

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 9, 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, Bernadine Stake, Marilyn Upah-Bant, James Ward

MEMBERS EXCUSED: Michael Pollock, Don White

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

OTHERS PRESENT: Susan Taylor

In the absence of Chair Pollock, Mr. Grosser nominated Ms. Goscha to serve as Acting Chair during this meeting. Ms. Upah-Bant seconded the motion. The motion was passed by unanimous voice vote.

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

Robert Myers, Planning Manager, suggested that the Plan Commission bring the New Business item, Plan Case 1980-M-06 – Annual Update of the Official Zoning Map, before the Continued Public Hearing item, Plan Case 1979-T-06 – Omnibus Text Amendment to the Urbana Zoning Ordinance. Ms. Stake moved that the Plan Commission switch these to items on the agenda. Mr. Hopkins seconded the motion. The motion was passed by unanimous voice vote.

3. APPROVAL OF MINUTES

Mr. Grosser moved to approve the minutes from the February 23, 2006 Plan Commission meeting as presented, and Mr. Ward seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

There were none.

5. NEW BUSINESS

Plan Case 1980-M-06 – Annual Update of the Official Zoning Map

Paul Lindahl, Planner I, presented this case to the Plan Commission. He began with a brief introduction explaining the purpose for this case, which was to meet the requirements of the Illinois Municipal Code, which requires municipal authorities to annually publish a new official zoning map each year by March 31st. He talked about the annexations, rezonings, subdivisions and other changes that were being proposed to the zoning map. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

Staff recommended that the Urbana Plan Commission recommend approval of the revised and updated Official 2006 Zoning Map to the Urbana City Council.

Ms. Stake asked what had been changed on the zoning map regarding Stone Creek Subdivision. Mr. Lindahl replied that the change was regarding Stone Creek Subdivision No. 2. There were approximately 88 lots added around the arc of the northern part of the original subdivision. This change was not currently represented on the proposed zoning map. He explained that the City of Urbana obtained the base of the zoning map from the Champaign County GIS Consortium. The Champaign County Regional Planning Commission is in charge of creating all of the new lots and the tax-based maps for the base of the City's zoning map. City staff anticipated that the Champaign County Regional Planning Commission will have these lots finished by March 31st.

Ms. Stake did not remember a change to the plat for the 88 lots coming before the Plan Commission. Mr. Lindahl explained that the preliminary plat for Stone Creek Subdivision was approved by the Plan Commission and the City Council. Since there were no substantial changes made to the preliminary plat during the final plat phase, the final plat went directly to the City Council for approval.

Mr. Hopkins noticed that there was a white area on the map southwest of the Broadway Avenue/I-74 interchange. It was not noted as being outside of the City boundary. Was this property outside of the City of Urbana? Mr. Lindahl replied that it was inside City boundary. Part of the property was zoned B-3, General Business Zoning District, and the other part of the property was zoned R-4, Medium Density Multiple Family Residential Zoning District. This was an example of a property that City staff was aware of not showing up on the map as being correct.

Mr. Hopkins mentioned that just east of the University Avenue extension there were unconnected portions of annexed territory. He questioned whether the Plan Commission was suppose to be checking the accuracy of the zoning map or were they counting on it not being correct. Mr. Lindahl said that City staff does not really expect the Plan Commission to make sure that each of the lots were correct or that the right-of-ways were zoned correctly.

Elizabeth Tyler, Director of Community Development Services, noticed that there is something changed from the Official Zoning Map of 2005. She stated that City staff would look into this further and make any minor correction before forwarding to the City Council.

Mr. Hopkins inquired if the zoning map was considered a legal document. Mr. Lindahl explained that the map before them was a draft of the Official Zoning Map for 2006. The final version that the City Council approves will be a legal document. It will have all of the current zoning. Ms. Tyler pointed out that it is a zoning map, not a City limits map. City staff had a deadline to meet on getting the Official Zoning Map for the City of Urbana approved for 2006, which is set by the State of Illinois. There are a few minor graphic errors on the proposed zoning map which will be corrected. The Plan Commission will receive a copy of the final zoning map. This is a complicated mapping document, and City staff continuously improves it. Occasionally, errors are detected and City staff will correct them.

Ms. Goscha believed that the Plan Commission's recommendation for approval would be with the understanding that the items identified in the tables of the written staff report would be included in the proposed zoning map. She felt this was the intent of what Plan Commission was suppose to be doing with this case.

Mr. Myers clarified that the proposed zoning map did not show the zoning district boundaries going all the way out to the middle of the street. They only go up to the right-of-way line. He thought that an extra wide right-of-way southwest of the I-74 interchange might be the reason for the white area. Mr. Hopkins stated that it was a parcel, so it could not be right-of-way. Ms. Tyler stated that it was street right-of-way and railroad right-of-way. She believed that the problem might be that the City did not annex the railroad right-of-way. She stated that the City automatically annexes the far end of street right-of-way. However, she was not sure if the City had the same ability with railroad right-of-way. She remarked that the City staff would look into this. She felt it was a legal question that they could ask the Engineering or Legal Departments about.

Ms. Goscha opened the case up for public discussion. There was none. She, then, opened it up for Plan Commission discussion.

Mr. Grosser moved that the Plan Commission forward Plan Case 1980-M-06 to the City Council with a recommendation for approval with the caveat that they were recommending approval of the changes provided in the written staff report to the zoning map. Mr. Ward seconded the motion. Roll call was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris | - | Yes | Ms. Goscha | - | Yes |
| Mr. Grosser | - | Yes | Mr. Hopkins | - | Yes |
| Ms. Stake | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Ward | - | Yes | | | |

The motion was approved by unanimous vote.

6. OLD BUSINESS

Plan Case CCZBA-522-AT-05 – Review of Champaign County Zoning Ordinance Amendments, Parts A-M

Mr. Myers suggested that the Plan Commission forward this to the next scheduled meeting on March 23rd. Champaign County had contacted him and informed him that the Champaign County Zoning Board of Appeals would once again be reviewing the proposed new County Ordinance on April 6th. Therefore, the Champaign County Board will not be hearing the case until May or June. Therefore, Urbana City staff would like to discuss the case more with the City of Champaign and with Champaign County before further reviewing this case with the Plan Commission or the City Council.

He passed out a copy of a written report by Champaign County staff providing further information on their zoning ordinance change. A second handout was given to the Plan Commission members to help them to compare special and conditional uses between the City of Urbana's Zoning Ordinance and the proposed new Champaign County Zoning Ordinance.

Ms. Stake moved that the Plan Commission defer this case to the next scheduled meeting, which is March 23, 2006. Ms. Burris seconded the motion. The motion was passed by unanimous voice vote.

7. NEW PUBLIC HEARINGS

There was none.

8. NEW PUBLIC HEARINGS

Plan Case 1979-T-06 – Omnibus Text Amendment to the Urbana Zoning Ordinance

Matt Wempe, Planner I, presented an updated staff report for this case. He talked about the changes made to Article VIII. Parking and Access. He mentioned that he would be presenting the original Plan Commission staff report for this case to the City Council's Committee of the Whole this coming Monday to introduce the proposed changes to the Council members. They cannot take any formal action until the Plan Commission forwards a recommendation to the City Council.

Mr. Grosser expressed concern about the proposed language which would allow sandwich board signs. His concern was for businesses that do not have any private space in front of their stores/shops to setup a sandwich sign. He wondered if they should remove the language prohibiting sandwich signs to be located in the public right-of-way or would this make it too flexible. Mr. Wempe felt that they could remove this language, because the language also stated that "Such signs shall not block pedestrian traffic." He believed that it would get to the same point, which was that they did not want a sign in the right-of-way blocking traffic access.

Mr. Myers suggested changing the language to say the following, “Such signs shall not be located in the public right-of-way other than in the B-4 Zoning District or block pedestrian traffic...”. He believed that there may be people in other zoning districts that would want to push the sandwich sign out as far as they could to catch vehicular drivers’ attention. Mr. Wempe pointed out that sandwich boards were only being proposed to be allowed in pedestrian oriented zoning districts. He felt the benefit for business owners to keep sandwich signs out of the public right-of-way would be to not block other pedestrians or their own customers. Therefore, he agreed with Mr. Grosser’s suggestion. The Plan Commission generally agreed with the change.

In order to save time, the Plan Commission agreed to go through each Article of the Zoning Ordinance and come to a general consensus before continuing on to another section. Following is a summary of the concerns and issues that the Plan Commission had with each Article of the Zoning Ordinance and a general consensus that they arrived at:

- **Article I. General Provisions**

No Comments or Discussions

- **Article II. Definitions**

Mr. Wempe mentioned that City staff proposed to change the term “Commercial Planned Unit Development” to “Shopping Center”. The old definitions for a shopping center always referenced to a Planned Unit Development (PUD). Recent developments have proved that not all shopping centers are PUDs, so staff wanted to allow a non-PUD shopping center. The change had been made in the sign tables in Article IX, but not in the definitions. The proposed change was for consistency in the Zoning Ordinance.

He went on to talk about the other change to Article II, which was to change the definition for occupancy. Since there was a discrepancy in the definition between the original staff report for this case and the current Zoning Ordinance, he wanted to clarify what definition staff meant to propose.

Ms. Goscha inquired as to what the definition is for a domestic partnership in terms of the registration. Mr. Wempe stated that it means two people share living expenses and are in a committed relationship. There is a list of things that two people filing a request for a valid Registration of Domestic Partnership Affidavit must prove to the City Clerk. It is not something that someone could skirt around.

Ms. Goscha wondered if it was limited to two people or could there be more than two people in a committed relationship. She was concerned that people might claim to be domestic partners to get around the zoning requirements limiting the number of unrelated adults in a residential zoned unit. Ms. Tyler commented that this would not be a household registry. It is a partnership registry, so she did not believe that a domestic partnership could have more than two people.

Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article III. Scope of Regulations**

With no comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article IV. Districts and Boundaries**

With no comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article V. Use Regulations**

Mr. Wempe briefly reviewed the changes that City staff proposed. One major change is to replace language in Section V-3.C.3 regarding the City allowing more than one multiple-family residential building on a lot. Ms. Tyler stated that the reason for this change is because staff feels that apartment buildings are permitted by right in the R-4 and up zoning districts. It seemed to be contradictory to the use descriptions for apartment buildings in these zoning districts for a property owner to have to request a conditional use permit to be allowed to have more than one building on a lot. However, when looking at other types of uses, then it was necessary and helpful to have a conditional use review process.

Mr. Wempe discussed the other major change, which was in regards to residential occupancy limits. He noted that this change was purely organizational.

Mr. Hopkins suggested a change to Section V-11.C, which is as follows:

- C. A dwelling unit in the following classes of uses shall be occupied at any given time by no more than one household, as defined herein, and no more than three additional persons not related to said household:
 - 1. Single-family, duplex, common lot line, multiple-family, mobile home or loft ~~dwelling unit~~.

Mr. Hopkins suggested a change to Section V-11.D, which is as follows:

- D. A dwelling unit in the following classes of uses shall be occupied at any given time.....

He presumed that in any class occupancy is limited by the Certificate of Occupancy. Mr. Wempe explained that the maximum occupancy load specified on a Certificate of Occupancy is based on building codes. Some of the uses under Item D, such as the extended group occupancy uses, are related to state categories, which allow more than the four unrelated people. These uses are not typical residential uses, and the City still wants safety limitations on them, which is what a Certificate of Occupancy outlines.

Mr. Hopkins stated that in affect, City staff just wanted to simply point out as a matter of information that there would be an occupancy limit because of the building codes. But, there was actually nothing binding in the Zoning Ordinance. Mr. Wempe replied that if there was a violation in a Certificate of Occupancy, then it would be considered a building code violation. Ms. Tyler added that it would be impossible, because each use would be different and have a different occupancy limitation. City staff was really trying via the Zoning Ordinance to limit the occupancy for a basic dwelling that was either an apartment or duplex single-family. There are all the other residential classifications that City staff could not or it was not desirable to limit the occupancy in the same way, but they would be limited by other means.

Mr. Hopkins stated that Item D does nothing but point out something that is done by another legal document. Ms. Tyler responded by saying that Item D clarifies that the uses mentioned in it are excluded from Item C. Mr. Hopkins wondered if the language should not just simply say that. Ms. Tyler said that she was not sure that was what it was doing for extended group occupancies.

Ms. Stake inquired as to what extended group occupancies are. Mr. Wempe mentioned that on page 14 of the Zoning Ordinance, the definition was listed for extended group occupancy. An extended group occupancy single-family dwelling is a dwelling where additional persons who are permanent members are in a loco parentis relationship with one or more members of the basic group such as foster children or persons in a home licensed by the State of Illinois. This is similar to a community living facility, where State regulations trump local over-occupancy regulations. A community living facility could be placed in a single-family home, but there could be up to eight unrelated people.

Ms. Upah-Bant inquired as to whether most all of the campus buildings along Busey Avenue and Lincoln Avenue are zoned as boarding houses. Mr. Wempe replied that fraternities and sororities are considered to be boarding or rooming houses. There are other boarding houses scattered throughout west Urbana, which are old single-family houses that are legally non-conforming boarding houses. Ms. Tyler noted that some of the fraternities and sororities are classified as dormitories. If there are more than 15 people living in a dwelling, then it was considered a dormitory. You do not really see many boarding houses any more.

Ms. Upah-Bant wondered how City staff knew what each dwelling was considered. Did they go in and count how many people live in a dwelling? Ms. Tyler explained that there was a permission assigned to each site. Zoning does not necessarily tell what occupancy is allowed in a dwelling. City staff has to look at the Certificate of Occupancy for a dwelling. Many of the properties have a grandfathered letter that allow for a higher occupancy limitation than what the property is zoned for. City staff has an archive of the properties in west Urbana. Mr. Myers added that some of it has to do with the structural makeup of the property.

Mr. Hopkins suggested a change in the wording of Section V-11.E to read as such:

- E. *Boarding/Rooming House*. A boarding house or rooming house shall be occupied at any given time by no more than 15 persons, related or unrelated, or fewer as specified in the Certificate of Occupancy.

Mr. Wempe agreed with this change, because he had seen some Certificate of Occupancies list no more than 10 or 12 people.

Mr. Hopkins also suggested deleting the number 1 and merging the sentences into one paragraph, because there is no number 2 under either Item C or Item D. The other Plan Commission members agreed to this change.

Regarding Table V-1. Table of Uses, Mr. Hopkins questioned which uses were duplicates and which uses were considered outdated. Mr. Wempe stated that slaughterhouses, religious tent meeting, telephone exchange, locker, cold storage for individual use, and fuel oil, ice, coal, wood (sale only).

Mr. Hopkins recalled that on the “liquor store” redesignation, it was clear that there were percentage requirements which limit the percentage of sales that could be liquor in order to qualify as a grocery store. Mr. Wempe replied that was the interpretation of the Zoning Administrator in a recent case to determine between grocery store, convenience store, and liquor store. Ms. Tyler mentioned that it seemed like this was the only thing in the Table of Uses that is an activity rather than a use. It caused some interpretive challenge in a particular case. It was confusing to City staff what the meaning was. Therefore, City staff wanted to clarify it by renaming the use.

Ms. Stake remembered a time when the Plan Commission tried to figure out what a store was. Didn't it depend on how much liquor was on stock versus how much other product was on stock? Mr. Wempe explained that the distinction between convenience and grocery was product line, not liquor sales.

Mr. Hopkins wanted to know how City staff planned to deal with another case like the last one. Do we define “liquor store”? Mr. Wempe replied that the problem for next time would not be so much in how we define “liquor store” but that the grocery store use is allowed by right in the B-1 Zoning District, but requires a special use permit for conditional uses. It was a larger problem than just the retail liquor sales terminology.

Ms. Tyler added that a convenience store in the B-1 Zoning District would still require a special use permit. So, if it was a liquor store masquerading as a convenience store, then there would still be some City discretion there. City staff removed the special use for the liquor store in the B-1 Zoning District. She was still concerned about retail liquor sales as a category in itself. It was better to be regulated by liquor licenses.

Ms. Upah-Bant mentioned that tanning or cell phone stores were not listed in Table V-1. Ms. Tyler said that a tanning store would be considered a beauty salon. She mentioned that City staff periodically updates the list in the Table of Uses, and it has been about five years since they did so. She hoped to get away from the Table of Uses when they redo the Zoning Ordinance and go to broader categories of uses.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes made by City staff and by the Plan Commission in their discussion by unanimous vote.

- **Article VI. Development Regulations**

Mr. Wempe pointed out that the majority of the changes to the Zoning Ordinance were requested both by the Planning Division and the Building Safety Division for administrative purposes. They wanted to clarify current practices or change the Ordinance to meet their current practices.

On page 78, under Section VI-4.B of the Zoning Ordinance, Ms. Stake noticed that the maximum floor area may be increased in the R-4 Zoning District. Mr. Wempe commented that this Item was moved to the end of Article VI, because it was a miscellaneous item that staff did not want to get lost in the main text of the Article.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article VII. Conditional and Special Uses**

Mr. Grosser pointed out that there currently was not a Downtown Commission formed. Mr. Wempe mentioned that it was in the works. Bruce Walden, Chief Administrative Officer for the City of Urbana, has started talking about the duties and possible members for the Downtown Commission. Mr. Grosser questioned whether staff was concerned about having a gap where a problem could occur. Mr. Wempe remarked that the problem has been in the procedure more so than the district itself. So, by pulling the procedure, it would resolve the problem that City staff has had.

Ms. Stake wondered why City staff was removing some of the language in Section VII-2.E regarding the granting of conditional use permits. Mr. Wempe explained that it basically restated the criteria for a conditional use, which was already specified in Item A of this Article.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article VIII. Parking and Access**

Mr. Wempe pointed out the changes made in the updated written staff report from the original written staff report regarding the minimum width for a commercial or industrial use access drive. It should be 22 feet, not 20 feet.

Mr. Hopkins inquired as to what Section VIII-3.A.4 meant. Are there guidelines or requirements that come from the Champaign-Urbana Urbanized Area Transportation Study (CUUATS) Access Management Guidelines? Was this incorporation by reference? Mr. Wempe said it was incorporation by reference. It has specific engineering drawings and standards, which are not regulatory, but that the Engineering Division wanted referenced elsewhere. It is just a policy

guide. Mr. Hopkins felt that this should be mentioned in this section. Mr. Ward suggested that they change the language to read as such,

4. “The (insert appropriate date) Champaign-Urbana Urbanized Area Transportation Study (CUUATS) Access Management Guidelines shall be ~~referenced~~ generally followed to determine the ~~optimal~~ location and number of access drives.”

Mr. Hopkins and Mr. Wempe agreed with the language change.

Mr. Hopkins went on to discuss Table VII-3. Widths for Access Drives. He asked if the widths would be for curb cuts. Mr. Wempe stated that the access drive widths would be basically the pavement. Ms. Tyler added that they were driveway widths. The reason for the recommended changes was because there was another Ordinance that set these requirements as well, which is contradictory to the Urbana Zoning Ordinance. So, there is a discrepancy in the City. Also, these are the numbers that the Engineering Division is very much interested in making the change for consistency and for what they feel would be the safest minimum width. The City did not want too much pavement, but we do want people to be able to maneuver safely and not hit parked cars.

Mr. Hopkins wondered why the City would allow a maximum of 35 feet for the primary driveway. Mr. Wempe explained that it would be for situations where there was a large front lot and the owner wanted a circular drive. Mr. Hopkins and Ms. Goscha felt that the City should not permit this by right.

Ms. Goscha inquired as to whether or not there is anything else that would limit the amount of paving allowed, because it was not regulated by Floor Area Ratio (FAR) or Open Space Ratio (OSR). Mr. Wempe said probably economics. Everyone agreed that 35 feet was too much. Ms. Tyler mentioned that the whole maximum width is a new concept for the Zoning Ordinance. She suggested that for purposes of moving ahead with their discussion of the Zoning Ordinance, the Plan Commission could exclude the maximum width section. Planning staff will talk with the City Engineer and either bring it back to Plan Commission or discuss it at the City Council meeting.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes made by City staff and by the Plan Commission in their discussion with the exception of the column labeled Maximum Width under Revised Table VIII-3. Widths for Access Drives by unanimous vote.

- **Article IX. Sign Regulations**

Mr. Grosser reiterated his concern regarding the prohibition of sandwich signs in the public right-of-way and the Plan Commission’s agreement to change the language to read as follows, “Such signs shall not block pedestrian traffic.” This was discussed earlier in the meeting when this case was first opened.

City staff and the Plan Commission discussed residential identification signs. Mr. Wempe pointed out that this revision came about from conversations held between the City's Building Inspector and himself and what they felt was the intention of this regulation originally.

Ms. Stake said that a sign could be rather tall under these standards. Mr. Wempe stated that these standards are similar to standards for other freestanding signs. An institutional freestanding sign could be as tall as six feet. Ms. Goscha commented that was at an institution and not a residence. Ms. Stake inquired if the height included the base of the sign. Mr. Wempe explained that they count everything in calculating the height of a sign.

On page 164 under Section IX-5.B, Mr. Hopkins wondered what was meant by "Need an application to ensure zoning compliance." Mr. Wempe replied that this was a recommendation by the Building Inspector to ensure that the City knows what property owners are doing and that what they are doing is within the standards specified in the proposed Zoning Ordinance. A property owner does not need a permit. The City just needs some sort of submittal or drawing to say whether or not a permit is needed or whether the sign is acceptable. Mr. Hopkins remarked that signs have to be reviewed, so how would someone prove that their sign plans have been reviewed if they do not get a permit? Mr. Wempe replied that it could be part of the overall site plan review. Mr. Hopkins stated that after reading this, he did not even know whether the signs on his house were legal or not.

Mr. Wempe suggested leaving out "without a permit" until Planning staff has a chance to talk to the Building Inspector again and then specify exactly what they would like to see. Staff could either present this again to the Plan Commission or to City Council. Mr. Hopkins felt that they should take out the whole section, because even the most updated proposal for Section IX-5.B.3 – Residential Identification Signs states "business, owner or manager...". Ms. Tyler pointed out that there were so many signs in the City of Urbana that do not have a permit; therefore, they could not just remove this entire section. It was customary in sign ordinances to have classifications of signage which does not require a permit. Mr. Wempe stated that this section should read as follows: "Signs which identify the owner, manager, address and/or lessor phone number...". Mr. Hopkins understood this section to include any residential property. Could they not say that it applies to residential rental property?

Mr. Hopkins expressed his concern about these signs being allowed in the R-1 and R-2, Single-Family Residential Zoning Districts. Mr. Wempe commented that there could be rental properties in the R-1 Zoning District. Mr. Hopkins said he understood that; however, he did not want these types of signs located in the R-1 or R-2 Zoning Districts. Ms. Tyler mentioned that there were some legally non-conforming apartments with signs in the lower residential zones, probably not in the R-1 Zoning District though. Mr. Hopkins replied that if properties were legally non-conforming, then their rights to a sign could go with their non-conforming status rather than allowing them anywhere in the R-2 Zoning District. Ms. Stake agreed.

Mr. Myers mentioned that occasionally there will be a single-family home that will have an identification sign; however, it was not very typical. Mr. Hopkins argued that these signs could be rather huge. Mr. Wempe agreed with Ms. Tyler in that the R-1 Zoning District was pretty

safe. The R-2 and R-3 Zoning Districts allow duplexes. Mr. Hopkins remarked that he lived in the R-2 Zoning District, and he did not want a 10 square foot sign in his neighborhood.

Ms. Goscha suggested that they change the wording to say, "... the total area of both signs shall not exceed 10 square feet or a single sign shall not exceed 5 square feet ...". She felt this would be a reasonable size placard on a building. Mr. Hopkins said that they were talking about freestanding signs and felt this would still be too big for the R-1 and R-2 Zoning Districts. Mr. Wempe mentioned that they could make these type of signs be only wall signs and not freestanding.

Ms. Tyler commented that there were many of these types of signs. She believed that the suggestion to exclude the lower zones could be a worthy suggestion. People do not like these signs in otherwise single-family residential neighborhoods. She thought that City staff should do some census work to find out how many non-conformities would be created by changing the dimensions too much or by excluding the lower zones. This could impact a lot of properties.

She explained that the reason for the signs was so people could find the rental properties and know who to contact to find out more about renting the property. Unfortunately, many of them are marked in a very unattractive way. It is just a balancing act of how much can the City improve without creating too many non-conformities.

Mr. Wempe pointed out that City staff planned to review this entire Article later in the year and make any necessary changes. The City has the option of leaving this Article alone for now. Ms. Stake stated that another option would be to go ahead and change the Ordinance now, grandfather in those signs that would be legally non-conforming because of the revisions made, and when those signs are replaced, the owners would have to comply with the new rules. Ms. Tyler stated that this would even be a big change, because it would affect a lot of property owners. Ms. Stake remarked that if they do not make a change to the Ordinance now, then more signs will be created under the existing Ordinance, resulting in even more non-conformities when the City finally gets around to revising the Ordinance.

Mr. Hopkins said that although they do not want to make the proposed change, the City should make a different change to the Ordinance to avoid the problem of waiting and having things happen that we definitely do not want to happen. So, he suggested that either the Plan Commission and City staff spend time revising this now or the Plan Commission defers Article IX until a certain time period like six weeks. Mr. Wempe recommended that City staff have additional time to speak with the Building Safety Officials and discuss possible changes at a staff level some more before the Plan Commission makes changes on the floor.

Ms. Tyler mentioned that City staff knows about apartment buildings being constructed. She felt that existing apartment buildings had too much signage already, so she did not feel that they would be a danger. There would only be about three or four actual projects that would be coming in to apply for these types of signs in the next year. Ms. Stake stated that apartment buildings were different than single-family homes being rented out. She wondered what the current laws were for this type of signage. Mr. Grosser stated that with or without the proposed

language change, a property owner could put up one of these types of signs in the R-1 and R-2 Zoning Districts.

Ms. Tyler presented the option that the Plan Commission could forward the Articles of the Zoning Ordinance that they agree on, excluding Article IX or even this Section of Article IX. This would allow City staff more time to work on revising it. Mr. Hopkins did not feel the need for census information. He also felt that the proposed language needed to be cleaned up, because he completely misunderstood what it was about. Ms. Goscha agreed that it was not a good idea to try and propose language, especially as complex as what they are discussing in this case; therefore, she felt that the Plan Commission should defer. To her it was a question of how much should they defer.

Mr. Hopkins moved on to talk about Section IX-5.B.6. Private Traffic Direction Signs and Related Signs. This Section allows traffic direction signs up to five square feet in the R-1 Zoning District. He did not believe that these types of signs should be permitted, except by special use permits, in the R-1, R-2, R-3 and possibly R-4 Zoning Districts. According to the proposed language, a person would be allowed to have a five-square foot exit sign in the front lawn, but could not place a home occupation sign bigger than 2 square feet on the wall of the home without a permit. Therefore, he felt this needed more work.

Ms. Tyler hoped that the Plan Commission could agree on some of Article IX rather than deferring the entire Article. Section IX-5 appeared to be a troubling area and could be separated out from the rest of the Article so the Section could be worked on more by City staff. There are other changes that are more restrictive, and City staff was interested in moving ahead. She urged the Plan Commission to consider this. She pointed out that the Plan Commission did not need to finish this case at this meeting. They had made a lot of progress during this meeting and could finish up at the next scheduled meeting. City staff could bring more information on the two trouble spots in Section IX-5.B.3 and Section IX-5.B.6 to the Plan Commission at that time.

The Plan Commission and City staff talked about how the timeline would be affected by them continuing their discussion to the next scheduled meeting. Mr. Grosser and Mr. Ward mentioned that they would not be able to attend the next scheduled meeting. The Plan Commission then moved on to the next Article.

- **Article X. Nonconformities**

With no comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article XI. Administration**

Mr. Wempe mentioned that many of the proposed changes are basically to have conformity between the Rules of Procedure for the Zoning Board of Appeals and the By-Laws for the Plan Commission. Ms. Tyler added that this was the only Section in the Zoning Ordinance where there was commentary. It is such a patchwork, that City staff is trying to get it to be a little more consistent. Nothing will be lost in the regulations by removing the commentary.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article XII. Historic Preservation Ordinance**

Mr. Wempe talked about the proposed changes mentioned in the February 17, 2006 written staff report. There has been nothing changed in the content of the Ordinance, so City staff did not consult the Historic Preservation Commission. Ms. Tyler added that about three years ago, the Historic Preservation Commission reviewed this Article and made any necessary changes.

With no further comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

- **Article XIII. Special Development Provisions**

With no comments or discussion from the Plan Commission, Acting Chair Goscha called for a voice vote, and the Plan Commission agreed to the proposed changes by unanimous vote.

Ms. Tyler remarked that the Plan Commission had gotten a high percentage of the Zoning Ordinance reviewed at this meeting. City staff will come back with more information on Article IX at the next scheduled meeting.

With no comments from members of the audience, this case was continued to the next scheduled meeting.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Stake reported that the Planning Institute held at the University of Illinois was very informative.

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

- Revisions to the Champaign County Zoning Ordinance
- Revisions to Article IX of the Zoning Ordinance
- Revisions to the Urbana Subdivision and Land Development Ordinance
- Text Amendment to the Zoning Ordinance regarding Billboards
- Neighborhood Conservation Plan

Ms. Tyler reported on the following:

- Opera House Theatre Rezoning was approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Acting Chair Goscha adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission