

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 20, 2005

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: Lew Hopkins, Randy Kangas, Bernadine Stake

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

OTHERS PRESENT: Dick Brazee, Michael Doran, Ann Reisner

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

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

2. CHANGES TO THE AGENDA

There were none.

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

3. APPROVAL OF MINUTES

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

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case # 1919-SU-05: Request for a Special Use Permit to install an equipment enclosure within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.

Paul Lindahl, Planner I, presented this case to the Plan Commission. He began by giving a description of the proposed site and of the surrounding properties noting the zoning and land use of each. He talked about the proposed equipment enclosures and antennas and showed on the Elmo equipment where the equipment enclosures would be placed. He defined "equipment enclosure" according to the Urbana Zoning Ordinance. He discussed the requirements of placing cellular antennas and reviewed the requirements of a special use permit according to Section VII-6 of the Urbana Zoning Ordinance that pertained to the case. He 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 at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed special use permit to the City Council with the following conditions:

- 1. The construction, location and orientation of the equipment enclosure shall be in general conformance to the site plan submitted with the petition and attached to the written staff report. The top of the antenna shall not extend beyond 35 feet from ground level.*
- 2. The design, installation, and operation of the equipment enclosure and associated cellular equipment shall be in accordance with all applicable city, state and federal codes and ordinances.*
- 3. The equipment enclosures shall not encroach into the existing sidewalk or bicycle parking areas.*

Mr. Pollock asked if the conduit, which went up the building and across the building to an antenna, had already been administratively approved. Mr. Lindahl replied yes. The special use permit was for the equipment enclosure.

Mr. Pollock inquired if there was a 35-foot height limit for the antenna. Mr. Lindahl stated that was correct. The entire structure on top of the building was about 8 to 10 feet tall.

Michael Doran, representative for Cingular Wireless, noted that there were a few minor changes to the proposal. The cabling would run up behind the cabinets and not straight up the wall.

Thus, there would be a 1-1/2 foot distance between the back of the cabinet and the wall. Also, there was a drain spout that would need to be relocated to another location on the building.

Mr. Pollock asked if it would be moving further in between the two buildings from the corner of the building. Mr. Doran stated that the cabinets would be moved a little further out. He did not have new drawings to show this change, because the change was made earlier that day. Mr. Pollock questioned whether the cabinets would encroach into the sidewalk. Mr. Doran said no. Mr. Pollock pointed out that if the Plan Commission decided to approve the special use permit, they could approve it conditionally on Cingular Wireless providing an amended site plan to the City Council.

Ms. Goscha believed that the special use permit met the criteria requirements. It appeared that this was the only place that the equipment enclosure and antenna could go. Given the fact that it would be located near multi-family residential and a parking lot, it would not really injure any of the adjacent properties in terms of their views. If anyone, she believed that it would be injurious to the property owner because of how it would block the views from the windows of the garden apartments. Lastly, it appeared to conform to the applicable regulations and standards of the district.

She would agree to approve the special use permit request along with conditions 1 and 3. However, she did not feel it was the position of the Plan Commission to be enforcing building safety, so it did not seem to her that they should recommend that the petitioner comply with codes in condition #2. She suggested adding another condition that an updated site plan, which showed the correct location of the cable tray or cable routing, be provided.

Mr. Pollock inquired if there was a reason for condition #2 to be included in staff's recommendation. Mr. Lindahl stated that it was one of those boilerplate things that staff tends to include whenever they add conditions. Elizabeth Tyler, Director of Community Development Services Department, added that it was a level of comfort. However, Ms. Goscha was correct. Condition #2 would need to be complied with anyway. It was a way to confirm that it met the special use permit criteria in the Zoning Ordinance. It did not need to be a condition.

Ms. Goscha moved that the Plan Commission forward this case to the City Council with a recommendation for approval as had been presented with the following conditions: 1) Condition #1 as outlined in the written staff report, 2) Condition #3 as outlined in the written staff report, and 3) that the City receive an updated site plan showing the correct layout of the cable tray and maintains the existing planning elements shown in the current site plan. Mr. White seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roll call was as follows:

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

The motion was passed by unanimous vote.

Plan Case No. 1871-A-03: Request to revise an Annexation Agreement and approved Planned Unit Development (PUD) for the Prairie Winds Subdivision located on the south side of Colorado Avenue approximately 394 feet east of Philo Road.

This case was continued to the next scheduled meeting of the Plan Commission to be held on February 10, 2005.

8. NEW BUSINESS

Plan Case No. 1902-S-04: Combination Preliminary and Final Plat of Prairie Winds Subdivision.

This case was continued to the next scheduled meeting of the Plan Commission to be held on February 10, 2005.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler gave a staff report on the following:

- **Over-Occupancy Text Amendment** passed by the City Council as recommended by the Plan Commission. There was additional discussion, and it was likely to have an additional text amendment come from it, because the issue of staff’s definition of “housekeeping unit” or “family” did not include same sex domestic partnership or marriages not recognized in the State of Illinois. There were questions of whether the City was being discriminatory. Therefore, staff needed to define “domestic partners”, because the City would want to distinguish those situations from the casual co-habitation that might occur near campus.
- **2005 Comprehensive Plan Open House** will be held on Tuesday, February 8, 2005 from 7 p.m. to 9 p.m. at the Urbana Civic Center. Staff will have all of the maps displayed and will provide some information on the process.
- **Comprehensive Plan Steering Committee** will meet on Thursday, January 27, 2005 at 7:00 p.m.
- **Next scheduled Plan Commission meeting** will be held on Thursday, February 10, 2005 at 7:30 p.m. She reviewed the caseload that would be presented at the next meeting.

11. STUDY SESSION

The Hazard Mitigation Plan

Ms. Tyler discussed the following:

- Planning Process
- 1. Hazard Assessment
 - Wind Storm Vulnerability
 - Tornado Damage, 1996
 - Winter Storm/Ice Storm
 - Flood
 - Earthquake
 - Hazard Assessment Chart
- 2. Mitigation Strategies
 - High Priority Strategies
 - Urban Forestry – Wind and Ice Storms
 - Mobile Homes – Wind Storm
 - Shelters – Wind Storm
 - Building Standards and Development Regulations – Flood
 - Capital Improvement Programs – Flood
 - Improve Information – Multi Hazard
 - Building Codes and Standards – Earthquake
 - Technical or Financial Support – Earthquake
 - Education and Awareness by Focus Groups – Multi Hazard
 - Medium Priority Strategies
 - Power Supply Management – Wind and Ice Storm
 - Improve Information – Flood
 - Other – Flood
 - Low Priority Strategies
 - Power Supply Management – Wind and Ice Storm
 - Improve Building Practice and Material – Wind Storm
 - Shelters – Wind Storm
 - Mobile Homes – Wind Storm
 - Building Standards and Development Regulations – Flood
 - Taxation & Fiscal Policies – Flood
 - Education and Awareness – Wind and Ice Storm
- 3. Action Plan
 - Action Items
 - Monitoring and Evaluation
 - Disaster Mitigation Act, 2000

Mr. Pollock inquired if there was anything that the Plan Commission needed to do. Ms. Tyler replied that she would keep calling the Illinois Emergency Management Agency (IEMA) to see if there was anything more that she needed to provide to them before they say that the plan was good enough to have a public hearing. IEMA wanted to bless the plan before the Urbana City Council would adopt it. So, once the plan was approved by IEMA, City staff would hold a

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public hearing on it so the Plan Commission could forward a formal recommendation to the Urbana City Council, who would hopefully adopt it.

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission