to get City Council to look at the proposal and to give City staff direction. The Plan Commission could send it back to staff, but it is his impression that the City Council would like to know where the Plan Commission is at. Chair Pollock pointed out that the City Council receives copies of the Plan Commission minutes.

Mr. Hopkins wondered if City staff could take the proposed text amendment to the City Council in a study session and get feedback. Ms. Tyler replied no. There should be some consideration for City staff's time. In addition, we are losing our Planner II this week, so we are going to be short-staffed for about four months. If the Plan Commission feels that they can make modifications, then that would be efficient because they have spent more time on this than the City Council. City staff and the Plan Commission could take a break on the NCD text amendment and then come back once we are fully staffed again with fresh eyes.

Chair Pollock inquired whether the Plan Commission felt the proposed text amendment was fixable. Are there changes that could be done at City staff level that could change the Plan Commission's assessment of the validity of the proposed text amendment or not?

Mr. Hopkins clarified that City staff could informally report to the City Council on the Plan Commission's progress or lack there of while the Plan Commission works more tightly focused on fixing the proposed text amendment before they formally act on sending it to the City Council. Ms. Tyler replied yes. City Council is not pressuring for the NCD text amendment to come forward. They understand that it takes time because it is complicated legislation. City staff can certainly update the City Council on the Plan Commission's efforts. City Council does watch the Plan Commission meetings, read all of the minutes and receive all of the Plan

Commission packets. Chair Pollock added that if the Plan Commission believes that the proposed text amendment is repairable, then they need to vote the motion on the floor down and continue the meeting with specific direction.

Ms. Upah-Bant inquired whether there is a way to stipulate in the proposed text amendment that a NCD could not be used when a zoning protest should really be used. Ms. Tyler did not know if changing an area zoned R-2 Zoning District to be different from another R-2 Zoning District could be legally done with the proposed text amendment. This is something that City staff would want to talk to the City’s Legal Department about. She felt it might have to be a text amendment to the Zoning Ordinance. It would be sort of like tailoring the zoning, and it would be a separate initiative. She mentioned that the Plan Commission had talked about the R-7, University Residential Zoning District, at their previous meeting. The concerns of the property owners and the Plan Commission raises the concern about non-residential uses in residential zones, and this is something that is probably an issue in other neighborhoods. There might be a NCD plan that had rezoning as a strategy suggestion, but it would still require a zoning change. She could not see how a NCD could accomplish tailoring R-2 in a different way.

Mr. Ward stated that the City started out with a set of goals, as Ms. Stake has pointed out. The Plan Commission ended up very early on in the process with a chart that laid out the goals, and it looked at other alternatives to achieve the goals. He does not feel that the proposed text amendment as it is currently written meets the goals or does the things that the City wants to do. It does not provide preservation of neighborhoods. It does not do anything about the demolition of historic buildings. These are the reasons for his objection to the proposed text amendment.

If the City decides to go back to and revisit this, then he would like to go back to the original goals and to the chart. If there are other mechanisms that would solve neighborhood issues better, then let us deal with them in a more effective way.

Mr. Ward mentioned that he would be happy to withdrawal his motion if the Plan Commission could arrive at a consensus of dealing with the proposed text amendment. Mr. Hopkins stated that he would vote against the motion in order to be able to work with City staff before going to City Council.

Roll call on the main motion was as follows:

Mr. Fitch	-	No	Mr. Grosser	-	No
Mr. Hopkins	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	No
Mr. Ward	-	No	Mr. White	-	No

The motion failed by a vote of 7 – 1.

Mr. White moved that the Plan Commission forward this case to the City Council with no recommendation. He feels that the proposed text amendment does take care of designs and some other issues that are important to the property owners. Mr. Fitch seconded the motion.

Mr. Grosser felt that the proposed text amendment was still not workable. He has a problem with the Plan Commission and the City Council having the ability to make changes to a NCD plan after 60% of the property owners have approved it.

Chair Pollock commented that he would not support the motion, because he does not feel that this is in keeping with what the Plan Commission’s mission is. He feels uncomfortable based on being unsure of what the outcome is.

Ms. Upah-Bant believed that the Plan Commission should either make a recommendation or fix it. Ms. Stake felt the Plan Commission is so stuck that they might as well send it without a recommendation.

Mr. Ward stated that he did not support the current motion. If we are going to continue the case, then City staff should bring back something else to consider. He believes it is the Plan Commission’s responsibility to put forth something that they can recommend to the City Council.

Roll call was as follows:

Mr. White	-	Yes	Mr. Ward	-	No
Ms. Upah-Bant	-	No	Ms. Stake	-	Yes
Mr. Pollock	-	No	Mr. Hopkins	-	No
Mr. Grosser	-	No	Mr. Fitch	-	Yes

The motion failed by a vote of 3 – 5.

