

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 23, 2006
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

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

MEMBERS EXCUSED: Bernadine Stake

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Anandel, Recording Secretary

OTHERS PRESENT: Vance Barr, Gary Guardia, John Hall, Susan Monte

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

Due to time restrictions, Chair Pollock requested that the Plan Commission move the agenda item titled “Plan Case CCZBA-522-AT-05” under New Business to be heard before the agenda item titled “Plan Case 1979-T-06” under New Public Hearings. The Plan Commission did not object.

3. APPROVAL OF MINUTES

Mr. Ward moved to approve the minutes from the February 9, 2006 Plan Commission meeting as presented, and Ms. Goscha seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

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5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 1981-M-06: A request to rezone 312 West Springfield Avenue from B-2, Neighborhood Business – Arterial Zoning District, to B-4, Central Business Zoning District.

Paul Lindahl, Planner I, presented this case to the Plan Commission. He began by pointing out that Barr Real Estate is the manager of 312 West Springfield Avenue. He described the existing lot and its current use. He talked about the current zoning of the lot, which is B-2, Neighborhood Business – Arterial Zoning District. He noted that the petitioners did not feel that the mix of uses in the building had been successful. Therefore, they proposed to rezone it to B-4, Central Business Zoning District, which would allow multi-family apartment buildings without providing commercial space by right.

Mr. Lindahl went on to give a brief description of the adjacent land uses, noting their zoning as well. He discussed the petitioner's perspectives and explained that there had been parking conflicts between the previous commercial and residential tenants. Since most of the commercial tenants had vacated, the commercial space has remained empty.

He talked about the how rezoning the proposed property from B-2 to B-4 would be generally consistent with goals and intent of the Urbana Downtown Strategic Plan and the 2005 Comprehensive Plan. It would also help to contribute to the downtown life of Urbana's central area.

Mr. Lindahl summarized staff findings and read the options of the Plan Commission. Staff recommendation was as follows:

Based on the evidence presented in the written staff report and at this meeting, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission forward Plan Case No. 1981-M-06 to the Urbana City Council with a recommendation for approval.

With no questions from the Plan Commission for City staff, Chair Pollock opened the public hearing to hear comments or concerns of people in the audience.

Vance Barr, of Barr Real Estate, mentioned that they have managed the building for the current owners for a couple of years. From the onset of Barr Real Estate's management experience of the building, there had always been high degree of conflict between the primary commercial

tenant and the residential tenants. Much of this was driven by the nature of the access to the building and the parking situation. It eventually escalated to the degree to which the primary commercial tenant vacated the building after having been located there for a number of years.

He believed that this particular property was not designed well enough to accommodate a commercial use within it. With respect to having any kind of retail value, in terms of leasing, there was no visibility. It does not have any of the kind of elements to it that a retail type commercial property would have. Office use has not worked at all as well. Barr Real Estate has tried to use it and aggressively market it for over a year with no luck.

The building was really architecturally designed as an apartment building. Pragmatically it functions as an apartment building. As a result, they would like to revert it back to what it was really designed for. They have had great luck leasing the 15 apartments. People really like living there because it is close to downtown.

Mr. Ward understood the issue with the design problem. He believed, after reading the written staff report, that someone had made a colossal design error in putting this building together in terms of what the zoning was and what the intent of the building was.

He asked for clarification regarding the parking spaces. He did not understand the nature of the dispute about parking, since there seemed to be sufficient parking. Why didn't this work? Mr. Barr answered that there were ten parking spaces for three commercial tenants in the building. These ten parking spaces were pretty much full all of the time. Clients of the commercial tenants were starting to park in the residential tenants' parking spaces, which is what created the dispute.

Robert Myers, Planning Manager, reminded the Plan Commission members that the zoning will probably outlast the existing building. The rezoning of the property to B-4 would be in conformity with the 2005 Comprehensive Plan and with the idea of being part of the Central Business District.

With no further comments from the audience, Chair Pollock closed the public hearing, and he opened the case up for the Plan Commission discussion.

Mr. White commented that no matter what the property is zoned, there would not be enough parking spaces. He did not feel certain that rezoning would solve the parking problem.

Mr. Pollock questioned how many apartment units would go into the commercial space. Mr. Barr replied that the commercial space would convert into about three additional apartment units. Mr. Pollock inquired as to what the parking requirements would be for this property. Elizabeth Tyler, Director of Community Development Services, responded by saying that there were no parking requirements for the B-4 Zoning District. It would depend on the number of bedrooms and bedroom size. Mr. Barr noted that there would be 2-two bedroom apartments and 1-one bedroom apartment. Ms. Tyler stated that the City would require three parking spaces for these additional apartment units.

