



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director of Community Development Services

**DATE:** August 12, 2010

**SUBJECT:** Plan Case No. 2130-T-10: Request by the Zoning Administrator to amend XI-15.J.1.B of the Urbana Zoning Ordinance to add 504½ and 506 E. Elm Street to the East Urbana Design Review District.

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### **Introduction**

On January 20, 2009, the Urbana City Council established a Design Review Board to administer design review in designated areas. The City currently has two design review districts: (1) the Lincoln-Busey Corridor, created at the same time as the Design Review Board; and (2) the East Urbana Design Review District, created on June 7, 2010 (Ordinance No. 2010-06-044). Design guidelines were also adopted for each design review district (Lincoln-Busey Corridor, Ordinance No. 2009-01-004; East Urbana Design Review District, Ordinance No. 2010-06-045).

The Urbana Zoning Administrator is now requesting to amend Urbana Zoning Ordinance Section XI-15.J.1.B to add 504½ and 506 E. Elm Street to the East Urbana Design Review District. Should the request be approved, these two properties would be subject to future design review as part of the East Urbana Design Review District. Within this district, future construction other than for single-family residences would need to conform to design guidelines enacted for the district.

The Plan Commission held a public hearing for this case at their July 22, 2010 meeting. The Plan Commission voted 6 ayes and 0 nays to forward the case to City Council with a recommendation for **approval**.

### **Background**

On June 7, 2010, the Urbana City Council created, by Ordinance No. 2010-06-044, a design review district in the northwest portion of the Historic East Urbana Neighborhood and adopted, by Ordinance No. 2010-06-045, a design guidelines manual (available for download at <http://urbanaininois.us/boards/design-review-board>). The design review district is a transition area of multi-family zoning located between downtown and the predominantly single-family

residential Historic East Urbana Neighborhood. Design review is intended to ensure that future development in the district is compatible with the adjacent neighborhood.

The proposed amendment is a result of comments received both from the public and from the Plan Commission during the process of creating the East Urbana Design Review District. On May 6, 2010, the Plan Commission held a public hearing to discuss the proposed district. During the Plan Commission's discussion, one of the Commissioners suggested including 504½ and 506 E. Elm in the proposed district to provide continuity on the 500 block of East Elm and to serve as a buffer between Main Street and the residential neighborhood. Staff explained that the two properties had not been included in the proposed district as the boundaries followed that shown between the "Central Business" and "Residential – Urbana Pattern" future land uses in the 2005 Comprehensive Plan's future land use map for the area.

At their May 20, 2010 meeting, the Plan Commission further discussed the merits of adding the two properties to the district. Following discussion, the Plan Commission voted six ayes and zero nays to request that the East Urbana Design Review District boundaries be amended to include 504½ and 506 East Elm Street. Through the proposed Zoning Ordinance text amendment, the Zoning Administrator is following up on this request.

## **Issues and Discussion**

The proposed amendment would add 504½ and 506 East Elm Street to the East Urbana Design Review District, removing the "notch" in the design review district boundary in the 500 block of East Elm. While this addition is not strictly consistent with the division between downtown and the residential neighborhood in the future land use map for the area (Exhibit C), it is consistent with the existing zoning of the two parcels. The design guidelines are intended to ensure that new duplexes and apartment buildings are compatible with the single-family character of the neighborhood. Both of the parcels are in the R-4, Medium Density Multiple Family Residential zoning district, which allows duplexes and apartment buildings as a permitted use. 504½ East Elm Street is a single-family house (see Exhibit D for photographs). 506 East Elm Street is a five-unit apartment building (see Exhibit D for photographs). City staff has notified the property owners of the proposed amendment.

On September 15, 2008, the City Council approved two ordinances regarding the 500 block of East Elm Street. The first ordinance amended the designations in the 2005 Comprehensive Plan future land use map for 502, 504, and 508 East Elm Street from "Central Business" to "Residential – Urbana Pattern" (Ordinance No. 2008-09-115). The second ordinance rezoned 502, 504, and 508 East Elm Street from R-5, Medium High Density Multiple-Family Residential, to R-3, Single-and Two-Family Residential (Ordinance No. 2008-09-116). Both ordinances were at the request of the property owners of the subject properties.

The proposed changes to Section XI-15.J.1.B are identified below (changes underlined, and highlighted on map). As part of this amendment, the map below would be revised to include the subject properties in the East Urbana Design Review District.

Section XI-15. Design Review Board

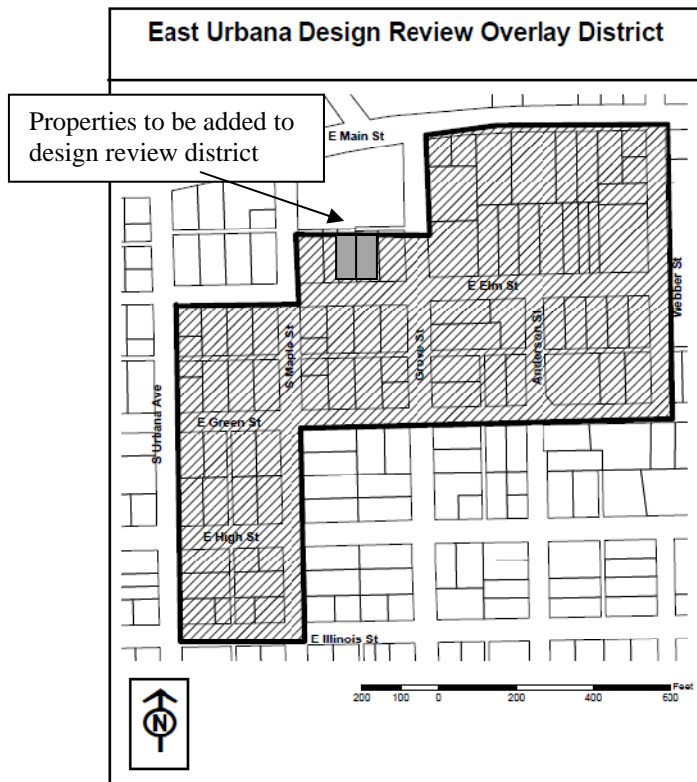
J. *Design Review Overlay Districts and Adopted Design Guidelines*

1. Design review overlay districts with their associated design guidelines shall be adopted under separate ordinances. The City of Urbana's Community Development Services Department shall make design guidelines available for public review and distribution. A design review overlay district shall be created by adopting a design guidelines manual for a specific geographic area.

"Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.

The following, adopted under separate ordinances, are the design overlay districts in the City of Urbana and have adopted design guidelines manuals:

- A. *Lincoln-Busey Corridor Overlay District*. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created by Ordinance No. 2009-01-005. The Lincoln-Busey Corridor Design Guidelines were adopted, on January 20, 2009, under Ordinance No. 2009-01-004.
- B. *East Urbana Design Review Overlay District*. Generally bounded by South Urbana Avenue, East Elm Street, Grove Street, East Main Street, South Webber Street, East Green Street, South Maple Street, and East Illinois Street, as more particularly illustrated below. The East Urbana Design Review Overlay District was created by Ordinance No. 2010-06-044 and amended under Ordinance No. 2010-XX-XXX, and the East Urbana Design Guidelines were adopted under Ordinance No. 2010-06-045 and amended under Ordinance No. 2010-XX-XXX.



2. Any new design guidelines, as well as proposed amendments to adopted design guidelines, shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

### **Urbana Plan Commission**

The Urbana Plan Commission held a public hearing concerning this case on July 22, 2010. There was no public input given during the public hearing. Following discussion, the Plan Commission, in a vote of 6 ayes and 0 nays, recommended that Plan Case 2130-T-10 be forwarded to City Council with a recommendation for **approval** as presented. Draft minutes of the Plan Commission public hearing are attached to the memorandum.

### **Summary of Findings**

1. The Urbana City Council on April 11, 2005 adopted Ordinance No. 2005-03-050, the Urbana Comprehensive Plan, which plan identified the Historic East Urbana Neighborhood as a sensitive area needing development protections.
2. The Historic East Urbana Neighborhood Association Neighborhood Plan, accepted by the Urbana City Council on January 8, 2007, identified incompatible redevelopment as an issue and included as a goal developing design guidelines for new in-fill construction and remodeled structures within the Historic East Urbana.
3. On January 20, 2009, the Urbana City Council passed Ordinance No. 2009-01-005 to amend the Urbana Zoning Ordinance to enable design review and create the Design Review Board.
4. On June 7, 2010, the Urbana City Council passed Ordinance Nos. 2010-06-044 and 2010-06-045 to create a design review district in the northwest corner of the Historic East Urbana Neighborhood and to adopt associated design guidelines.
5. On May 20, 2010, the Plan Commission voted six ayes and zero nays to request that the East Urbana Design Review District boundaries be amended to include 504½ and 506 East Elm Street.
6. The current request to amend XI-15.J.1.B of the Urbana Zoning Ordinance to add 504½ and 506 E. Elm Street to the East Urbana Design Review District would help administration of the Ordinance and improve the district's boundaries by including all properties on the 500 block of E. Elm Street in the design review district.
7. After due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on July 22, 2010.

8. Following the public hearing, the Urbana Plan Commission voted 6 ayes and 0 nays on July 22, 2010 to forward the proposed text amendment set forth in Plan Case No. 2130-T-10 to the Urbana City Council with a recommendation for approval.

## Options

The Urbana City Council has the following options regarding Plan Case No. 2130-T-10:

- a) Approve the request as presented herein;
- b) Approve the request, as modified by specific changes; or
- c) Deny the request.

## Recommendation

Based on the evidence presented herein, the Urbana Plan Commission recommends **approval** of the proposed text amendment to the Zoning Ordinance, as presented herein. Staff concurs.

Attachments:        Draft Ordinance  
                         Exhibit A: Location Map  
                         Exhibit B: Zoning Map  
                         Exhibit C: Future Land Use Map  
                         Exhibit D: Photos  
                         Exhibit E: Written Communications  
                         Exhibit F: Minutes from July 22, 2010 Plan Commission meeting

Cc:                     Jason Knauff, 1306 Briarcliff Dr, Mahomet, IL 61853  
                         Ronald Hartke, 1906 Ridge Park Rd, Urbana, IL 61802  
                         Chris Stohr, [chris1s@comcast.net](mailto:chris1s@comcast.net), [stohr@icgs.illinois.edu](mailto:stohr@icgs.illinois.edu)

ORDINANCE NO. 2010-08-073

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

**(Revisions to Section XI-15.J, "Design Review Overlay Districts and Adopted  
Design Guidelines" - Plan Case No. 2130-T-10)**

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

WHEREAS, on January 20, 2009, the Urbana City Council revised Article XI of the Urbana Zoning Ordinance, Administration, Enforcement, Amendments, and Fees, to add Section XI-15 which enables design review and establishes a Design Review Board to administer design review in designated areas subject to design review (Ordinance No. 2009-01-005); and

WHEREAS, on May 20, 2010, the Urbana Plan Commission voted six ayes and zero nays to request that the East Urbana Design Review District boundaries be amended to include 504½ and 506 East Elm Street; and

WHEREAS, on June 7, 2010, the Urbana City Council created the East Urbana Design Review District in the northwest portion of the Historic East Urbana Neighborhood and adopt associated design guidelines (Ordinance Nos. 2010-06-044 and 2010-06-045); and

WHEREAS, the Urbana Zoning Administrator has requested to amend Section XI-15.J.1.B of the Urbana Zoning Ordinance to add 504½ and 506 East Elm Street to the East Urbana Design Review District; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2130-T-10; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on July 22, 2010; and

WHEREAS, the Urbana Plan Commission voted 6 ayes to 0 nays on July 22, 2010 to forward the proposed text amendment set forth in Plan Case No. 2130-T-10 to the Urbana City Council with a recommendation for approval; and

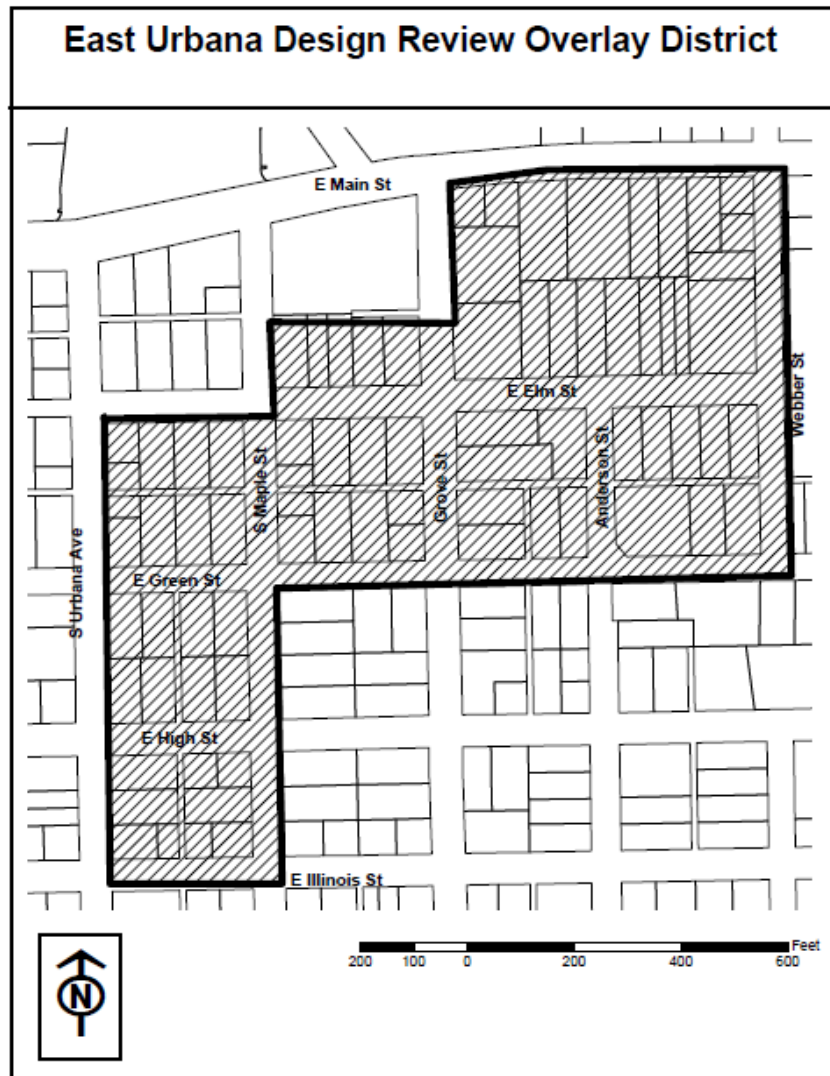
WHEREAS, on August 16, 2010, the Urbana City Council passed an Ordinance No. \_\_\_\_\_ to amend the zoning ordinance of the City of Urbana; and

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

Section 1. Section XI-15.J.1.B, East Urbana Design Review Overlay District is hereby amended to read as follows:

**Section XI-15.J.1.B, East Urbana Design Review Overlay District.**

- B. *East Urbana Design Review Overlay District.* Generally bounded by South Urbana Avenue, East Elm Street, Grove Street, East Main Street, South Webber Street, East Green Street, South Maple Street, and East Illinois Street, as more particularly illustrated below. The East Urbana Design Review Overlay District was created by Ordinance No. 2010-06-044 and amended under Ordinance No. 2010-XX-XXX, and the East Urbana Design Guidelines were adopted under Ordinance No. 2010-06-045 and amended under Ordinance No. 2010-XX-XXX.



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 \_\_\_\_\_, 2010.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2010.

AYES:

NAYS:

ABSTAINED:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
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 \_\_\_\_\_, 2010, the corporate authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revisions to Section XI-15.J, "Design Review Overlay Districts and Adopted Design Guidelines" - Plan Case No. 2130-T-10) 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 \_\_\_\_\_, 2010, 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 \_\_\_\_\_, 2010.



# Exhibit A: Location Map



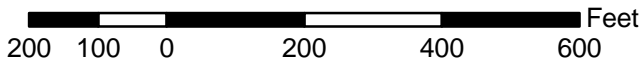
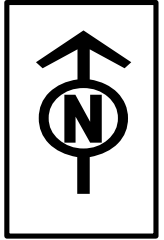
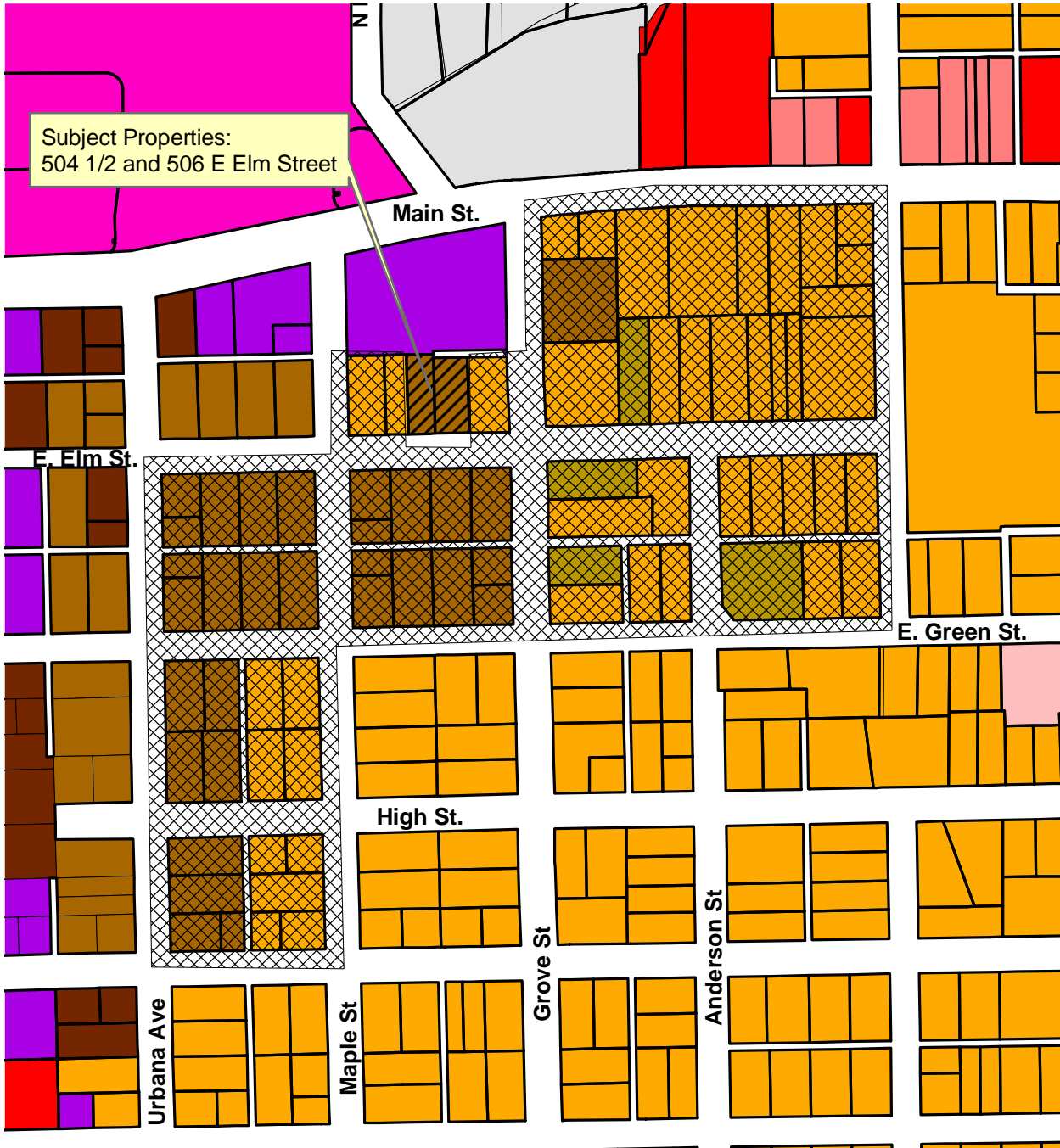
F



Plan Case: 2130-T-10  
 Subject: An application to amend Section XI-15.J.1.B to add 504 1/2 and 506 E. Main St. to the East Urbana Design Review District  
 Location: 504 1/2 and 506 E. Main St  
 Petitioner: Urbana Zoning Administrator

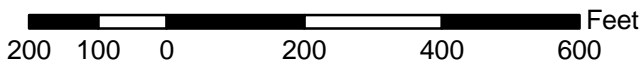
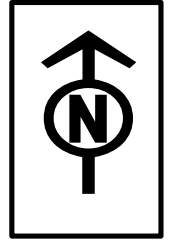
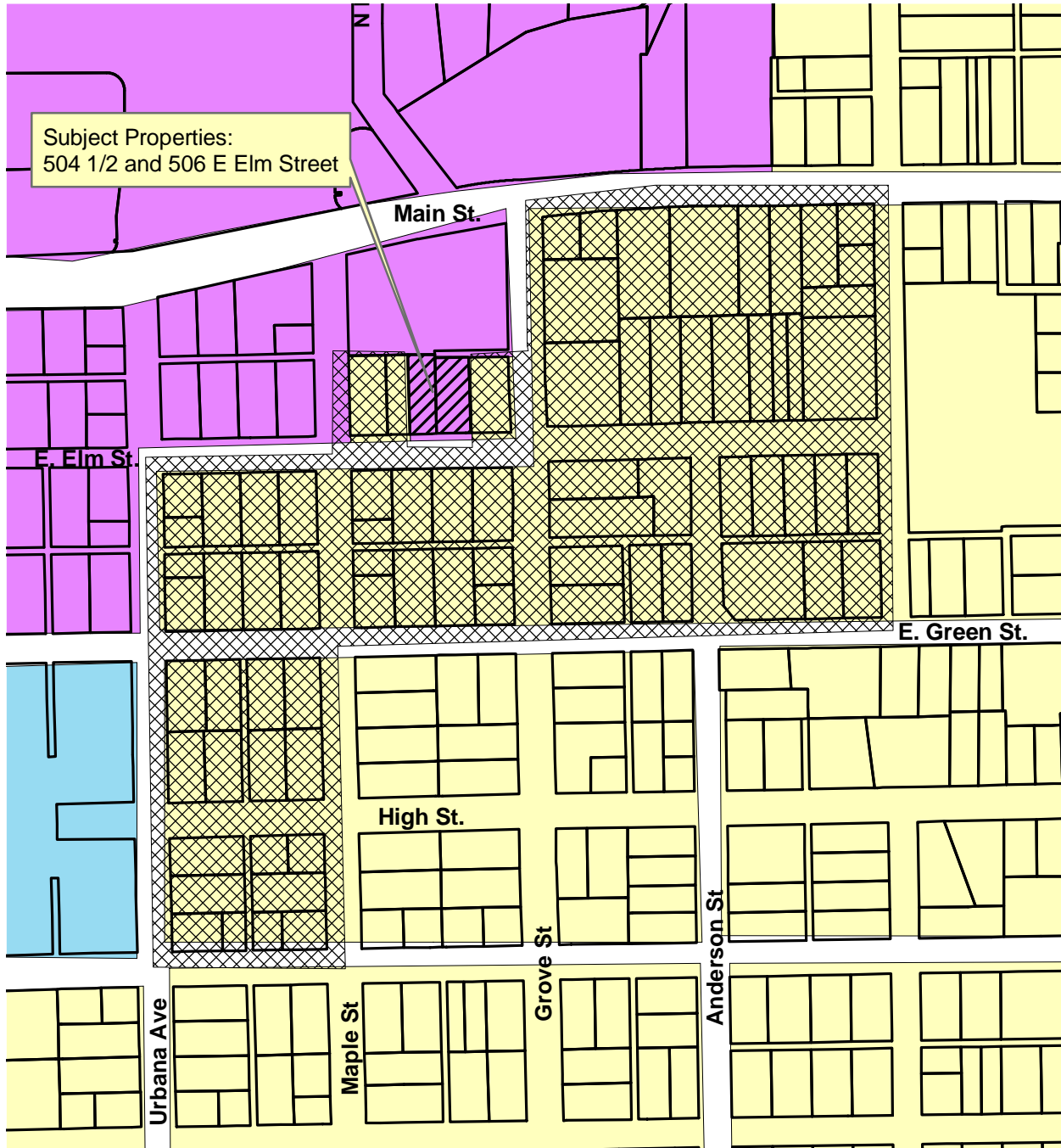
 Subject Properties  
 Existing Design Review District

# Exhibit B: Zoning Map








- |                            |                                     |                                 |
|----------------------------|-------------------------------------|---------------------------------|
| R3-Single & Two Family Res | B3-General Business                 | Subject Properties              |
| R4-Med Density MF Res      | B4-Central Business                 | Existing Design Review District |
| R5-Med High Density MF Res | B4E-Central Business Expansion      |                                 |
| R6-High Density MF Res     | B2 - Neighborhood Business Arterial |                                 |

# Exhibit C: Future Land Use Map



Plan Case: 2130-T-10  
 Subject: An application to amend Section XI-15.J.1.B to add 504 1/2 and 506 E. Main St. to the East Urbana Design Review District  
 Location: 504 1/2 and 506 E. Main St  
 Petitioner: Urbana Zoning Administrator

-  Subject Properties
-  Existing Design Review District
-  Residential
-  Central Business
-  Institutional



**Exhibit D: Site Photos**



Figure 1. 504½ East Elm Street



Figure 2. 506 East Elm Street – front façade



Figure 3. 506 East Elm Street – east elevation

Finley Comment on Plan Case No. 2130-T-10.txt  
From: Jason R. Finley [jrfinley@uiuc.edu]  
Sent: Wednesday, July 14, 2010 12:25 PM  
To: Bird, Rebecca  
Subject: Comment on Plan Case No. 2130-T-10

Hello,  
I am writing to say that I SUPPORT adding 504.5 and 506 E Elm St to the East Urbana Design Review District, which I believe is important to preserving the character of the neighborhood.  
Thank you,  
Jason Finley  
homeowner, 504 E Elm St.

## MINUTES OF A REGULAR MEETING

### URBANA PLAN COMMISSION

**APPROVED**

**DATE:** July 22, 2010

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

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

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**MEMBERS PRESENT:** Jane Burris, Andrew Fell, Ben Grosser, Lew Hopkins, Michael Pollock, Marilyn Upah-Bant

**MEMBERS EXCUSED:** Tyler Fitch, Dannie Otto, Bernadine Stake

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

**OTHERS PRESENT:** no audience members present

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll was called, and a quorum was declared present.

#### 2. CHANGES TO THE AGENDA

There were none.

#### 3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes from the June 24, 2010 regular meeting of the Urbana Plan Commission as presented. Ms. Burris seconded the motion. The minutes were approved by unanimous voice vote.

#### 4. COMMUNICATIONS

- 📄 Minutes from the June 9, 2010 Joint Study Session with the Urbana City Council, the Urbana Plan Commission and the Urbana Sustainability Advisory Commission



## 5. CONTINUED PUBLIC HEARINGS

There were none.

## 6. OLD BUSINESS

There was none.

## 7. NEW PUBLIC HEARINGS

**Plan Case No. 2122-T-10: Multipart Text Amendment to the Urbana Zoning Ordinance, including limited revisions to Article II (Definitions), Table V-1 (Table of Uses), Article VI (Development Regulations), Table VI-3 (Development Regulations by District), Article VI (Development Regulations), Article VIII (Parking and Access), Table VIII-7 (Parking Requirements by Use), and Article XI (Administration); as well as adding Section VIII-8 regarding pedestrian access requirements.**

Jeff Engstrom, Planner I, presented this case to the Urbana Plan Commission. He began by explaining the purpose of the proposed text amendment. He said that upon approval of the proposed text amendment, City staff will republish the Zoning Ordinance, including those Zoning Ordinance text amendments adopted over the past two years following the last republication. The proposed text amendment is in three parts.

The changes recommended in Part A are as follows:

### **PART A: Miscellaneous Text Changes**

#### **Article II. Definitions**

- Remove the definition of *Area, Building*.

#### **Article V. Use Regulations**

- Amend V-2.D.7 to refer to footprint instead of building area.

#### **Table V-1. Table of Uses**

- Allow “Mobile Home in approved Mobile Home Park” to be permitted by right in the AG District.
- Allow Self-Storage Facility as a Conditional Use in the B-3 District.

#### **Article VI. Development Regulations**

- Rearrange Section VI-6 so that the general provisions (F and G) are at the beginning of the section.
- Move Screening Requirements for parking lots from Section VIII-3.F to Section VI-6.B and rename the section to “Screening of Off-Street Parking and Storage Areas”.
- Amend Paragraph VI-6.B.2 so that it does not state the required front yard setback is 15 feet and remove CCD.
- Add heading to Paragraph VI-6.C and D.
- Amend Table VI-3 to increase allowed FAR in the CRE District to 0.40.

### **Article VIII. Parking and Access**

- Amend Section VIII-3.E to reference the proposed Figure VIII-8 regarding standards for circular access drives. Insert Figure VIII-8, Standards for Circular Access Drives.
- Amend and rename Section VIII-3.F so that it only addresses shade tree requirements.
- Amend Paragraph VIII-4.F.6 so that it does not state the required front yard setback is 15 feet and remove CCD.
- Restore language mistakenly removed from Paragraph VIII-5.A.
- Amend Table VIII-7, Parking Requirements by Use.

Mr. Engstrom asked if anyone had questions regarding the changes recommended in Part A of the proposed text amendment.

Mr. Hopkins pointed out that Figure VIII-4 doesn't clearly illustrate the parking requirements on page 2 of Exhibit A: Zoning Ordinance Proposed Changes. Mr. Engstrom explained that Figure VIII-4 does not show parking facing an alley. Basically parking "facing" an alley is when the headlights of parked cars point across the alley. In this case they need to be screened from intruding in residences.

Mr. Hopkins noted that there are three parcels illustrated on Figure VIII-4. The first parcel is zoned for retail use, and the second and third parcels are zoned multi-family residential. He does not understand why screening is required for the second parcel, and it is not clear whether three feet is the maximum or minimum screening height. Mr. Engstrom responded that City staff can revise the figure to clarify these issues.

Mr. Hopkins asked what is being superseded in Paragraph a) under *Design of Parking Screening, Materials, and Maintenance* on page 2 in Exhibit A. What is the effect of the proposed changes? Mr. Engstrom believes this refers to an older version of Chapter VII, and there have been many changes made over time. He will verify whether this reference is still needed.

Mr. Fell suggested that Planning staff check with the City's Engineering Division, because they have some visibility triangle requirements that overlap these requirements. Mr. Engstrom replied that he believes the intent was to limit parking screening to three feet. Mr. Hopkins stated that Article VI of Chapter 20 of the Urbana City Code already deals with this, but most people are not going to realize this. Mr. Engstrom stated that this language can be cleared up.

Mr. Hopkins wondered if there were diagrams in the Zoning Ordinance about loading docks. Mr. Engstrom said no. Mr. Hopkins asked what constitutes a loading dock. Does the loading dock include the parking space or just the dock itself? He recommended that Planning staff include a diagram of loading docks. Mr. Engstrom responded that this is explained in Part B of the proposed changes.

He then continued his presentation by explaining the changes being proposed in Part B of the text amendment. He mentioned that the purpose of the changes in Part B are to reduce land use conflicts between businesses with loading docks or loading spaces and nearby residences. The proposed changes are as follows:

## **PART B: Loading Area Standards**

### **Article II. Definitions**

- Add the definitions for *Loading Dock* and *Loading Space*.

### **Article VI. Development Regulations**

- Change language in Paragraph VI-6.B.5 so that it does not refer to loading areas. Loading areas are to be addressed in the proposed Section VI-6.F.
- Add a new Paragraph VI-6.F, Screening of Loading Docks and cross-reference new requirements for loading docks in Section VIII-6.

### **Article VIII-6. Parking and Access**

- Revise language in paragraph VIII-6.C to reference screening requirements for loading docks specified in Section VI-6.F.
- Specify that loading docks must be paved with a hard surface.
- Add requirements for the location and design of loading docks in Section VIII-6.G.

Mr. Engstrom asked if there were any questions on Part B.

Ms. Burris asked for clarification on whether the Planning staff is recommending a 75-foot setback from the actual loading dock to adjacent residences or 75-feet from the parking space at a loading dock. Mr. Engstrom stated that a loading dock is a type of loading space. Loading space is being defined as the area where the truck and trailer park. Ms. Burris stated that the language is what confuses her. Robert Myers, Planning Manager, suggested that they could change the wording to something like “loading spaces with docks” and “loading spaces without docks.” Ms. Burris indicated this would be an improvement.

Mr. Hopkins questioned what the setback is being proposed for a “loading space.” Mr. Engstrom stated that a loading space could be located anywhere in a regular parking lot area with the exception of the front-yard setback. Mr. Hopkins stated that a business could locate a fixed lift gate at the end of a parking space less than 75 feet away from the adjacent residences because a fixed lift gate is different than a loading dock. He is not sure that the language is distinguished enough.

Mr. Grosser inquired about “loading zones.” Is there a definition of a “loading zone” in the Zoning Ordinance? Mr. Engstrom said no. Mr. Grosser asked if a “loading zone” would be a type of “loading space.” Mr. Engstrom explained that the proposed text amendment only addresses off-street loading. On-street loading in “loading zones” would be addressed in the Traffic Code.

Chair Pollock recalled that there were restrictions placed on loading/unloading at the Aldi site. Mr. Engstrom stated that Aldi’s is restricted to certain hours of the day for loading and unloading. Chair Pollock asked if this was one of the options in the proposed text amendment. Mr. Engstrom said yes. Chair Pollock inquired as to what kind of impact this would have on existing businesses. Mr. Engstrom replied that the proposed text amendment, if approved, would not be retroactive. Unless a business expands or does some reconfiguring of its loading space, the proposed text amendment would not affect existing businesses.

Mr. Grosser wondered if the proposed text amendment would have mitigated some of the issues and concerns that arose from the loading dock at Meijer on Philo Road. Mr. Engstrom responded by saying yes. City staff had Meijer in mind when creating the proposed changes for loading dock requirements even though if approved, the text amendment would not apply only to new loading spaces. He mentioned that Mr. Myers has been working with Meijer and the adjacent property owners to mitigate the issues they have.

Mr. Myers added that Meijer changed their delivery hours to avoid using their loading docks overnight. The Illinois Pollution Control Board has more stringent noise standards for the hours 10:00 p.m. and 7:00 a.m. This is recognized in the proposed ordinance as not using loading docks during those hours would be one measure to mitigate noise when close to residential. Admittedly this can be tricky because the term “shall not be utilized” may require interpretation. For example, if a truck is parked at a loading dock with a noisy refrigeration unit running all night, is the dock being utilized?

Mr. Engstrom continued with his presentation. He discussed the changes being proposed in the last part, Part C, which are as follows:

#### **PART C: Fence Code Changes**

- Fences in a required front yard shall be no more than 50% opaque, and shall be no taller than four feet.
- On a corner lot, fences behind the front face of the house will be allowed to be six feet tall and solid.
- Within ten feet of the intersection of a driveway and sidewalk, fences must be at least 50% transparent.
- The Building Official will be allowed to grant an administrative variance to the height limits if there is a demonstrated nuisance, hazard, or security concern.

Mr. Engstrom read the options of the Plan Commission and presented staff’s recommendation, which was as follows:

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

Mr. Grosser noticed a typo in Section 7-5 of Chapter 7, Fences. Paragraph (b) should read: “No ~~in or around~~ fence within a required side or rear yard, ...”. The word fence is missing.

Mr. Fell cited an instance where the property owner did not want the fence to be opaque, so they raised the fence supports up four inches and called it the top of the fence. This met the letter of the fence ordinance, but he wondered whether this was a loophole which needed to be addressed.

Chair Pollock, having noted that no one was present to speak at the public hearing, opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Burris moved that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval based on changes as requested during the presentation and discussion. Ms. Upah-Bant seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Ms. Burris	-	Yes

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before the Urbana City Council on August 16, 2010.

**Plan Case No. 2130-T-10: Request by the Zoning Administrator to amend XI-15.J.1.B of the Urbana Zoning Ordinance to add 504-1/2 and 506 East Elm Street to the East Urbana Design Review District.**

Robert Myers, Planning Manager, presented this case to the Urbana Plan Commission. He explained that the proposed text amendment is the result of a recommendation by the Plan Commission to add 504½ and 506 East Elm Street to the East Urbana Design Review District.

Mr. Grosser asked if the change would also be made on the Future Land Use map. Mr. Myers said no, that the Comprehensive Plan's Future Land Use Map was independent.

Mr. Hopkins asked if the owners of these two parcels are aware of the proposed text amendment. Mr. Myers stated that the Planning staff mailed the owners notification of the public hearing, and signs were posted in front of the two properties.

Mr. Hopkins noted that one of the properties is zoned multi-family and one is not. What are the implications of the property that is zoned multi-family? Would this ordinance require that they make changes to their building? Mr. Myers explained that while the design guidelines are not retroactive, if the apartment building should be rebuilt, plans for the new building would need to be reviewed and approved by the Design Review Board.

Mr. Hopkins commented that the property appears to be non-conforming. Many property owners have insurance policies for full recovery of the value even though they may not be able to rebuild. He wondered if this might apply in this kind of case. Chair Pollock stated that the use is not restricted by the proposed text amendment. Although the existing building is not complying, the property owner could rebuild using the same footprint and square footage. They would just not be able to have a blank wall on the front facade.

Mr. Hopkins wanted the property owners to know what they will have to do in order to rebuild. They should be told that if the City Council approves the proposed text amendment, the property owners will have to get plans to rebuild reviewed and approved by the Design Review Board.

Ms. Upah-Bant asked why these two properties were left out of the original text amendment to create a design review district for this area. Mr. Myers explained that in the original application the proposed district boundaries followed the Future Land Use map boundary separating Central Business and Residential. The feedback received at the public hearing was to add 504½ and 506

East Elm Street because they would be the only properties in the block outside the design review district, and both are used for and zoned residential, not Central Business District.

Chair Pollock, having noted that no one was present to speak at the public hearing, opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Burris moved that the Plan Commission forward the proposed text amendment to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Burris	-	Yes	Mr. Fell	-	Yes

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before the Urbana City Council on August 16, 2010.

## **8. NEW BUSINESS**


There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Myers reported on the following:

 Wind Turbine Text Amendment will be presented at the next regular meeting of the Plan Commission scheduled for August 5, 2010.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Plan Commission