Ms. Tyler stated as the Zoning Administrator she is the applicant. She will confer with the Mayor to see if she wants to provide direction. There may be some ways the Ms. Tyler could revise the application. She did not feel that it would be productive for the Plan Commission to continue if there is no support.

Chair Pollock does not recall having been in this situation before where the Plan Commission is paralyzed on sending a recommendation. He mentioned that he is not sure where to go from here. Ms. Tyler recommended that the Plan Commission continue this case while she seeks some advice. The Plan Commission agreed to continue the case until the next meeting.

Ms. Upah-Bant left the meeting at 9:20 p.m.

AUDIENCE PARTICIPATION

Dennis Roberts, of 507 East Green Street, talked about the value of neighborhood conservation districts. It is true that any neighborhood group could petition the City Council to change the zoning or some such way that would modify the structure or perhaps the policy that would exist in their neighborhood area. This is part of the point for having neighborhood associations. Neighborhood associations are not people who usually instigate new plans.

A neighborhood conservation district provides a legal framework for making a voice and establishing policies for an area. A neighborhood association does not have the structure or

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means to create policy documents. The use of a neighborhood conservation district is that of a tool in which residents in an area can use to create some policies in their area that has legal standing through ordinances. The tool is to create or suggest the ultimate policy. Therefore, although the current document is kind of boring, it is a policy document. It does not have goals in it for the neighborhoods, because the goals are developed after discussion when a neighborhood conservation district is drawn up and the ideas are assembled by the community. You do need some functioning tool to allow the community to actually set this in motion. Otherwise, ideas and changes will always come from the top down.

Someone needs to put together more thought on the process for this. If the Plan Commission does not have the wherewithal to come up with an ordinance, then the City Council will. It does not matter where the ordinance comes from but there needs to be an ordinance.

Perhaps the proposed ordinance that has been drafted is trying to accomplish too much. Maybe there is too much mental process involved in it. He feels that there is a place for the proposed text amendment though, and it should be carefully considered before it is abandoned.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 10, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, James Ward, Don White

MEMBERS EXCUSED: Ben Grosser, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Brian Adams, Scott Dossett, Mary Kent

COMMUNICATIONS

- Letter from Scott Dossett regarding HEUNA's changes to the proposed NCD Text Amendment
- Letter from Bernadine Stake regarding Plan Case No. 2023-T-06

CONTINUED PUBLIC HEARINGS

Plan Case No. 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, said that the West Urbana Neighborhood Association (WUNA) is holding their regular meeting tonight and that they plan to discuss "Neighborhood Conservation Districts" as an agenda item. However, WUNA has not requested that the Plan Commission hold off on making a recommendation regarding this case. Chair Pollock stated that the Plan Commission could, if so desired, postpone taking any action until the next scheduled Plan Commission meeting so they would have the opportunity to review what WUNA comes up with. Although, he would like to continue to keep the case open, take public input, have the Plan Commission discuss it and then Commissioners could decide if they want to make a recommendation to City Council.

Mr. Myers gave an overview of the Historic East Urbana Neighborhood Association's (HEUNA's) recommended changes to the proposed Neighborhood Conservation District (NCD) text amendment. There appears to be two main changes, which are: 1) to take NCDs out of the context of the Historic Preservation Ordinance and make it a stand alone district and 2) to send letters to the property owners once the City Council has approved a NCD and if 60% of the property owners responding within 30 days are in favor of what the City Council has approved, then a NCD would automatically be granted.

He had a question of whether or not HEUNA consciously included the word "shall" when talking about design guidelines. At the previous Plan Commission meeting, some people felt design guidelines should be optional.

He stated that there are two options for the Plan Commission, which are to make a recommendation to the City Council either in favor of the proposed text amendment (with or without changes) or against the proposed text amendment. The City Council could take up the matter and approve the text amendment with or without changes or deny it. If the City Council denies the proposed text amendment, City staff would consider gathering input from WUNA and HEUNA and incorporate their ideas into the text amendment and come back to the Plan Commission and City Council at another time. Another option of the Plan Commission is to take two more weeks to review HEUNA's ideas about NCDs and input any ideas that they like into the proposed text amendment. He mentioned that WUNA has expressed in writing their support for the proposed text amendment that was presented about six weeks ago.

Chair Pollock opened the public hearing to hear input from members of the audience.

Scott Dossett, of 501 East High Street, stated that he is the Recording Secretary for HEUNA. He explained that HEUNA members have gotten together to talk about NCDs amongst themselves to provide some input to City staff. HEUNA members do not feel like their voices are being heard regarding NCDs. He highlighted some of the issues that HEUNA members have with the proposed text amendment. Those issues are as follows:

1. They believe that having the Historic Preservation Commission as the lead commission on this effort is not the optimum use of the Historic Preservation Commission's talents and would not lead to the optimum operation of a NCD that would benefit the neighborhoods. NCDs have little to do with historic preservation, but rather are meant to prevent the demolition of their neighborhoods. HEUNA is concerned about buildings that have a huge massive front with only one window and perhaps a stairwell. Therefore, they feel a group of representatives from several different commissions would make a more apt body to review NCDs.
2. Owner approval clauses. He mentioned that it would be harder for someone to get approval of a NCD than it is to get approval of a historic district given the way the proposed text amendment is written. We have to find a way if we are going to have an affective NCD to get the property owners to speak out. Sixty percent quotas will kill any NCD proposals in the HEUNA area. He did not even feel that a NCD

proposal in WUNA would be approved by 60% of their property owners. HEUNA members recommend allowing a mail-out vote procedure.

3. Strong design review should be required of NCDs. He suggested that there be a sliding scale of the amount of review and the number of permits required for the type of work done in a NCD with a "1" being the least amount of review and required permits and a "4" being the maximum amount of review and the most number of permits required.
4. Be careful when tying the proposed text amendment into the Urbana Zoning Ordinance. It is really difficult to make an ordinance clear, to tie it into the existing ordinances and gathering public input. He asked the Plan Commission to be patient in making decisions when it comes to text amendments and creating new ordinances.

Mr. Dossett thinks of NCDs as overlay districts. Any kind of a NCD does not change the zoning, but it would lay over the zoning some parameters upon which design review can be done for proposed improvements.

He commented that HEUNA does not support the proposed text amendment as it is currently written, and they would encourage the Plan Commission to not support it. In summary, the initial reviewing Commission is not appropriate, the owner approval percentages are onerous, and the proposed text amendment does not drive home the objective of design review, which is really important to HEUNA.

Chair Pollock inquired as to whether HEUNA would consider any changes that need to be made to get the proposed text amendment "perfect" as being major revisions. Mr. Dossett said yes.

Mr. Ward questioned what Mr. Dossett would recommend the Plan Commission to do at this point. Would it be worth going back for one more round of revisions to try to accommodate any testimony received? Mr. Dossett replied that he felt the proposed text amendment is worthy of one more round. He was excited to see NCDs mentioned on maps in the 2005 Comprehensive Plan. He feels it is incumbent upon a mature municipality to be able to exert its best available practices on development. He believes that the City is at a critical juncture here.

Brian Adams, of 412 West Elm Street, stated that he is associated with the West Urbana Neighborhood Association (WUNA). He stated that when WUNA expressed support of the proposed text amendment about six weeks ago, they did not know about HEUNA's concerns or suggested modifications. Therefore, he cannot speak for what other people who live in WUNA might think about HEUNA's ideas. He suggested that it might be worthwhile for HEUNA and WUNA to put their heads together to look at some of the issues more closely to figure out what would work best for both neighborhood areas. He feels that it is important to get it right and to make sure that something is put together that has been thought out and not rushed into.

In general, he feels that the concept of NCDs is good. Anything that can help his neighborhood preserve what little they have left is a positive thing.

Mr. Myers wondered if HEUNA was intending that NCDs should be required to have design guidelines. Mr. Dossett replied that during his input he probably did not discriminate very well

between design guidelines and design review. He feels that there is good existing design guideline language that could be pulled out of the MOR, Mixed Office Residential Zoning Ordinance and Design Guidelines. Regarding aesthetic quality of a structure, the MOR Design Guidelines are succinct and well written. They allow for creativity. HEUNA would like to pull the MOR Zoning District over to their area as well.

Regarding design review, someone on City staff could look at proposed site plans. If a NCD only had design review, then HEUNA would be happy with NCDs. Even though his neighborhood is called "Historic East Urbana", it lacks historic buildings. However, they would like to preserve the community feel that their neighborhood has.

If the objective of a NCD is to maintain some kind of community standard, then the applicants should be able to represent that standard in some fashion. City staff should not have to go out and do a whole lot of census. There should be a mechanism by which the petitioners, similar to the petitions for a historic landmark status, talk about the attributes of the buildings or the neighborhood that they are interested in.

Chair Pollock asked for clarification on the question. Was Mr. Myers asking if the proposed ordinance should be written in such a way that different neighborhood groups could decide the level and degree of design guidelines individually? Mr. Myers replied by saying that is correct. Mr. Dossett added that each neighborhood would have a totally different perspective on the aesthetics of their neighborhood. Applicants should be able to tell on the petition what attributes their neighborhood has and what they want to keep. They should then be able to expect that the NCD ordinance would be written to help them do that.

With no further comments from members of the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion.

Mr. Ward stated that his concern all along has been that the purposes of a NCD ordinance have not been addressed or carried out by the proposed text amendment as it is currently written. It has been further complicated by HEUNA's suggested alterations. He would like to see how each of the ordinance's purposes would be implemented and fulfilled in the proposed plan. He wants to see a connection. He requested that City staff provide this in the next draft, if there is going to be another draft of the proposed text amendment.

Ms. Burris stated that what HEUNA wants a NCD to be is different than what the Plan Commission is trying to make it be. It appears to her that HEUNA is talking about Purpose # 2, which is demolition and new construction. HEUNA wants to ensure that construction of new buildings resembles other existing buildings in the neighborhood and that the character of the neighborhood remains the same.

As she looks at the purposes of a NCD, she sees how it is necessary to have the Historic Preservation Commission have overview of NCDs. If we are trying to preserve what has historically been on a lot or in a neighborhood, then they need to know what the history is and how a neighborhood is a reflection of the City's past in order to maintain that past. This information needs to come from somewhere. Also, it is her understanding that each NCD

applies their own purposes to their NCD plan rather than the City dictating to the neighborhoods what their plan should be.

Mr. Ward noted that he is not suggesting that the City dictate NCD plans by any means. To be specific, he used Purpose # 2 as an example. Purpose # 2 states “*Provide for design review of new construction...*”. The City cannot say that the design guidelines should be such and such; however, the City can say that there should be design guidelines, because you cannot provide design review without design guidelines.

Ms. Burris agrees with this. She just wanted to add to his previous comments that the design guidelines should come from the neighborhood proposing a NCD and not from the City.

Mr. Fitch agreed that there “shall” be design guidelines, because otherwise it would be a meaningless designation. It also needs to be clear that a NCD is not a change in zoning. He talked about the initiative and referendum percentages. The Plan Commission has talked about this a lot, and HEUNA’s suggested changes moves the referendum aspect to the end. They maintain the 60%, but make it a referendum rather than a petition.

Mr. Hopkins feels that the Plan Commission should send the proposed text amendment back to City staff for reworking with as specific guidelines as the Plan Commission could provide. Some of the guidelines that he would suggest are as follows: 1) that the NCD ordinance be a separate section of the Zoning Ordinance and not included in with the Historic Preservation Ordinance; 2) that it would not have any review by the Historic Preservation Commission, but instead be reviewed by the Plan Commission; 3) that it would have a percentage to achieve initiation of a NCD proposal; 4) it would have no referendum or requirement after the fact, but instead just have a protest percentage, which is consistent with the Historic Preservation Ordinance; and 5) provide illustrations for what we mean by design guidelines.

Ms. Burris said she did not understand why Mr. Hopkins thought the Plan Commission should review NCD proposals. Mr. Hopkins feels that there are three steps, which are 1) creating an ordinance which enables the creation of NCDs, 2) application to create a NCD, which he is suggesting should be reviewed by the Plan Commission, and 3) design review by a board developed for that NCD. The Plan Commission would only be reviewing applications to create NCDs to ensure that the applicants have met the intent of the ordinance. NCDs essentially mimic the MOR Zoning District, except a NCD ordinance would add the ability for 25% of the property owners to force the City to create another MOR Zoning District, which as far as he could tell is the major purpose of the proposed text amendment.

Mr. White suggested that the Plan Commission and City staff go through the Plan Commission’s list so staff can get a better sense of what the Plan Commission is thinking. Chair Pollock stated that this concerns him because it is not much different than legislating on the floor, piece-by-piece, on a proposed ordinance that has been before the Plan Commission for six months. The text amendment has changed a number of times. The goals of the proposed NCD text amendment have changed as well. The methodology is changing. Some neighborhoods want design guidelines and some do not. Now, one of the two neighborhood groups (HEUNA) that was instrumental in bringing NCDs before the Plan Commission does not even support the text

amendment as it is currently being proposed. It does not do what they want it to do. At some point, the Plan Commission owes the City Council a recommendation. The Plan Commission has the options of either sending it back to staff to rework what they do not like with it or they could forward it on to the City Council with a specific list of the Plan Commission's concerns and issues. He helped represent HEUNA and tried to help the neighborhood association get off the ground when they first started. He wants this group to stay together and remain active. He knows exactly what it is that they are trying to get done in their neighborhood, but he does not believe that NCDs are the way to accomplish it.

Mr. Hopkins stated that his intent was that if the Plan Commission sends this back to City staff to rework it, then it would be most useful to give staff some rather specific feedback on parts of the proposed ordinance so they can rework it. He is not suggesting that the Plan Commission revise the proposed text amendment on the floor. He feels that this would be way beyond a useful thing to do.

Mr. White suggested that the Plan Commission go through the different controversial issues and vote on them up or down with no discussion. Chair Pollock commented that on the flip side it would make it really difficult to craft an ordinance, and it is really necessary to craft an ordinance. We want the public involved and want them making the decisions, because a part of the nature of NCDs would be determined by the neighborhoods in which they are located.

