

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** March 23, 2006

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

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

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**MEMBERS PRESENT:** Jane Burris, Laurie Goscha, Lew Hopkins, Michael Pollock,  
Bernadine Stake, Don White

**MEMBERS EXCUSED:** Ben Grosser, Marilyn Upah-Bant, James Ward

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

**OTHERS PRESENT:** Susan Taylor

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**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, explained that the applicants for one of the items listed under Old Business, Plan Case No. 1976-S-06, requested in writing that the Plan Commission table this case indefinitely. The case was tabled by the Plan Commission at a previous meeting, because the applicants needed to get other approvals first from Champaign County. Because of the due process requirements, the City would need to act within a certain time period unless the applicants request in writing otherwise. Since the applicants did submit a request, the Plan Commission can indefinitely table this case. The Plan Commission, then, withdrew this item from the agenda until further notice from the applicants.

**3. APPROVAL OF MINUTES**

Ms. Stake moved to approve the minutes from the March 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**

- Draft of Section IX-4 of the Urbana Zoning Ordinance
- E-mail from Susan Monte regarding Plan Case CCZBA-522-AT-05

#### **5. CONTINUED PUBLIC HEARINGS**

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

Elizabeth Tyler, Director of Community Development Services, presented an update to the case. She reminded the Plan Commission that all of the Articles have been reviewed with the exception of Article IX. She mentioned that there was a handout in front of each Plan Commission member, which was an updated modified draft of Section IX-4 of the Urbana Zoning Ordinance. It incorporates some of the discussion from the last Plan Commission meeting as well as some comments that City staff had received from the City Council members. City staff held a study session/introduction on the proposed Zoning Ordinance changes for the City Council to get their input as well.

She went on to review the changes being proposed to the following Sections of Article IX in the handout:

- Section IX-4.F – Temporary Signs for Non-Residential Uses
  - Add language to allow temporary signs for non-residential uses in residential zoning districts.
- Section IX-5.B.3 – Rental Property Identification Signs
  - Restrict information allowed on the signs to owner/manager, address and phone number to clarify that these signs are only for multi-family residential buildings or structures.
  - Eliminate references to specific zoning districts.
  - Clarify that there be no more than two signs per premise.
  - Change the maximum square feet to 20 square feet. City staff had researched this by measuring existing signs, and most of them are around 18 square feet.
- Section IX-5.B.6 – Private Traffic Direction Signs and Related Signs
  - Limit what is shown on the signs.

Mr. Pollock inquired if City staff planned to grandfather in all of the current existing signs. Ms. Tyler stated that the City would probably need to discuss the possibility of grandfathering in some of the property identification signs. There were some provisions for non-conforming signs in the back of the Zoning Ordinance, so the City staff does have the ability to remove non-conforming signs, particularly when a business vacates.

Mr. Pollock asked if it was staff's recommendation that all of Section IX-5 come back for a text amendment at a later date. Ms. Tyler believed that staff should review the entire Section, but it would be helpful if the Plan Commission and the City Council would approve these placeholder changes now until such time that staff could bring forward a revision of the entire Section.

Ms. Tyler continued her review of the changes being proposed to the following Sections of Article IX in the handout:

- Section IX-5.B.7 – Property Sale or Rental Signs
  - Clarify that these signs shall not be placed in the public right-of-way.
- Section IX-5.B.9 – Subdivision Signs
  - Limit what information can be shown on these types of signs.
  - Clarify that these signs shall not be placed in the public right-of-way.
- Section IX-5.B.13 – Sandwich Boards
  - Clarify that these types of signs not be located in the traveled roadway or block pedestrian traffic.

With regards to the written staff report dated March 17, 2006, which was mailed out in the packet of information, Ms. Tyler reviewed the concerns and proposed changes to Table VIII-3, Widths for Access Drives in Article VIII. Parking and Access. City staff spoke with the City Engineer regarding the maximum width for a primary driveway. The maximum width of 30 feet was being proposed to accommodate three-car garages. Although it is hard to imagine a 30-foot wide driveway in the older parts of town; however, in the newer, larger subdivisions, the driveways will often bulb out to this dimension. Therefore, the City Engineer felt there was value in setting 30 feet as a maximum width so as to avoid huge driveways.

Chair Pollock opened the hearing up for public discussion. With no public input, he closed the public hearing, and then opened it up for Plan Commission discussion.

Ms. Goscha understood that driveways in newer subdivisions may bulb out for a three-car garage. However, she understood the proposed language to mean that the driveway would be 30 feet all the way to the curb cut. Ms. Tyler responded by saying that would be a maximum. The reason why staff did not get into defining limits of when driveways could flare out was because some lots have shorter dimensions or setbacks than others. Some homes are designed so the garages extend out in front; whereas other homes are designed where the garages are placed further back. Therefore, staff was unable to define the best geometric.

Mr. Myers mentioned that in his discussions with the City Engineer, he found that there had not been any maximum limitation on driveway widths in the past. The City Engineer has had a few applications for 50-foot wide driveways off of a street. The City Engineer felt that there should be a limit placed on the maximum width of a driveway.

Ms. Stake wondered if there was a definition of “other advertising entity” somewhere in the Zoning Ordinance. Ms. Tyler stated that she made up this term to basically describe the uses in the Table of Uses that were not residential but were allowed in residential districts. Some of these types of uses would include churches, institutions, daycare centers, etc. The reason she chose “advertising” was because these types of uses were typically the ones asking for temporary banners. Other suggestions would be welcomed.

Ms. Stake suggested that they define “other advertising entity”, so that other people would know what was meant by this term. Ms. Tyler mentioned that they could even make a reference to the Table of Uses and leave out the word “advertising”.

Ms. Goscha asked what the definition was for a “secondary driveway” in relation to a single-family unit. Mr. Hopkins understood a secondary driveway to be the second curb cut for example in a circular driveway. The primary driveway would be the driveway that lines up with the garage.

She commented that she was not in favor of a 30-foot wide curb cut, if it could at all be avoided. She understood the strange shapes that are sometimes formed in new subdivisions, which is one reason why garages might be pushed closer to the street than desired. She was not sure what a good solution would be.

Ms. Burris wanted to know what the relationship was between the curb cut width and the actual lot size. She did not see a problem with a 30-foot curb cut if a lot is bigger. However, if it is a smaller lot, then 30-feet seems excessive. It should depend on the size of the lot. Mr. Myers responded by saying that if the City set a standard that curb cuts be proportionate to the width of a lot, there might be unintended consequences, such as having a driveway too narrow to drive on with smaller lots.

Ms. Goscha asked about the level of review for curb cuts and access driveways. Are these reviewed through building permits? Ms. Tyler answered by saying that they require driveway permits, and the Engineering Department issues those.

Ms. Stake wondered what the object was for determining the size of the curb cuts and width of the driveways should be. Is it for the aesthetics or is it for saving green space? Ms. Tyler believed that aesthetics and saving green space was part of it. Conformity was also important. Reduced pavement is better for drainage. Too much in the way of curb cuts causes gravel in the streets, and it becomes hard to maintain.

Mr. Pollock commented about over regulating. Driveways are really expensive and require hard surfaces. People are not going to put in giant driveways unless they need them. Having a maximum width of 30-feet would not be that much of a problem.

Mr. White said that the only problem with a 30-foot wide driveway is when it becomes a parking lot. He went on to say that the main reason for allowing 30-foot wide driveways is to accommodate for a three-car garage. Do we really want to start regulating garage sizes? Ms. Tyler stated that was mentioned in the Zoning Ordinance under Accessory Buildings. The rules differ depending on whether a garage is attached or detached; however, there were limits on the size of a garage to keep it accessory to the main building. There were not any requirements in that Section regarding driveway width.

Ms. Goscha wanted to know if someone wanted a 30-foot driveway for a two-car garage, then how would the City view this? Mr. Pollock stated that a family could have a two-car garage and own more than two cars. It would still depend on where the garage was located on the lot as to whether or not they would need a wider driveway all the way down to the curb cut.

Mr. Pollock inquired as to whether the Plan Commission wanted to change the maximum width of a driveway. Ms. Goscha replied that she agreed it would be hard to micromanage it. Her

personal aversion to lots of concrete did not necessarily mean that it would be wrong for other people to have 30-foot wide driveways. She felt it was good for the City to set a maximum, and they could always change it in the future if it proves to be too much pavement. Therefore, she felt the proposed maximum would be fine.

Ms. Stake mentioned that in Chicago, people use permeable driveways to allow for drainage under the driveway. She said that she heard of this about 20 years ago, but no one ever has done anything about it here in Urbana.

Chair Pollock then took a poll of the Plan Commission members as to whether or not to forward Article VIII. Parking and Access on to the City Council. They agreed to forward with a recommendation for approval.

Moving on to Article IX. Sign Regulations, Chair Pollock asked if the Plan Commission had any concerns. He inquired as to when City staff would be bringing a text amendment on this Article to the Plan Commission. Ms. Tyler remarked that there were many text amendments lined up to be brought before the Plan Commission and City Council. However, she felt that since everyone was still thinking about this one, City staff should make this their next priority.

Ms. Stake commented that these remarks make a difference in how she feels about the proposed language changes. If City staff is going to make a text amendment on Sign Regulations their next priority, then she may not have as many objections to this amendment.

In Section IX-5.B, Mr. Hopkins commented that as a potential applicant he might not know what “In most cases, application to the City is still necessary to ensure zoning compliance.” would mean. Ms. Tyler said that they could reword it to say that “Application may still be necessary.” Mr. Hopkins preferred it to say that “Application to the City is still necessary...”. City staff could tell applicants when they apply that it is a default decision. Ms. Tyler agreed to this change and felt it was good, because for some of these things, it is better for applicants to ask rather than not.

In Section IX-5.B.3, Mr. Hopkins inquired as to what the definition of multi-family is. He wanted to know if a duplex would be considered multi-family residential. Ms. Tyler replied that a multi-family unit would be three units or more.

Mr. Hopkins commented that he was comfortable with this language. A single-family or duplex could only ask for a temporary sign under the conditions of Item 7; whereas Item 3 allows a permanent sign for three or more units. This makes sense.

Mr. Hopkins pointed out a typo in the last sentence of Section IX-5.B.6, which should read as follows: “Horizontal directional signs ~~on the~~ flush with paved areas are exempt from these standards.”

The Plan Commission agreed to the above changes.

Mr. Pollock questioned if Rental Property Identification Signs would be permanent signs. He did not want landlords having to apply every time a vacancy came about. Ms. Tyler stated this is not something that staff wants to issue permits for. She mentioned that staff planned to move the types of signs that need to be permitted to a separate Section in the Zoning Ordinance in a future text amendment. Mr. Hopkins added that if a sign is permanent, then it would fall under Item 3. If a landlord takes a sign down when there is no vacancy, this type of sign would fall under Item 7 (Property Sale or Rental Signs). Mr. Pollock stated that in the interim until the next text amendment on Sign Regulations comes before the Plan Commission, Property Sale or Rental Signs will require an application, which is what he does not want to happen. If staff brings a text amendment on Sign Regulations through in the near future, then it should not be a problem. However, if it takes staff a while to bring another text amendment through, then it would require landlords to apply for temporary signs every time there is a vacancy.

Mr. Hopkins stated that they needed to move Item 7 out of Section IX-5. Ms. Tyler noted that this whole Section was originally for signs not requiring permits. Staff realized that some of the signs listed have caused problems and need to be regulated more. Staff is trying to get to a temporary situation where staff can work on removing these types of signs from this Section. Mr. Hopkins did not feel that Item 7 should be placed in Section IX-5 even on a temporary basis.

Ms. Goscha suggested that the Plan Commission change the language in the beginning paragraph of Section IX-5.B to read as follows: "Application to the City is still necessary to ensure zoning compliance for Items 3, 5, 8, 9 and 10." Mr. Pollock felt this would be a smart way to address this issue on a temporary basis.

Ms. Stake inquired about the removal of the language listing the zoning districts which the signs would be allowed in. Mr. Myers stated that the language refers to the use rather than the zone by removing the zoning districts. Ms. Tyler added that staff limited these signs to be placed only in multi-family residential areas.

Ms. Stake wondered if these types of signs could be located in a R-1 Zoning District. Ms. Tyler said that it would depend on what other uses were allowed in the R-1 Zoning District. She reviewed the list of uses allowed by right, with a conditional use permit and with a special use permit. With the exception of daycare center, all of the other uses would not be considered a business-type of use.

With no other discussion, Ms. Stake moved that the Plan Commission forward the proposed omnibus (including the changes made at both meetings) to the Urbana City Council with a recommendation for approval. Ms. Burris seconded the motion.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Ms. Goscha	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes

The motion was passed by unanimous vote. Ms. Tyler noted that this case would be presented to the City Council along with the Plan Commission's recommendation on Monday, April 3, 2006.

## 6. OLD BUSINESS

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

Mr. Myers gave a brief review of the background for this case. He presented staff's recommendation, which is as follows:

*In Champaign County ZBA Case No. 522-AT-5, Urbana City staff recommends that the Plan Commission recommend to the City Council to **DEFEAT** a resolution of protest with the following **CONDITIONS**:*

- A. *In Champaign County's proposed zoning ordinance, Parts A-M, change the following Conditional Uses to Special Uses:*
- *Electrical substations;*
  - *Contractors facilities with outdoor storage*
  - *Long-term vehicle storage.*
  - *Kennels and veterinary hospitals with animals kept outdoors either temporarily or permanently.*
  - *Self-storage warehouse (no heat/utilities).*
  - *Small scale metal fabricating shop.*
  - *Wood fabricating shop.*
  - *Light assembly.*
- B. *Minimum setback standards must be enacted as standard conditions for the following uses with the recommended minimum setbacks provided as follows:*
- *Cemeteries and pet cemeteries. Include as a standard condition a 75 foot setback from the centerline of adjacent streets for burial plots or any above-ground structure where human or animal remains are permanently deposited. Other onsite structures, except for fences, should meet the minimum setback required in that zoning district, or 25 feet, whichever is greater.*
  - *Mineral extraction and quarrying. Include a standard requirement for a minimum lot size of at least two acres, a 100 foot setback from all property lines, and a minimum six-foot wire mesh or solid fence. It may be necessary to impose greater setbacks or other requirements through the Special Use process.*
  - *Sewage disposal. Include a standard minimum setback of 100 feet from property lines for sewage disposal plants; additionally, for sewage lagoons, a minimum setback from property lines of 200 feet should be required.*
  - *All-terrain vehicle, go cart, and motocross racing tracks. Outdoor commercial recreational enterprises such as ATV, go cart, and motocross courses should not be allowed within 200 feet of any residential zoning district.*
  - *Sanitary landfills. Sanitary landfills should have a minimum 200 foot setback from all property lines.*

Since mailing out the written staff report he received feedback from Champaign County staff, and they agree to recommend changes to the Champaign County Zoning Board of Appeals and to the Environmental Land Use Committee. At this time, he handed out copies of an email he received from Susan Monte in response to the City staff's recommendation to the Plan Commission.

The email shows not only most of the changes suggested by the City of Urbana, but it also incorporates some changes requested by the City of Champaign and others. He explained that the changes listed with a star next to them indicate the changes recommended by the City of Urbana.

Mr. Myers went on to say that in the written staff report there was a list of Conditional uses that could be approved by Champaign County staff, which the City of Urbana had requested become Special uses with public notice and public comment. Champaign County staff responded by proposing that if one of the uses on page two of the email from Susan Monte is proposed within a mile of any City, which has a Comprehensive Plan and the City staff objects to the County staff issuing a Conditional Use Permit, then it would automatically become a Special Use request and would require a Special Use Permit.

Mr. Pollock stated that a Conditional Use in Champaign County would be considered an administrative procedure. What are the chances for Champaign County to receive a Conditional Use request and know that it is something that might be okay with every other municipality but that the City of Urbana does not want? Ms. Tyler replied that Champaign County staff already notifies the City of Urbana staff about any Special Use requests within the Extra-Territorial Jurisdiction (ETJ) area. So, this would be a similar process. Champaign County staff is good about completing the cross-check. They do not issue permits unless a subdivision is cleared by the City of Urbana. If they are as diligent with that in the new proposal, then she believed that the City of Urbana would know about any Conditional Use request. If someone builds something without going to Champaign County for permission, then that is when neighbors need to call and inquire about permits being issued. Mr. Pollock still did not see any way bureaucratically for Champaign County to consistently carry this out.

Mr. Myers pointed out that Champaign County staff was recommending this change for any property within a mile rather than the typical mile and a half. Mr. Pollock inquired as to the reasoning for this. Mr. Myers explained that Champaign County believes the area beyond a mile from the City boundary may or may not ever become incorporated into the City's limits, and if it does, then it would be many years down the road.

Ms. Tyler pointed out that Champaign County already has protests against the proposed text amendment from other municipalities that will force a super-majority vote of the Champaign County Zoning Board of Appeals. Therefore, the City's action will not trigger the extra votes. In some sense, the City of Urbana does need to negotiate. It is only a County staff proposal at this point. We could include comments about our concern for notification and how to ensure that it happens and about the mile versus a mile and a half. Maybe the City can get some indication beyond the staff level before City Council takes final action.



Mr. Hopkins mentioned that the wording of the Champaign County text amendments is very confusing to begin with. He recommended changing the language in the staff recommendation to read as follows: "...to the City Council to pass a resolution of protest unless the following conditions are met:". Ms. Tyler remarked that the language is set up the way the attorneys requested. It is more significant at the City Council level to pass it in a negative form. However, she thought that the Plan Commission's recommendation could be in a positive form. Mr. Hopkins stated that he was only trying to reverse the situation in a sense to say that the Plan Commission knows that staff's conditions have not been met; therefore, City Council should not defeat a resolution of protest.

If they can reword the recommendation, then his questions come down to what conditions does the City really want to set. It did not appear to him that the conditions staff listed in the written staff report include all the conditions that the Plan Commission had been discussing based on the response from Champaign County. Mr. Myers replied that the City of Urbana was actually reacting to the draft Champaign County's Zoning Ordinance amendment of November 2005. The email is Champaign County staff's revisions that have not been presented to anyone as of yet. Therefore, it would be safest to work from the actual proposed text amendment. Ms. Tyler noted that the Plan Commission could modify Conditions A and B to add "Urbana's ETJ area" to the end of the sentences. Mr. Pollock suggested also changing the introduction to say the following, "...defeat a resolution of protest unless the following conditions are met:".

Ms. Goscha asked if they would automatically be considered a Special use if it is in the ETJ or would it first go to City staff to decide whether or not it should be a Special use. Mr. Pollock said it would be up to the City Council. The Plan Commission should let the City Council know that what Champaign County has come back with as a negotiated settlement is not acceptable.

Mr. Hopkins felt that the Plan Commission could set out a desirable set of conditions. It appears that the conditions will be negotiated. The Plan Commission cannot negotiate. The Plan Commission can only send a recommendation. Ms. Tyler commented that if City staff were asked whether a request should be a Special Use or a Conditional Use and because of the way staff interacts with the public, when would there ever be a case to say Conditional? Without a public hearing, City staff would not know what the issues are or how sensitive a case might be without knowing more about it.

Mr. Pollock proposed a recommendation to the City Council as follows:

In Champaign County ZBA Case No. 522-AT-5, the Plan Commission recommends that the City Council not defeat a resolution of protest unless the following conditions are met:

- A. In Champaign County's proposed zoning ordinance, Parts A-M, change the Conditional Uses listed in the written staff report to Special Uses in the Urbana ETJ.
- B. Minimum setback standards must be enacted as standard conditions for the uses listed in the written staff report with the recommended minimum setbacks in the Urbana ETJ.

Mr. Hopkins moved that the Plan Commission follow Mr. Pollock's recommendation. Mr. White seconded the motion. Roll call was as follows:

Ms. Burris	-	Yes	Ms. Goscha	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes

The motion was passed by unanimous vote. Ms. Tyler noted that this case would go before the City Council on Monday, April 3, 2006.

**7. NEW PUBLIC HEARINGS**

There were none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Ms. Tyler reported on the following:

- **Annual Review of the Official Zoning Map** – She mentioned that there was a problem with the base map, which is why there were some strange things on the zoning map. City staff has decided to go back to the old base map and make the changes as recommended for approval by the Plan Commission. Everyone will get a new map after April 3<sup>rd</sup>, when the City Council hopefully adopts it.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Acting Chair Goscha adjourned the meeting at 9:00 p.m.

Respectfully submitted,

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Robert Myers, AICP, Planning Division Manager  
Urbana Plan Commission