Mr. Ward felt conflicted about this case. He believed it to be ironic that the Plan Commission was being asked to rezone the property to B-4 in order for the building to be converted to be

totally a residential use. Also, when someone designed the existing building for the proposed space for the mixed use purpose, they did not design it quite right. Now, the City is being asked to clean up a mess.

He was most conflicted with the philosophical issue where one perspective says that zoning is the way it is for a particular reason. When the Plan Commission has a request to recommend a rezoning, then they do it only when there is compelling evidence in favor of that change. He was having a problem with finding compelling evidence.

The other perspective seems to be that the City has zoning regulations, and if a property owner wants to change the zoning, then the City goes ahead and changes the zoning unless there was compelling reasons not to. He did not agree with this.

Mr. Pollock gave a brief history of the B-2 Zoning District. He explained that when the City did the Downtown to Campus Plan, the B-2 Zoning District was created in hopes of moving gradually from downtown business to University residential. The B-2 Zoning District requires that there be a combination of commercial and residential uses. He noted that it was an experimental district, and nothing else has been built like the proposed building along the Springfield Avenue stretch that is zoned B-2. It may in fact be an experiment that did not work very well.

When looking at this request, he wondered why the City would zone a property commercial (B-4) so that it could be used as residential. After reading the description for B-4, he realized that a multi-family dwelling use was permitted by right. A B-4 Zoning District does not seem out of place on the edge of the City's downtown commercial district. It might be that rezoning the property to B-4 would be the best possible option to allow the building to be used to its highest degree successfully.

Ms. Upah-Bant recalled the original case. This type of business was supposed to attract a lot of sidewalk traffic. It was curious to her that parking is what killed the business use. This building was to be a model development for the B-2 Zoning District.

Ms. Tyler noted that the City has had problems with the MOR, Mixed-Office-Residential Zoning District, not performing how they expected it to. There was a vision for the B-2 Zoning District to be very prescriptive. The problem with being so prescriptive is that it is not flexible enough to respond to customer demand for parking spaces or tenant demand for certain visibility. The mixed use projects are difficult to lease out the retail and office spaces. The Stratford is looking for a tenant for their commercial space, as well as the Gregory Place is taking time to lease their commercial space out, even with all of the surrounding foot traffic.

The City has modified the MOR Zoning District, and hopefully it will perform better in the future. The City may want to look at the B-2 Zoning District as well and make some modifications. City staff felt that for this particular problem rezoning would be more consistent with the City's policies than trying to immediately fix the zone or request a variance.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 1981-M-06 to the City Council with a recommendation for approval. Ms. Goscha seconded the motion.

Mr. Ward understood the nature of the problem and was sympathetic. However, he would like to see the City take a look at the B-2 Zoning District. Rather than dealing with the problem one property at a time, the City could effectuate a permanent solution to the issues of the B-2 Zoning District.

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	No	Mr. White	-	No
Ms. Burris	-	Yes	Ms. Goscha	-	Yes

The motion was passed by a vote of 6 ayes – 2 nays. Chair Pollock stated that the motion would go to City Council on Monday, March 6, 2006.

Plan Case No. 1979-T-06: Omnibus Text Amendment to the Urbana Zoning Ordinance.

Matt Wempe, Planner I, gave the staff presentation for this case. He began by stating that staff anticipated that it would take more than one meeting to review the proposed changes to the Urbana Zoning Ordinance. He remarked that staff had two major goals for doing this text omnibus to the Urbana Zoning Ordinance, which are to make staff’s lives easier in administering the Zoning Ordinance on a daily basis and to take all of the items that do not warrant separate text amendments on their own and actually make the necessary changes. One additional reason to update the Urbana Zoning Ordinance is because it has not been revised since 2001, and there have been 21 additional text amendments to the Zoning Ordinance, which included over-occupancy regulations, accessory parking lots, B-1 Zoning District, adoption of the 2005 Comprehensive Plan, adoption of the Downtown Strategic Plan, and the creation of the CCD, Campus Commercial District. The City grew by about 330 acres during this time as well. All of this really points to staff needing to mesh our regulatory environment with what is actually happening in the City at the moment.

Mr. Wempe presented an overview of the major changes being proposed, which are as follows:

- Article II. Definitions
 - Move definitions to other articles
 - Add definitions for *domestic partnership*, *household*, *dwelling (loft)*, and *occupancy*
- Article IV. Districts and Boundaries
 - Add map of the MIC Zoning District
 - Amend Table IV-1. County to City Zoning Conversion
- Article V. Use Regulations
 - Move telecommunications section to Article XIII. Special Development Provisions
 - Move CCD Zoning District uses to Table V-1. Table of Uses
 - Move CCD Zoning District parking requirements to Table VIII-1. Parking Requirements by Use

- Add language for Residential Occupancy Limits
- Table V-1. Table of Uses
 - Add Dwelling, Loft
 - Change Dwelling, Multifamily to require a Special Use Permit
 - Change Self-Storage Facility to not be allowed in B-3, General Business Zoning District, and to be allowed by right in IN, Industrial Zoning District
- Article VI. Development Regulations
 - Revise the list of acceptable tree and shrub species
- Article VII. Conditional and Special Uses
 - Delete Section VII-11. Exemption Procedure in Business Development and Redevelopment District – Staff recommends removing the requirement for a special use permit for multi-family residential, but retaining the Business Development and Redevelopment District.

Mr. Pollock inquired as to how the proposed change to Article VII would relate to a case such as the Opera House rezoning. Mr. Wempe responded by saying that most of the Business Development Redevelopment District was in B-4, Central Business Zoning District. There were only a couple of properties that were not zoned B-4. Ms. Tyler stated that this was one paragraph in the Zoning Ordinance that always seems to contradict the Downtown Strategic Plan and the Table of Uses. The Table of Uses says that multi-family is permitted by right in the B-4 Zoning District. The Downtown Strategic Plan has the whole living downtown strategy. However, this one paragraph, which predates the Table of Uses and the Downtown Strategic Plan, says that a special use permit is required to have a multi-family use.

Mr. Pollock asked if a developer would be able to build residential and residential/commercial combination by-right in the B-4 Zoning District. Ms. Tyler said yes.

- Article VIII. Parking and Access
 - Revise Table VIII-3. Widths for Access Drives to meet recommended engineering standards
 - Add Section VIII.5.K. CCD, Campus Commercial District Parking Requirements

Mr. Pollock questioned whether there would be a cross-reference of the CCD Parking Requirements in the CCD Article of the Zoning Ordinance. Mr. Wempe replied that staff could add a cross-reference in that section.

- Revise Table VIII-7. Parking Requirements by Use to calculate multiple family residential parking by number of bedrooms instead of bedroom size

Mr. Myers added that City staff was not trying to drastically slash parking and now everyone only has to provide half the parking that they would have had to otherwise provide. Instead, staff was trying to match the City's parking requirement with a reasonable parking requirement.

- Article IX. Sign Regulations
 - Allow Electronic Message Board (LED) Signs and Sandwich Board Signs

Mr. Grosser inquired as to what would not be considered public right-of-way in the downtown area. Ms. Tyler replied that there could be areas in the downtown area where there is zero setback and the right-of-way went up to the face of the building. There was a way to allow signs in the right-of-way through the City's Public Works Department. Therefore, they might want to modify this. The main thing is that a sandwich board sign does not block pedestrian or handicap traffic.

- Amend Table IX-1. Standards for Freestanding Signs to permit an increase in the maximum sign area for combined or monument signs

Mr. Myers clarified that the way the language is currently written, regarding the amount of signage allowed per business frontage, is confusing. There are two different schools of thought on how to interpret the language. Staff wants to clarify what their interpretation has been and try to codify it so that there would be no misunderstandings and to be consistent.

- Amend Table IX-2. Standards for Wall Signs and Wall-Mounted Signs
- Amend Table IX-9. Freestanding Shopping Center Signs to permit an increase in the maximum sign area for combined or monument signs
- Article XI. Administration
 - Add hardship criteria for variances

Chair Pollock asked Mr. Wempe to review the variance procedure. Mr. Wempe explained that a minor variance is reviewed and voted upon by the Zoning Board of Appeals. A major variance is reviewed by the Zoning Board of Appeals, who forwards a recommendation on to the City Council.

- Article XII. Historic Preservation Ordinance
 - Add a fence as minor work to Table XII-1. Project Level of Review for Contributing Structures and Table XII-2. Project Level of Review for Non-Contributing Structures
 - Specifically call out the Historic Districts and Landmarks in the City of Urbana
- Article XIII. Special Development Provisions
 - Create this section

Mr. Wempe summarized staff findings and read the options of the Plan Commission. He mentioned that there are a few minor corrections that he noted after the packet had been mailed out. Mr. Pollock suggested that staff create a list of these corrections and mail them in with the next packet.