Mr. Ward had a problem with going through the proposed text amendment point-by-point, because he is not sure how he would give a preference on some of them at this time. There are two major stakeholders in this (WUNA and HEUNA), and both have put a great deal of time, effort and thought into the proposed text amendment. Therefore, he would like to be able to craft an ordinance that would meet everyone's needs. It was suggested that WUNA might be willing to meet with HEUNA.

Mr. Hopkins talked about the options of the Plan Commission. He wanted to send the message that there are some things that they want to do, and the intent of the proposed text amendment is that they want to accomplish these things. However, he did not feel that the proposed text amendment as it is currently written works toward that. Chair Pollock commented that if the Plan Commission agreed to forward a recommendation to the City Council to deny the proposed text amendment, then the Plan Commission should identify the weaknesses or the corrections that they would like to see made. City Council can then figure out what they would like to do with it. City Council may like the form that it is in now, but the Plan Commission evidently is not.

Ms. Burris stated that the Plan Commission has continuously heard from the residents that they want something to deal with the demolition of single-family homes and the building of multi-family units. Is it possible to take portions out of the proposed text amendment that deal with these needs? Chair Pollock mentioned that if she is talking about strictly preventing the consolidation of lots, the deterioration and demolition of buildings, and the building of multi-family units, this is already in the Zoning Ordinance already. Property owners need to down zone those lots to low-density residential zoning districts. The proposed text amendment is not the way to go to do such a thing.

Mr. Dossett pointed out that HEUNA does not want to take away the right of property owners to build a multi-unit apartment building, because rental units and people who rent those units are an integral and valued part of their neighborhood. HEUNA would only like to change some of the requirements for building multi-unit buildings, such as for parking and green space. The objective is to not get the least cost structures built on lots, so they do not look like warehouses, because they are in residential communities.

Chair Pollock pointed out that this is where the proposed text amendment would change drastically between neighborhoods. There are neighborhoods that are extremely interested in preventing the disappearance of single-family houses and the construction of multi-family apartment buildings.

Mr. Fitch noted that he is hearing five points of consensus, which are as follows: 1) citizens initiative, 2) a neighborhood plan, 3) design review, 4) design guidelines, and 5) Historic Preservation Commission process with Plan Commission and City Council action. The other Plan Commission members agreed with this.

Chair Pollock asked the Plan Commission what they would like to do with this. The options are to send these five items back to City staff and have them rework the proposed text amendment or forward a recommendation to City Council with a recommendation for denial and request that they direct staff to work on these changes. Chair Pollock asked Mr. Myers if he felt the proposed text amendment is repairable or would they need to start from scratch.

Mr. Myers stated that he felt that it is repairable but that based on what he is hearing it would take so much time to build consensus that the current process would likely grow cold and its momentum would be lost. Concerning the Plan Commission's options, the Commission is clearly not ready to recommend approval or approval with specific changes. That leaves either recommending for denial or postponing the case. Postponing would not be helpful unless there's a clear direction for changes. He is not hearing consensus on direction. The cleanest thing may be to forward the case to the City Council with a recommendation for denial based on specific reasons.

Chair Pollock inquired if this case came from City Council's direction. Mr. Myers said yes, that City staff had recommended six initiatives to the City Council, this being one of them. City The Council directed City staff to move forward with those six initiatives and NCDs are one of them. Also the Comprehensive Plan calls for NCDs and some neighborhood plans call for them. Chair Pollock commented that maybe the Plan Commission should send this back to City staff to rework the proposed text amendment since the direction from the City Council was so general.

Mr. Ward did not feel that it should be forwarded to the City Council even with a list of reasons for denial or a list of things that should be changed. In the beginning, there was a catalog of problems that needed to be addressed in chart form. One of the things on the chart was what policy mechanisms might exist that could deal with those problems, including a NCD. He recalled that most of those issues could be addressed without a NCD. At this point, he does not have a strong feeling whether the City should have a NCD or not. He just wants to see the

problems dealt with. He wants to see the neighborhoods protected. He is less concerned with the mechanism. He is becoming more and more convinced that with some proper changes in ordinances or looking at other mechanisms, these problems could accomplished much more expeditiously and much more efficiently without a NCD. He does not want the proposed text amendment just sitting out there trying to fit the NCD into some sort of a mold to make it do all these things when we could be doing these things already. At this point, he would rather forward this to City Council rather than sending it back to City staff.

Mr. Hopkins inquired as to how the Plan Commission gets this item off their agenda. The most direct way to do this might be to forward this case to the City Council so that City staff is not being drawn into different directions. He felt that a motion should include a little bit of what Mr. Ward just said and list the five points of consensus that Mr. Fitch came up with. The reasons for both of them is because just correcting the proposed text amendment in the five ways that Mr. Fitch mentioned may not be the best way to do this. There may be better ways to solve those problems, including direct action. HEUNA might be quite happy if the City just created NCDs rather than creating an ordinance in which they could force us to do this.

Mr. Fitch said that this is a good point. One of the reasons why he could not support the proposed text amendment as it is currently written is because it ties HEUNA's hands.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2023-T-06 to the City Council with a recommendation for denial with the following explanation:

- 1) The Plan Commission believes that the concerns and intent of neighborhood conservation that led to the creation of the proposed text amendment are important and need to be achieved.
- 2) It is not clear to the Plan Commission that the proposed text amendment as it is currently written is the best way to achieve those concerns and intent.
- 3) If a NCD ordinance in some other form comes back to the Plan Commission, they suggest that it consider the following five points:
 - A) Citizen's Initiative
 - B) City Assisted Plan
 - C) Design Review with Design Guidelines
 - D) Initiative and Protest, and
 - E) Process with Plan Commission recommendation and City Council action

Mr. Ward seconded the motion. Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes

The motion was passed by unanimous vote. Mr. Myers noted that this case is scheduled to go before the City Council on May 21, 2007.

May 10, 2007

Chair Pollock remarked that this is really a difficult issue and process. Mr. Hopkins acknowledged the hard work of City staff that has gone into the proposed text amendment in addition to the work of the Plan Commission.

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: March 7, 2007

TIME: 7:00 p.m.

PLACE: City Council Chamber, 400 South Vine Street, Urbana, Illinois

MEMBERS PRESENT: Rich Cahill, Katherine Lipes, Alice Novak, Mary Stuart

MEMBERS EXCUSED: Scott Dossett, Trent Shepard, Art Zangerl

MEMBERS ABSENT:

STAFF PRESENT: Robert Myers, Planning Division Manager; Anna Hochhalter, Public Arts Coordinator; Tony Weck, Recording Secretary

OTHERS PRESENT: G. D. Brighton, Tyler Fitch, Dennis Roberts, Chris Stohr

NEW BUSINESS

Plan Case #2023-T-06: Proposed text amendment to the Urbana Zoning Ordinance, Article XII, Historic Preservation Ordinance, to establish the procedures for and designation of Neighborhood Conservation Districts:

Robert Myers presented the staff report on this subject. After the presentation of the staff report, Ms. Novak invited audience members to participate in the meeting.

Tyler Fitch, of 503 East California Avenue, and Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), of 405 East High Street, addressed the Commission. Mr. Fitch, who is a HEUNA Board member, stated that NCDs are recommended in the HEUNA neighborhood plan and that the group supports the concept. Mr. Stohr stated that there were a lot of things he liked about the proposed text amendment however there were some issues which he would like to address. First, with regard to property owners, HEUNA is trying to preserve the residential character of its neighborhoods and he wondered if by the proposed text amendment asking for the support of property owners should actually be changed to mean only resident property owners. It is often difficult to find the actual owner of a property, particularly with rental properties, to sign a petition as required in the proposed ordinance. On the issue of 60% of the property owner support to enact a NCD, he felt that this number was too high. He said that 60% participation is not even seen in general elections, and he would like to see this percentage reconsidered. Additionally, he stated in regards to the preliminary determination of NCD feasibility, he hoped the Historic Preservation Commission would consider this carefully. Finally, Mr. Stohr noted that in the

proposed text amendment, only 25% of the people of a given neighborhood would have to oppose an NCD to file an official protest versus 40% opposition for a Historic Preservation District. It was his hope that the text amendment would not make it easier to establish a historic district than it would to establish an NCD.

Mr. Fitch stated that when HEUNA has talked to residents about this issue, people seem to be confused about the difference between a historic district and a NCD. At a recent meeting of the Urbana Plan Commission there was a "passionate opposition" expressed by a resident who feared that her property rights would be taken away under a historic preservation district and/or NCD. As a neighborhood organization, HEUNA is sensitive to the property rights issue. The main problem according to HEUNA is replacement of single-family homes with apartment buildings. HEUNA is discussing some possible zoning remedies for this issue and said that such zoning remedies may help the neighborhood more than an NCD. With regards to the 60% support issue, he noted the sheer difficulty of getting that many signatures on a petition and suggested that a referendum process might be a better method of proving support. Lastly, he expressed the importance of educating people on the differences between an NCD and a historic preservation district.

Concerning replacement of homes with apartment buildings, Mr. Stohr added that there have been a number of such incidents wherein the apartment buildings are architecturally incompatible, that they discourage neighbors from keeping up their homes, depress property values, and otherwise work against the ideal of living in a "real neighborhood". He stated that this was one of the main reasons that HEUNA was organized in the first place and a main reason that the group is interested in the concept of an NCD and the protections afforded therewith for owner-occupied homes.

Mr. Myers asked Mr. Fitch and Mr. Stohr if they had any specific suggested changes to the 60% support requirement. Mr. Fitch restated his earlier suggestion that some sort of referendum process be enacted to gauge support. He also suggested that property owners in an affected area be notified of an NCD application and given a certain amount of time to comment. Both suggestions, he stated, would relieve the applicant for NCD status of going from door to door and getting a sufficient number of signatures on a petition. Mr. Stohr added that the cost of doing a mass mailing to individuals in an affected area would be cost-prohibitive to a group such as HEUNA and Mr. Fitch agreed that there would be some costs involved that the City would need to help cover.

Ms. Novak then asked for any discussion from Commissioners. Mr. Cahill stated that the Commission should request that NCD applications initiated by the City Council should not be allowed. He said that he would rather see applications come from citizens rather than the Council. Ms. Novak agreed with Mr. Cahill, saying that her understanding of how NCDs work is that they are initiated by citizens of the area. Mr. Cahill was also concerned with property owners who own a several parcels being able to vote several times. Ms. Novak answered that this issue cannot be addressed due to the fact that due process must be provided for. She noted that when Urbana's Historic Preservation Ordinance was being drafted, property owners were allowed one vote per parcel and in cases where one individual owned several parcels, that individual dominated voting in a given area. Therefore, she stated that a referendum to gauge support would not work as an alternative to the 60% support stipulation. Additionally, she felt that a 60% level of support for an NCD was unreasonable and impractical and that the City would have to bear at least some of the responsibility for sending out notifications to citizens in any area affected by an NCD application.

Mr. Myers responded that for other zoning actions, the City mails notices to all the property owners using ownership information provided by Champaign County tax records. The City would handle public notification for any NCD application.

Ms. Stuart suggested that instead of 60% support of an NCD application from all property owners that 60% of responses from a notification of application received by the City be in favor of the NCD. Mr. Myers didn't rule this out but cautioned that a situation could arise where only 20% of owners responded to the notification, which would not necessarily qualify as support from the majority of a given neighborhood. He stated that the 60% figure as listed in the proposed text amendment was designed to ensure sufficient support from the neighborhood of an application for NCD. In closing, Ms. Novak warned that, although she agreed with what the audience members, City staff and her fellow Commissioners were suggesting, it is very difficult to get people to participate in such a process.

As for the part of the proposed text amendment that stipulates 25% opposition to an NCD application must be met for an official protest, Ms. Novak asked for Commissioner comments on this matter next. Ms. Stuart stated that the percentage of opposition for an official protest should be higher because the "stakes are lower" than for a Historic Preservation District and suggested 40% opposition be required.

Mr. Cahill was concerned with how the Commission would deal with applications for NCDs in which the area is historically significant. Mr. Myers answered that if a given area does not qualify for historic district status, that the application for NCD be allowed to go forward without delay. The proposed ordinance currently states that if the Commission finds the area might qualify as a local historic district then the application could be tabled until the following commission meeting to give time to gather more information. If the Historic Preservation Commission found that it clearly qualifies as a local historic district, the application would be ineligible as a NCD.

Ms. Novak expressed concern over the wording in the second paragraph of the second page of the staff memorandum where it stated that the proposed NCD ordinance would allow non-historic residential areas. She stated that she did not want to see a blanket statement that anything within an NCD is not historic, as a given structure could be very historic but changes have been made to that structure that would disqualify it from being part of an historic district. Mr. Myers agreed, saying that the wording Ms. Novak mentioned was intended only as a short-hand summary of the ordinance.

Ms. Stuart raised a concern that a proposed district could be applied for historic district status and then denied. An otherwise eligible NCD district could then be in limbo, qualifying for neither. Mr. Myers answered that such a situation is possible but not very likely. Ms. Novak added that if a petition for Historic Preservation District status is rejected, it should be made clear why it was rejected. The reason she gave for this was so that the petitioner could not come back with an application for NCD status, using that as a "back door" to the protections afforded as a historic district. On the matter of public confusion between historic districts and NCDs, Ms. Novak suggested the creation of a flow chart or a similar visual aid. Mr. Myers stated that the Plan Commission has asked staff to bring to the next meeting a model example of an NCD project.

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: April 4, 2007

TIME: 7:00 p.m.

PLACE: City Council Chamber, 400 South Vine Street, Urbana, Illinois

MEMBERS PRESENT: Rich Cahill, Scott Dossett, Katherine Lipes, Alice Novak, Trent Shepard, Mary Stuart, Art Zangerl

MEMBERS EXCUSED: none

MEMBERS ABSENT: none

STAFF PRESENT: Elizabeth Tyler, Community Development Director/City Planner; Robert Myers, Planning Division Manager; Rebecca Bird, Planning Division Intern; Teri Andel, Recording Secretary

OTHERS PRESENT: Zachary Kennedy, Sara Egan, Angela Fike, Charlotte O'Donnell, Carolyn Baxley, Mary Wood, Kevin Miller, Andrew Fell, Nancy Cox, Steve Freiburg, Linda Lorenz, Roger Epperson, Susan Taylor, Bernadine Stake, Dale Glenwood Green, Tim Scovic, Matt Dixon, Brian Adams, G. D. Brighton, Patience Anders, Steve Cox, Allan Bernhart, Stephen Moll, Alice Berkson, Katherine Freeman, Audrey Bauer, Rebecca Allgeyer, Jennifer Feucht, Jackie Wolke, Laura Haber, Todd Rusk, Emily Smith, Chris Enck, Joel Van Essen, Danielle Wagner, Aileen McEldowney, David Medellin, Meghan Condon, Latonya Webb, Milorad Ketchens, Sheila Ketchens, Lois Steinberg, Georgia Morgan, Ellen Jacobsen

AUDIENCE PARTICIPATION

Chris Stohr, President of HEUNA, spoke in regards to the proposed neighborhood conservation district text amendment. He said that he had a conflict with the proposed text amendment with regards to the number of property owners needed to submit a petition. Twenty-five percent would be a high standard to meet to get a proposed NCD started, he said. He also cited that contacting out-of-town property owners would be difficult. Additionally, he felt that 10% opposition would be too low and hoped that the City would settle on a number in between.

STAFF REPORT

- **Neighborhood Conservation District Zoning Ordinance Text Amendment**

Mr. Myers reported that the recommendations of the Historic Preservation Commission had been communicated to the Plan Commission. The question was raised whether the Historic Preservation Commission should be involved in NCD applications and if so, to what extent. One Plan Commissioner had suggested not having the Historic Preservation Commission review NCD applications. The remainder of the Plan Commission felt that the Historic Preservation Commission should determine if an NCD qualified as a historic district but should not be able to prevent an NCD from proceeding if it does qualify as such.

Mr. Cahill stated that the first step would be in changing the proposed 10% objection requirement to 25%. Mr. Myers responded that the Plan Commission also felt that this proposed requirement should be increased. Ms. Novak noted that on page 15 of the proposed text amendment, item F still reads, "10%". Mr. Myers responded that HEUNA had pointed out this error and it has now been corrected. Ms. Stuart stated that the Historic Preservation Commission did not receive a copy of the revised document, to which Mr. Myers responded that staff needed to make some changes, after which the revised document will be sent to the Commission. Ms. Stuart asked for a summary of the proposed changes. Ms. Novak answered that the main change is that the Historic Preservation Commission will only serve as an advisory body and that the aforementioned 10% threshold will be changed to 25%. Sixty percent support will still be required to submit a petition, she said; the change makes an adjustment to require more approval to submit an NCD petition.

Mr. Myers noted that it would be difficult to contact out-of-town property owners but that these owners could be contacted by mail. Mr. Zangerl suggested testing the 25% support or protest threshold and wondered where this specific number came from, since this is what the Historic Preservation Commission requires for an application. Ms. Novak responded that only 25% is needed to protest an application as well, to which Mr. Zangerl asked what is the point of requiring 60% support. Ms. Tyler answered that the purpose is to set the bar higher for an NCD because it is a program that would affect everyone. She noted that it is ironic because it is less restrictive but harder to accomplish and it also does not really match the historic process.

Mr. Myers explained that the Plan Commission had changed the order of the process so that property owner approval would take place after any design guidelines are written. In response to a question from Mr. Zangerl regarding the Historic Preservation Commission's role, he also stated that the Historic Preservation Commission would determine whether an NCD application was eligible for historic district status. He noted that an NCD would not automatically convert to a historic district due to concern that an area that does not qualify for historic district status not being able to follow through with an NCD. He also noted that the Historic Preservation Commission would need different information for a historic district nomination than that available on an NCD application.

Ms. Stuart was concerned that many petitioners for historic districts would not be willing to do the required research. Ms. Novak wondered if some areas could have both NCD and historic district designations. Mr. Myers answered yes, to which Ms. Novak queried as to the possible situation of

conflicting restrictions. Mr. Myers stated that the ordinance was created in terms of design standards and that City staff would have to make sure that the ordinance would dictate which design review would take place. Ms. Novak expressed her concern that some people might be interested in NCDs so as to avoid the restrictions of historic district status. Mr. Dossett noted that there are significant differences between the two: with one, the historical significance of a given area is protected and with the other, destruction of a neighborhood is prevented, which is a different objective than historic preservation.