

**MINUTES OF A RESCHEDULED REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** November 30, 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, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** None

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department; Robert Myers, Planning Manager; Matt Wempe, Planner II; Jeff Engstrom, Planner I; Rebecca Bicksler, Community Development Associate; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Fred Coleman, III; Kurt Salmon; Susan Taylor; Blake Weaver

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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 present.

**2. CHANGES TO THE AGENDA**

There was none.

**3. APPROVAL OF MINUTES**

Mr. Ward moved to approve the minutes from the November 16, 2006 Plan Commission meeting as presented. Ms. Stake seconded the motion. There was one change suggested by Gale Jamison via email on Page 4, second paragraph to read as such, "... it [the lift station pump] should serve *in excess of 30 years*". The change was accepted by the motion maker and the seconder. The minutes were approved as corrected by unanimous vote by the Plan Commission members.

**4. WRITTEN COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

**Plan Case No. 2021-SU-06: Request by Cross Construction for a Special Use Permit to allow a concrete recycling operation in the IN, Industrial Zoning District on a 3.36-acre site located at 3201 North Lincoln Avenue.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began by giving a brief overview of the proposed site and Cross Construction's activities there. He described the proposed site and the surrounding properties, noting their location, zoning and land uses. He discussed the proposed uses, the requirements for a Special Use Permit and the requirements for a Conditional Use Permit. He noted the options of the Plan Commission and summarized staff findings. In conclusion Mr. Engstrom summarized staff's recommendations provided in the written staff report which were as follows:

*Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend approval of the proposed Special Use and Conditional Use in Plan Case No. 2021-SU-06 as presented to the Urbana City Council, for the reasons articulated above and with the following conditions:*

- 1. The activity on the site shall be limited to the storage, stacking, piling, sorting, and recycling (including but not limited to crushing, grinding and sifting), transport, loading and unloading of concrete material; the continued use for contractor storage; and the continued use as mini-warehouses.*
- 2. The layout and operation of the facility shall follow the general layout shown on the attached Site Development Plan (Exhibit G).*
- 3. An engineered Stormwater Management Plan and an Erosion and Sedimentation Control Plan shall be prepared and implemented consistent with the requirements of the Urbana Subdivision and Land Development Code. The plans shall be prepared and revised as necessary to meet the approval of the City Engineer within 90 days of approval of the Special Use Permit.*

4. *The site shall establish and maintain the following setbacks as depicted in Exhibit "G". There shall be no storage of materials or other operational activities conducted within the setbacks:*
  - a) *25-foot setback on the east property line along Lincoln Avenue;*
  - b) *A minimum 35-foot setback along the top of the east embankment of the Saline Branch Ditch.*
5. *An opaque fence at least 6 feet in height shall be installed along the east property line along Lincoln Avenue and extending along the south property line to a match point with the existing privacy fence on the Squire properties. The required fence shall provide any openings or gates at the permitted access drives and shall be erected within 180 days of approval of the Special Use Permit, in accordance with Exhibit "G". Should the existing fence on the residentially used parcel to the south of the site be removed, the petitioner agrees to erect a privacy fence along the southern edge of his site for the length of the residentially used parcel.*
6. *A landscape plan to provide for improved screening along the east side of the property shall be developed in consultation with the City Arborist and the staff of Community Development Services within 90 days of approval of the Special Use Permit and shall be established within 180 days of approval of the Special Use Permit. The landscape plan shall indicate that the property will be screened from view from Lincoln Avenue and from the adjacent residence.*
7. *There shall be no more than two access drives permitted from Lincoln Avenue. A driveway access permit shall be obtained from the Urbana Public Works Department and the location of the access drives shall be approved by the City Engineer, in accordance with Exhibit "G" Site Diagram. The access drives shall be constructed to the standards of the Urbana Subdivision and Land Development Code and the following provisions within 180 days of approval of the Special Use Permit:*
  - a. *The northern access drive shall be no wider than 35 feet at the property line. The existing concrete surface at this location is deemed acceptable;*
  - b. *The southern access drive shall be widened to a maximum of 35 feet at the property line, and shall be paved with concrete and elevated to be higher than the rest of the site to preclude runoff from the site down the access drive.*
  - c. *The southern entrance to the site shall be improved onto the site such that materials from the site are not tracked onto Lincoln Avenue by vehicles entering and leaving the site.*
8. *The Special Use and Conditional Use Permits shall expire upon such time as Cross Construction permanently establishes its concrete recycling operation at another site.*
9. *The petitioner shall obtain any necessary permits from the Illinois Environmental Protection Agency that may be required to address noise, dust, air and water quality concerns.*

Kurt Salmon, owner of Cross Construction, approached the Plan Commission to answer any questions. Mr. Ward asked if there had been any consideration given to moving the south access

drive farther north towards the center of the property so it would be further away from the residence. Mr. Engstrom said that City staff had not discussed the possibility. Mr. Salmon stated that he would not have a problem with doing this. Mr. Ward felt it would alleviate a potential problem for the residential owners. Mr. Salmon explained that when roadway improvements were made, the south entrance to his property ended up being located right next to the residential property.

Ms. Stake wondered what the zoning complaints were. Matt Wempe, Planner II, said that the basic zoning complaint was that there was a use going on that requires a Special Use Permit, and the owners did not have such a permit. Upon verification, City staff contacted Mr. Salmon and began working with him to obtain a Special Use Permit, which would bring the proposed site into compliance.

Ms. Stake inquired if anything would be going into the Saline Ditch. Mr. Salmon replied no.

Mr. Pollock questioned what the surface of the parking is around the warehouses. Is it paved? Mr. Salmon said it is asphalt.

Mr. Pollock commented that 35 feet seemed really wide for an entrance into the warehouses. Was this really necessary? Mr. Salmon replied by saying that the entrance was built as part of the roadway improvement project and already installed. He did not have anything to do with it. Mr. Engstrom stated that it was not quite 35 feet at the property line.

Mr. Pollock inquired if City staff had considered adding "concrete recycling" as a use in the Industrial Zoning District since several of these uses are located in Urbana. Robert Myers, Planning Manager, stated that City staff would certainly consider it.

Mr. Pollock noticed that in the written report, staff recommended that the fence along Lincoln Avenue be at least six feet tall, but the proposal and the site plan calls for a seven-foot fence. If approval has to adhere to the site plan, then the fence would need to be seven-feet high. Mr. Engstrom said that seven foot is incorrect. In actuality, six feet is the maximum height allowed for a fence to be on the property line. Mr. Pollock stated that the site plan would need to be changed then.

Mr. Pollock inquired as to whether the City staff was recommending landscaping on the east side along Lincoln Avenue. Mr. Engstrom said yes. Mr. Pollock wondered if the landscaping would be in front of the fence. Mr. Engstrom said yes.

Blake Weaver, attorney for Shirley Squire, owner of the residential property to the immediate south, next addressed the Commission. He stated that Ms. Squire had asked him to attend this meeting to voice her objections. He said that Ms. Squire was probably the source of the zoning complaints, because her previous inquiries had initiated the Apcon Special Use Permit on the neighboring property some time ago. Apcon Corporation has a recycling facility similar to Cross Construction but much larger in size and which is located southwest of Ms. Squire's property. Apcon recycles both concrete and asphalt on their site. They generate a lot of noise and dust, which is more of an issue for the Environmental Protection Agency (EPA). However, even with

a field office here in Champaign-Urbana, it is difficult for them to monitor. On a windy day they might receive a complaint about blowing dust and noise being carried by the wind, and because of their work load they will respond with an inspection a day or two later after winds have subsided and not find anything.

Cross Construction is not as large an operation because it is not as large of a parcel. However, there is still constant noise. Ms. Squire only asks that extra conditions be placed on the approval of the Special Use Permit as was done with the Apcon special use permit. She would like the Plan Commission and City Council to consider the following conditions: 1) move the south entrance farther north, 2) possibly require the crushing operations locate on the northern end of the site rather than the southern end, and 3) require a larger setback at least along her northern property line.

Ms. Stake inquired as to whether Ms. Squire's property was rezoned to Industrial against her will. Mr. Weaver believed that Ms. Squire's property was zoned Agriculture (AG) under the Champaign County zoning. When it was annexed, there was a conversion from County AG zoning to City IN zoning. Elizabeth Tyler, Director of Community Development Services, clarified that she believed Ms. Squire's property came into the City as a non-conforming use in a previous County IN zoning. The City did not rezone against the will of Ms. Squire. The City of Urbana did annex the property along with Cross Construction through a wholly surrounded situation which is permitted under State law. When the Dunn Farm was annexed into the City, it caused the City to wholly surround these properties, which allowed the City to annex them as well.

Ms. Stake inquired as to why the complaints were not detailed in the packet of information. Mr. Wempe replied that the complaints were received by phone. Ms. Stake stated that staff could have written it down and provided documentation to the Commission.

Mr. Myers asked Mr. Weaver if he could clarify whether Ms. Squire's property is currently being used as a residence and if so for how long. Mr. Weaver noted that it has been used as a residential home for the last three years. Ms. Squire had invested in improving the interior as a home. Prior to that the owner let a relative operate a business in the building because it was then vacant.

Mr. Pollock commented that on Exhibit E, Aerial Map, it looks like the south driveway is not on Cross Construction's property. Mr. Engstrom replied that the property lines shown in GIS overlays of aerial photos are often off a few feet.

Mr. Pollock inquired if there was any distance between the southern boundary of the proposed parcel and the boundary line around the residential property. Does Apcon Corporation own a strip of land between these two properties? Mr. Engstrom said yes. Mr. Pollock asked how wide the strip of land is, because he is wondering whether or not there should be additional setbacks required for the southern boundary in terms of moving some of the equipment further away from the residential property. Mr. Myers stated that from a site plan he scaled the strip as about twenty feet wide.

Mr. Pollock stated that he had thought about adding a condition that the southern driveway be moved a certain distance away from the south property line. However, he does not have a specific distance in mind. Mr. Myers noted that there possibly is also an engineering determination. For instance if there is a slight rise in the road the driveway might need to be located to avoid accidents, it would be hard for the Plan Commission to set an exact distance without input from the City's Engineering staff. He thinks the concept of trying to get separation is good, especially if the petitioner is willing to do so. Mr. Pollock asked that if the Plan Commission made a recommendation including this condition to the City Council, that the Engineering Division have enough time to pin down an exact distance before the case was reviewed by the City Council? Mr. Myers said yes.

Ms. Stake wondered how the Plan Commission could keep Cross Construction from being destructive to the residential property. Mr. Pollock responded by saying that they could recommend a specific or general setback, and they could recommend that the driveway be moved a certain distance to the north. The City of Urbana would have the ability to enforce this through the Special Use Permit. Mr. White commented that everyone is forgetting that the residential property is the non-conforming use and has been all along. Before it was a residence, the property was used as a business. The property has been deserted a few times or not used. He did not feel that the Plan Commission or City Council should go through a bunch of hoops to protect a non-conforming use in an IN Zoning District.

Mr. Ward made a motion that the Plan Commission forward this case to the City Council with a recommendation for approval along with the nine conditions outlined by City staff and with another condition that the south access driveway be moved approximately 150 feet north of the south property line. The exact distance is to be determined by the City Engineering staff and the petitioner. Mr. White seconded the motion.

Mr. Ward explained that he did not see any reason why the Plan Commission should not recommend approval of the proposed special use permit as outlined by the staff with the recommended provisions. In terms of the additional provision that he suggested, he respected Mr. White's argument that the residential property is the non-conforming use. Although he does not personally feel any obligation to alter the driveway to accommodate the residential property owner, he suggested this provision simply because he feels in terms of commonwealth and harmony that it would make sense. It does not appear to be a major cost issue or an issue that the petitioner would oppose. Therefore, it seems to be a win-win situation.

Mr. White was concerned about the distance being mentioned in the new condition. Mr. Ward stated that he suggested the distance be approximately 150 feet to allow wiggle room for some negotiation. On the other hand, he did not want to leave out an approximate distance and then the petitioners only move the south access drive five feet to the north. Mr. Pollock added that the motion does include language to negotiate this with our own Engineering Division.

Ms. Stake remarked that the residential property is a forced non-conforming use, because the petitioner did not want to be annexed. The residential property was zoned County Agriculture when the property was annexed into the City. Mr. White believes that is incorrect. He thought the residential property was zoned County Industrial when it was annexed into the City. Ms.

Stake inquired if she was zoned County Industrial because the petitioner wanted that zoning or because the County rezoned the property to Industrial. Ms. Tyler then reviewed a City file on the property and found and shared documentation that the residential property was previously zoned County I-2, which is Heavy Industry. The complaint at that time was that a floral business was operating at Ms. Squire's current residence was not permitted in the heavy industry zoning district. City staff talked with Ms. Squire about whether or not City zoning might or might not help to accommodate the situation. When the Dunn Farm was annexed, the land was converted through the normal zoning conversion provided in the Zoning Ordinance to City Industrial zoning.

A roll call vote was taken on the motion as follows:

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

The motion was passed by a 7-1 vote. Ms. Tyler noted that the Plan Commission's recommendation would go before the City Council on December 11, 2006.

**Plan Case No. 2013-T-06: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with regard to screening of outdoor storage.**

Rebecca Bicksler, Community Development Associate, gave the staff presentation for this case. She began with a brief introduction and background on outdoor storage requirements in the City of Champaign and in Champaign County. She mentioned that the City's Zoning Ordinance currently does not have regulations for screening of outdoor storage. She summarized the proposed amendment as adding the following: 1) definitions for "force majeure" and "outdoor storage", 2) screening requirements for outdoor storage, 3) screening of storage items from public rights-of-way and from neighboring residential properties, 4) screening requirements being consistent with regulations of surrounding communities, and 5) handling existing outdoor storage which would become nonconforming. She concluded that the proposed amendment would help beautify the City of Urbana. It would be consistent with our neighboring community's codes. Requiring that outdoor storage be screened is a state of the art practice that the City of Urbana has never had.

Ms. Stake wondered if twenty-four months seemed excessive to allow existing outdoor storage areas to come into conformance if the proposed amendment is passed. Would not a year be long enough? Ms. Bicksler stated that because of the cost of screening and because landscaping can take some time to grow, City staff felt that two years would be sufficient. Mr. Myers added that it might take some businesses longer to provide the screening depending on how their annual budget cycle falls.

Mr. Ward questioned whether “*raw materials*” and “*junk*” is defined in the Zoning Ordinance. It seems to him that these terms could be terribly vague. These terms should be defined and be specific to avoid problems down the road.

Mr. Ward felt that the language, “*Materials and colors of fences and walls shall be compatible with surrounding development...*” to be an extremely subjective statement as well. One person’s judgment might be that something is compatible, and another person’s judgment might think that it is terribly incompatible. Mr. Pollock stated that the determination of what is compatible and the determination of “*junk*” would fall upon the Zoning Administrator. Mr. Ward pointed out that the Zoning Administrator’s judgment can be challenged.

Mr. Ward personally felt that a chain-linked fence with added aluminum or vinyl slats comprises and defines “*blight*” rather than corrects blight. He looked at some of these types of fences around town, and he would rather see what is behind the fence than to see these types of fences. Mr. Myers responded by saying that this is easy when what is being stored outdoors is kept neat and tidy. But for businesses which choose or need to pile materials it can be really unsightly. And frankly sometimes businesses like scrap yards need the freedom to be able to store things in piles. A screen would be the right thing to provide.

Mr. Myers noted that there is a definition in the Zoning Ordinance for “*junk*” or “*salvage yard*”. It is a lot, land, building, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or the collecting, dismantling, storage and salvaging of machinery, appliances, or vehicles not in running condition and for the sale of parts there from. Mr. Ward commented that this defines “*yard*” and one could infer from this a definition of “*junk*”; however, he suggested that City staff define “*junk*” if we are going to use the term.

Mr. Pollock asked if the proposed amendment is for residential zones. Ms. Bicksler replied that the proposed amendment is for any industrial uses that are adjacent to residential zones or uses.

Mr. Pollock inquired if when the City staff talks about vehicles, they are not talking about vehicles on public property. Ms. Bicksler said that is correct.

Ms. Burris wondered if the proposed amendment would apply to the Muffler Shop on the corner of University and Broadway Avenues. Would the owner have to enclose it? On one hand, she would not want a six-foot fence there, but on the other hand she does not believe that all the cars sitting there do anything to upgrade the community. Ms. Bicksler replied by saying that if it is an automotive repair shop it would not be allowed to display vehicles inoperable for more than 72 hours on the property. If the repair shop owner kept cars for longer than 72 hours, then they would have to screen them. Mr. White commented that the operative word is “*inoperable*”. Most of the cars at this particular location are probably licensed and can be driven. Ms. Tyler added that City staff gets some complaints on this particular property. Although they might not be subject to the proposed amendment, City staff might be able to use the amendment as a tool to encourage the repair shop owner to not use storage so they do not have to screen.



Ms. Stake moved that the Plan Commission forward this case to the City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance. Ms. Burris seconded the motion. Upon a roll call vote was taken as follows:

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

The motion was passed by unanimous vote. Mr. Myers mentioned that this case would be forwarded to City Council with the Plan Commission's recommendation to be reviewed on December 11, 2006.

**Plan Case No. 2020-T-06: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance by revising Section XIII-3, Planned Unit Development.**

Mr. Wempe presented the staff report for the proposed text amendment. He gave a brief introduction and background of the goals of the current ordinance regarding Planned Unit Developments (PUDs). He discussed the proposed changes to add definitions, revise the purpose statement, update the goals, identify criteria that must be met in order for a development to qualify as a PUD, add language regarding flexible zoning and subdivision standards, revise the development plan submittal requirements, revise the development plan review and criteria for approval, revise the type of minor changes to a development plan that can be approved by the Zoning Administrator, revise the list of permitted uses in each type of PUD, add design features, and revise Table V-1 of the Zoning Ordinance. He presented staff recommendation, which was as follows:

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

Mr. Ward wondered what arguments would there be for not allowing a PUD in the MOR, Mixed-Office Residential Zoning District. Mr. Wempe replied that a PUD is considered a permit in itself and not a zoning district. So, a petitioner would have to go through the design review process for a PUD permit and then go through the design review process of the Development Review Board for the MOR Zoning District. City staff did not want to have conflicting development regulations. Mr. Pollock inquired as to whether a petitioner would need to go through both processes in order to be able to develop a lot in the MOR Zoning District, because there would clearly be conflicts between the two sets of regulations. Ms. Tyler commented that the City staff really wants to keep going with the design guidelines in the MOR Zoning District. The process has been working well, and it has improved the developments. City staff does not recommend using the PUD permit process as a replacement for the MOR design review process. On the other hand, it seems that if the City is promoting mixes of uses, then the MOR Zoning District is one of the zones where staff has been hoping to see mixes of uses. It may be too ambitious to provide a PUD option in the MOR Zoning District.

Mr. Pollock pointed out that the City wants to streamline PUDs and encourage more use of them by making them more flexible. If there is a requirement in the PUD to use a minimum of a half an acre to develop, then this would be a major change in the MOR Zoning District. Ms. Tyler stated it may be that a developer could not even do a PUD in the MOR Zoning District, because the MOR design guidelines state that an individual cannot accumulate lots beyond 8,500 square feet. City staff has not really tested whether it could be possible. The two options are as follows: 1) if a PUD is allowed in the MOR Zoning District, then which review process and regulations take precedent and 2) avoid the issue by not even allowing PUDs in the MOR Zoning District.

Ms. Stake felt that the City staff should have shown what they did not like in the existing PUD ordinance. She suggested that staff redo the proposed text amendment by crossing out what they do not want on the existing regulations and show how much better the new text is. She did not believe that the existing PUD regulations were that bad. There may be some regulations that need to be revised, but there are also some existing regulations that look better than the proposed amendment. Much of the proposed text amendment has general language such as, “significantly”, “general” or “other relevant”. What are the “other relevant” plans and policies for instance? Mr. Wempe replied that “other relevant” plans refers to the Downtown Plan, the Tax Increment Financing (TIF) plans, and neighborhood plans, for example. Ms. Stake stated that it seems a developer can do almost anything that they want to under the proposed text amendment. Mr. Wempe explained that City staff started out with the strike through method, but it got to a point where there was so much changed, it was impossible to read and understand what the changes are. So, staff decided to provide a completely new clean copy.

He went on to state that some of the problems with the current PUD ordinance are that there are no incentives for the developers to develop PUDs and the regulations are too stringent. Ms. Tyler added that all future PUD requests will come to the Plan Commission for review. They are not staff reviewed. PUDs are like Special Use Permits only with extra conditions and extra review criteria. City staff will only make a preliminary determination as to whether they should even apply to get a PUD approval. A developer will still have to come to a public hearing to prove their case and to prove their compliance as with any Special Use Permit. As with any Special Use Permit, the Plan Commission can apply conditions. The range of conditions that the Plan Commission can apply is much broader in a PUD case. This is a case where the Plan Commission and City Council will be seeing a lot more detailed site plans than they would with developers trying to work with the by-right system in the Table of Uses. Staff only wants to encourage more creative development and mixed uses, but not as a free ride.

Ms. Stake felt the proposed text amendment is exceptionally hard to read. Ms. Tyler agreed that it is hard to see the differences between the existing regulations and the proposed text amendment.

Ms. Tyler said the City’s current PUD ordinance was written in the 1960s and amended last in 1972. It has been used some, but not often, because it is onerous in its requirements. It is also cumbersome and provides no benefit to the proposer. Staff has had developers ask if they could do a PUD, and after finding out that a PUD would not really help them, the developers back off.

Ms. Stake asked if staff used a model ordinance regarding PUDs to write up the proposed text amendment. Mr. Wempe said that staff did a significant amount of research in looking at PUD ordinances from other communities. There was also internal staff discussion with Planning, Engineering and Administration staff of the City of Urbana. Mr. Myers added that staff also compared our PUD regulations with what is being done in the City of Champaign. Ms. Stake reiterated that she did not find the existing PUD ordinance so terrible.

Mr. White referred to the list of uses that are not allowed. He asked if breeding, for example: poinsettias, would not be allowed under "Commercial Breeding Facility". Mr. Wempe explained that a "Commercial Breeding Facility" pertains to livestock and not plants. Mr. White suggested changing the wording to read "Commercial Animal Breeding Facility".

Ms. Stake believed it would be helpful to have a list of uses that would be allowed in a PUD. Ms. Tyler said it is a much longer list, but staff could include an existing list of uses allowed and use the strike out method, so it would be clearer what a developer could and could not do.

Mr. Hopkins stated that they could not make the suggested change in the proposed text, because it is a direct reference to the Zoning Ordinance Table of Uses. If they want to make this change, then they would need to change the Table of Uses.

He continued by saying that there is both a connotative and denotative reason for doing it this way as opposed to listing all the permitted uses. The message that the City is trying to convey is that a developer can do almost anything, but these are the few things in a PUD that they cannot do. Mr. Pollock noted that he was just reading in a planning magazine about this approach to try and rebuild inner cities, downtowns and other areas. Many cities are going to a list of uses that are prohibited rather than a list of uses that are permitted in an attempt to broaden it out and get creative thinking going and try not to stand in the way of something that might be of benefit. This seems to be what the City wants to do with this and to encourage PUDs.

Mr. Grosser wondered after looking at the Table of Uses to see what would be permitted, why some of the uses are not included in the list of uses that are prohibited, such as "water treatment plants, utility providers, sewage treatment plants or lagoons, and landfills". Ms. Tyler responded by saying that thought here was what about a self-contained subdivision that might have some alternative water and sewage treatment facilities. Regarding utility providers, there are cell phone demands. Landfills might have been an oversight, because she thought staff wanted this use to be excluded.

Mr. Grosser questioned whether new curb cuts or changes in curb cuts could be administratively approved after a PUD has been approved. Mr. Wempe responded by saying that if it would be a straight curb cut and did not require reconfiguration of a commercial or residential area, then the Zoning Administrator and City Engineer could review and decide upon. There are policies in place about spaces between curb cuts, types of curbs, etc. Mr. Grosser gave the following example: If there is a development where originally a developer plans to line the new streets of a PUD to the existing street patterns to provide connectivity, and after receiving approval of the PUD changes his/her mind. He/She now wants to have a new street be between two existing

streets. Who would approve or deny this change? Ms. Tyler thought that since the overall street layout would change, then the developer would need to come back to the Plan Commission and City Council, because it could cause a traffic circulation problem.

Mr. Grosser mentioned that the Vehicular Connectivity, Access and External Connectivity on Page 171 of the Design Features contradict each other. The section under Access suggests that the City minimize the number of access entries as much as possible, while the section under External Connectivity suggests that developers should connect to streets that are external to a development as much as possible. Mr. Wempe said this is something that needs clarification. As far as external connectivity, the Mobility Map, which was developed by the City's Public Works Department, shows where existing streets are located and where they should be extended. If there are to be new streets, usually the half and quarter mile increments are used. The access point is looking at a more micro level of this. It should be viewed as access points as far as road connectivity, but we do not want access drives every fifty feet. The language in the section under Access tries to minimize this. Mr. Grosser commented that he understood it to mean that the City staff wanted to minimize access points to future subdivisions. Mr. Wempe suggested that City staff change the wording so it reads "access drives" rather than "access points". Mr. Hopkins also suggested removing the word "roads" from the beginning of the section as well. It goes back to the decision between a curb cut and street. A street is not actually a curb cut.

Ms. Stake referred to Page 173 of Exhibit A: Proposed Revisions, Paragraph G.4. Would not a developer be required to submit a subdivision plat? When would it be submitted? Mr. Wempe replied that there may be an instance where a subdivision plat may not be required. Mr. Myers added that no plat would be approved by the City Council with standards that vary unless there is a waiver granted as part of or before the approval of a subdivision plat. A subdivision waiver request could be submitted later as part of the plat, if a plat is prepared. Ms. Stake did not feel that the language in the proposed revisions implied this. She understood it to say that it involves a subdivision plat already. Mr. Myers gave an example to help clarify what is meant. If a developer is doing a PUD and knows it is going to include subdividing land, it is easier to do them separately. In St. Charles, Missouri, where he worked prior to coming to work for the City of Urbana, a developer is required to submit a plat at the same time as the PUD request. Essentially a PUD is part of the rezoning process, and developers would have to plat the land without the approval of the PUD. Therefore, if the PUD was denied, then they had done all the work on preparing and submitting a plat that could not be done, not to mention the extra expense it would cost for all the surveying, water calculations, and everything else involved in preparing the plat. As a result, developers would choose not to develop PUDs. The proposed text amendment for the City of Urbana's PUD ordinance is trying to say that developers can either do subdivision plats at the same time as PUD requests or they have the option of doing the plats at a later time. Ms. Stake remarked that the language should just say this then.

Ms. Stake questioned what the steps are in the process of getting a PUD. Mr. Wempe replied that the PUD process is the same as the process for a special use permit. Ms. Tyler added that there is an extra step with the current ordinance, because it separates the preliminary and final plan submittals. City staff has been requiring developers to submit both plans at the same time to avoid further delay and to avoid reviewing the same information twice.

Ms. Upah-Bant inquired about which residential PUDs have been approved in the last five or six years. Ms. Tyler noted that there is Capstone, Prairie Winds, and all the shopping centers were originally approved as PUDs. If you look back through the current regulations, PUDs were designed for just a few types of uses. She mentioned that there were some developments that could not have been developed as a PUD, such as Savannah Green Subdivision.

Ms. Upah-Bant wondered if Savannah Green would have been able to be a PUD under the proposed text amendment. Ms. Tyler believed so. She mentioned that City staff would still like to have a Traditional Neighborhood Design (TND) section in the Zoning Ordinance, but they felt that updating the PUD ordinance was more urgent. It seemed to be that staff more and more frequently is getting frustrated trying to administer the PUD and seeing that it isn't being used.

Ms. Tyler pointed out that this is a big change, and City staff does not expect the Plan Commission to take quick action tonight. They would like some feedback.

She reviewed Exhibit A: Existing Regulations. On Page 170, the ordinance talks about the shopping center PUD, which the City used for the Schnucks, Northgate and Southgate Shopping Centers. She stated that it is hard for the City to require a PUD when some types of shopping center uses are now permitted by right.

On Page 171, the current PUD ordinance mentions that a maximum of 10% of a residential PUD could be a business use. This is a minimal percentage. City staff tried this with Capstone, but they were not able to accomplish it. Under the proposed text amendment, there is not percentage restriction and mixed uses are allowed.

Commercial PUDs only give you uses in the Business Zoning Districts. We want to use commercial PUDs more broadly. There are office uses, retail uses and light industrial uses that are hard to distinguish any more. You cannot mix office and commercial with light industrial uses. Industrial uses are only allowed in industrial zones.

Regarding current procedures for PUD submission and approval, there is the preliminary conference, where a developer comes in to talk with City staff about a proposed development. The next step is the preliminary development plan submission, when a developer submits a completed PUD application along with all the required documentation. It is very detailed, and this alone will keep many developers from wanting to do a PUD. Then, there is the preliminary development plan review. The Plan Commission reviews the preliminary plan and forwards a recommendation to the City Council to either deny the plan, approve the plan as presented or approve the plan with suggested revisions. A developer then has six months to submit a final development plan. Since the requirements for a preliminary plan are so detailed and specific, the final plan is not much different. So, staff has to take more time to review a final plan that has little or no changes from the preliminary plan. In the past few years, City staff has collapsed the preliminary plan and the final plan into one step, which creates a problem with the practice versus procedure.

Ms. Tyler went on to highlight the current PUD standards. These standards set artificially high land area requirements that are not useful in infill. These standards cannot be used for smaller

sites in the downtown area that need redeveloped. The current PUD standards seem to be only for shopping centers.

The Development Standards listed on Page 177 are prescriptive. She mentioned that this ordinance was written in the 1960s, back when planners recommended numbers that were a hard line to follow. When you have numbers, it stifles some creativity, so performance is a better thing to look for.

Another section of the PUD ordinance talks about required certificates and bonds. Here again, practice is not necessary, because we do not do this with other types of developments. It is onerous and unnecessary. It also talks about the changes that the Zoning Administrator can approve.

Table XIII-3. Planned Unit Development Standards contains many greater restrictions, some of which are greater than what a developer would have normally by right.

As you can see, there are a lot of problems with the existing PUD ordinance. It was hard to know where to begin on how to fix it other than we know it is not being used because it is antiquated.

Mr. Hopkins referred to Pages 6 & 7 of the written staff report where it talks about excluded uses. He suggested that City staff change the wording from "...shall be permitted except the following" to "...may be permitted except the following". The City does not have to permit a use. Another reason to make this change is to show that the City is trying to specify a set of mixed uses in particular situations. Mr. Myers added that "shall be permitted" might be misunderstood by a developer in thinking that he/she has a right to do a PUD with certain types of uses in it.

Mr. Pollock asked the Plan Commission and the City staff whether they wanted to continue this case to a future meeting. The Plan Commission would then have more time to look through the packet information, and it would also allow staff time to make some revisions based upon the discussions held at this meeting. Ms. Tyler said that staff could make some revisions and bring it back to the Plan Commission in the near future. Staff would like to take it to City Council at the beginning of next year. There are some projects that would like to take advantage of PUDs in the spring.

Mr. Myers commented that the PUD ordinance is about allowing and encouraging development to go beyond the minimum standards. We all say that we wish someone would do something really creative, but at the same time, City staff hears developers say that although they would love to do something creative, that cookie-cutter requirements are too restrictive to do so.

Mr. Ward stated that it is very clear that on the basis of what staff has said about the use of the current PUD ordinance, that in fact, we do not have a PUD regulation. If it is not being used or is being used very little, then we do not really have a workable one. The City's lack of a workable PUD is probably forestalling development in some cases. Therefore, the City needs to do a revision. The Plan Commission has a proposed text amendment to the PUD ordinance that

seems to foster creativity and innovation, to allow ecological sound experiments to take place, and allow many other interesting things in development. The Plan Commission needs to take the time to do a revision the right way. Many good issues have been raised in this meeting. He encouraged staff to do these revisions as quickly as possible, but to do it right.

With no further comments from the Plan Commission, Chair Pollock continued this case to the next scheduled meeting.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Myers gave a staff report on the following:

- **APA Award** – The City of Urbana won the gold award in the planning category for the 2005 Comprehensive Plan.
- **Comprehensive Plan Amendments** – The City Council approved some of the amendments, but asked that the Plan Commission take some further consideration for other parts of the amendment. They approved the update to the Greenways and Trail map and the minor changes to the existing implementation strategies. They agreed with the Plan Commission in that the newly proposed implementation strategies should be reviewed some more.
- **East Side Sewer Interceptor Report** – The engineering study was accepted by the City Council.
- **Route 130/ High Cross Road Open House** – There will be a public Open House on Thursday, December 14, 2006 at 4:30 p.m. in the Lewis Auditorium at the Urbana Free Library.
- **Upcoming Plan Commission Meeting Scheduled for December 7, 2006** – There is a rezoning application for the Girl Scout building on North Lincoln Avenue
- **Somerset Subdivision Phase 5 Final Plat** – The final plat has been approved by City Council.
- **Savannah Green Subdivision Phase 6 and 7 Final Plats** – City Council has approved an extension for both of these approved final plats.
- **Meeting on December 21, 2006** – There is a special use permit application for an emergency radio tower at METCAD.

## **11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:49 p.m.

Respectfully submitted,

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Robert Myers, AICP, Planning Division Manager  
Urbana Plan Commission