Mr. Myers stated that this case will be carried over to the next scheduled Plan Commission meeting on March 9, 2006.

8. NEW BUSINESS

Plan Case No. CCZBA-522-AT-05: Review of Champaign County Zoning Ordinance amendments, Parts A – M.

Mr. Myers began the staff presentation for this case. He introduced Susan Monte, Planner, and John Hall, Director of Planning and Zoning, from Champaign County. He explained that the proposed request came from the Champaign County Zoning Administrator. The proposed changes have to do with rural development. These changes are important to the City of Urbana for the following reasons: 1) land uses in Champaign County could potentially conflict with adjacent land uses in the City, 2) rural developments in an unincorporated county may be incorporated into the City of Urbana in the years to come, 3) whatever development patterns happen in the County would someday be absorbed into the City and would have a huge affect on the City's growth edges, and 4) the City has a duty under State law to review zoning decisions within the City's Extra-Territorial Jurisdictional (ETJ) area.

Mr. Myers pointed out that the City Council could enact a "Resolution of Protest". Should this happen, then changes to the County Zoning Ordinance would require a three-fourths majority vote of the members of the County Board. Therefore, we need to take these changes very seriously and advise the Urbana City Council on whether or not to adopt a resolution of protest or defeat a resolution of protest. He added that other jurisdictions would also be reviewing the proposed changes.

Ms. Monte presented an overview of the proposed text amendments to the Champaign County Zoning Ordinance. She discussed the following:

- Ordinance Objectives
- Champaign County Land Use Regulatory Policies – Rural Districts
- Part A – Revise the Nature & Intent of the AG-1, AG-2, B-1, and CR Zoning Districts
- Part B – Modify the Table of Authorized Principal Uses
- Part C – Revise certain Special Use Standard Conditions
- Part E – Increase the minimum required lot area for new lots not platted/surveyed and recorded
- Part H – Minimum buildable area, increase minimum lot area/width and decrease maximum lot coverage
- Part D – Reduce the number of single-family residences allowed by right per 40 acres
- Part F – Adjust Drainageway Setback to prevent obstruction and keep the drainageways clear
- Part G – Public Resource Area Buffer of 250 feet

Ms. Tyler questioned what would be considered new construction within Resource Buffer Areas. Do they mean private construction and not road improvements? Ms. Monte answered by saying that road improvements would be limited. However, they could occur if it was necessary to allow for a viable use of a property. Champaign County does not want to cause an eminent domain case to occur. Ms. Tyler explained that she asked because of the High Cross Road Corridor Study.

- Part I – CR, Conservation-Recreation District minimize disturbance to natural areas, allow stream protection buffer

Mr. Hopkins asked for a rough idea of what portion of non-intermittent streams or the County was not in a drainage district. Ms. Monte replied that the Sangamon River, the Middlefork River, and a large portion of the Saltfork River were not protected by drainage districts. She went on to say that County staff would be making some recommendations to improve the Stream Protection Buffer. It was hard to say how far they would get, because they could not change the Ordinance as it was moving through this process. She also clarified for Mr. Myers that stream protection buffers would be 150 feet on each side of the centerline of the stream.

- Part K – Minimize Disturbance to Selected Environmental Resources in CR District Performance Standards and Natural Area Impact Assessment
- Part J – Rural Planned Development District replace the Rural Residential Overlay District
- Part L – Rural Planned Development requires a Special Use Permit
- Part M – Framework, Clarification or Techniques Added

Mr. White expressed that overall many of these proposed changes were great, especially the way that Champaign County is trying to protect environmental areas and farmland. The only problem he saw was the way in which conditional and special uses were granted. He was afraid that things would happen which would block a major project in the ETJ area. Ms. Monte explained that in the County's existing Zoning Ordinance, there are uses that are allowed by right and special uses require a public hearing. Several of their by-right uses have conditions associated with them, but the uses are still permitted by right as long as the conditions are met. What the County is proposing is that these types of uses instead be called conditional uses. In addition, County staff plans to take some of the special uses, which meet the required conditions, and consider them as conditional uses as well. This would allow more flexibility and free up the Champaign County Zoning Board of Appeals a little bit.

Ms. Monte talked about a concern expressed in the City's written staff report regarding cemeteries not having a required minimum street setbacks or minimum lot size requirements. She stated that this had caught the attention of the County staff as well. They are currently researching whether or not they should require burial plots meet front-yard setbacks. Mr. Myers pointed out that what used to be a country lane may some day be incorporated into the City. The City might need to expand the width of the road. This would be impossible if they need to expand the roadway in front of a cemetery where burial plots are close to the road.

Also, Ms. Monte went on to say that Reuse of Existing Rural Structure was similar to the rural home occupation that they presently have in the existing County Zoning Ordinance. Rural home occupation is an accessory use to an existing residential use on a lot. It would have the same limitations that the County is proposing for the Rural Structure Reuse. She noted that the limitations were pretty restrictive.

With regards to the memorandum written by City staff regarding the removal of standard conditions on some of the categories, Mr. Grosser asked what would be the reasoning for removing the standard conditions on a slaughter house. Ms. Monte reviewed the current standard conditions for a slaughter house, which were as follows: 1) 3-acre minimum lot size, 2) 100-foot setback from a street centerline and 50-foot rear and side yard setback, and 3) 500-foot separation distance from a residential and business district or a residential or public

assembly use. Why would you need these restrictions? Why not allow for flexibility and not limit options for business use when it is not necessary or warranted across the board? They do not have a lot of time to conduct research about what would be applicable across the board for all conditional uses. The County staff spends their time and effort researching potential adverse impacts to adjacent properties when they receive a request.

Chair Pollock remarked that there were a lot of cities and townships in Champaign County. In terms of procedure, if any one of these decided to protest, then would it kick in a super majority? Ms. Monte replied yes. To date, they have received about five protests.

Mr. Myers noted that as far as procedures, the earliest date that the Champaign County Board would hear this case would be March 28, 2006. Ms. Monte said that the case would not be heard any sooner than this. Mr. Myers stated that the Plan Commission would need to make a recommendation to the City Council at the Commission's next scheduled meeting, which is scheduled for Thursday, March 9, 2006. The case would go before the Urbana City Council on March 20, 2006.

Mr. White inquired as to why some of the other municipalities were protesting the proposed changes to the County Zoning Ordinance. Mr. Hall remarked that no one has stated any reasons for protesting. The general type of complaint is that they do not believe the changes are necessary. The City of Champaign has voiced the same concerns that were identified in the City of Urbana staff memorandum. He commented that County staff does not like to have to debate standards that were set back in the 1973. There was no basis or clear justification for some of the standards. They try to approach each case on its own merits.

Mr. White stated that he gets a little concerned about the reuse of some structures, because some of them were just thrown up. Many of the structures would be better off if they were just torn down. However, there were many changes being proposed that were really good.

Ms. Tyler spoke about the differences between the City's special uses and conditional uses versus the proposal from the County. The City has some uses in the Urbana Zoning Ordinance that have prescribed standards. There are not very many, and such requests do not come up that often. Most of the special use permits are case-by-case, and City staff has three or four criteria. They make up the conditions dependent upon the site plan as presented, the surrounding neighborhood, and the testimony presented. So, City staff does not hamstring themselves in the same way as having prescribed standards that a petitioner could prove that they do not need.

She mentioned that the City had two types of uses that require special review. One type is a Conditional Use, which the review starts and ends at the Zoning Board of Appeals. The uses that fall under Conditional Use are the less troubling uses. The more difficult uses are reviewed by the Plan Commission, who forwards a recommendation onto the City Council. Over a period of time, the City has made less uses be by right and more uses require a Special Use Permit, because it is so hard to get it perfectly right without a public hearing and a good negotiating process that really helps to improve projects.

One of the City's concerns is getting a mismatch between what the County might permit versus what the City would permit within the ETJ area or even right around the municipal boundaries.

One of the most important things about the City's Special Use process is the public hearing aspect and that a neighbor knows that they can come in and have their opinion heard. Although a protest from a neighbor does not necessarily mean that the Plan Commission will vote to deny a Special Use request, it does tend to improve the projects. Therefore, she worries about the County's Conditional Use, process where the requests will be reviewed administratively. The City would like to protect the public's ability to know and participate in the review process for many of the uses.

Chair Pollock mentioned that this case would be continued to the next scheduled Plan Commission meeting on March 9, 2006.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported that the following cases will be brought to the Plan Commission in the near future:

- Revisions to the Zoning Ordinance
- Revisions to the Urbana Subdivision and Land Development Ordinance
- Text Amendment to the Zoning Ordinance regarding Billboards

Ms. Tyler reported on the following:

- Planning Institute will be held Thursday, March 2nd and Friday, March 3rd.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission