

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 22, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Ben Grosser, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Lew Hopkins, Michael Pollock

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Anzel, Planning Secretary

OTHERS PRESENT: Brian Adams, Martin Allen, Fidaa Araj, Carolyn Baxley, Kevin Duff, Gregor Girolami, Tony and Mary Graham, Eric Hansen, Mark Ingleert, Linda Lorenz, Ilona Matkovski, Georgia Morgan, Alice Novak, Dennis Roberts, Chris Stohr, Susan Taylor, Roger Woodbury

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. The members of the Plan Commission unanimously agreed that Ben Grosser should serve as Acting Chair in the absence of Michael Pollock.

2. CHANGES TO THE AGENDA

Acting Chair Grosser pointed out that there was a revised agenda which was sent to everyone prior to the meeting. This agenda reflects the addition of the University of Illinois' Master Plan as a study session item. There were no further changes to the agenda.

3. APPROVAL OF MINUTES

Mr. Ward moved that the Plan Commission approve the minutes from the February 22, 2007 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- Revised Agenda
- Additional Photo Inventory of the R-7 Zoning District

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2023-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.

Robert Myers, Planning Manager, presented an updated staff report to the Plan Commission. He gave a brief review of the purpose for the proposed text amendment by stating that it would be an enabling legislation that would allow neighboring property owners to come together and petition the City to enact neighborhood conservation districts (NCDs) for protection such as design review for new construction. He discussed the changes that were made to the proposed text amendment based on input from both the Plan Commission at their last meeting and from the Historic Preservation Commission. He provided illustrations for the types of design review typically seen in neighborhood conservation districts, such as front porches, roof lines, street tree, and front-yard setbacks. He showed how additions can be made to homes which still maintaining the established building bulk by providing offsets to break up larger wall masses.

Ms. Stake questioned whether they would need to have 60% of the property owners in favor to nominate a NCD or to enact a NCD. Mr. Myers answered by saying that 60% of the property owners would have to be in favor of enacting a NCD. Only 10% of the property owners would be required to nominate a NCD.

Ms. Upah-Bant pointed out that while Mr. Myers talked about NCDs being block-by-block, the staff report only suggests 25 contiguous zoning lots. Therefore, we could end up with a NCD that ends mid-block. Mr. Myers said that was correct. The minimum requirement for a NCD is 25 contiguous properties. The key would be to have boundaries that are logical. It might be logical to have a NCD end mid-block such as in the example of a block where there is a break between residential and institutional buildings.

Ms. Stake inquired if there could be more than 25 contiguous properties in a NCD. This is just the minimum number of homes required, right? Mr. Myers said yes.

Ms. Burris expressed her concern with only 10% being able to apply for a NCD. 10% of the minimum requirement of 25 contiguous properties is 2.5 property owners. This means that 2.5 households could tell everyone else what to do with their properties. If people living in a

neighborhood want to become a NCD then the thing to do would be to talk to their neighbors. It seems reasonable that there should be more than 2 or 3 households could start the process. Therefore, she suggested that they increase the minimum percentage of property owners required to nominate a NCD. Mr. Myers responded that sometimes people are willing to accept or agree to an application, but they are not willing to be the applicant. If we require too high of a number to be the applicants that may really discourage applications. Ms. Burris stated that if two percent want to be the applicants, then that would be fine as long as they have signatures from other residents supporting their application. She would like to see more of a consensus; otherwise, she sees it as a few people dictating for the many, and this does not set right with her. She believes that conservation is a wonderful thing, and it is what we want to do with these types of neighborhoods. However, she is concerned with a few people impacting many other people.

Mr. Ward supports this sentiment. Along the same lines, there could be a small percentage who supports a NCD nomination while other people in the area have a contrary view. Another ten percent could initiate a second application for the same area, and then there would be dueling proposals for the same neighborhood. By raising the percentage, you start out with the petitioners being obligated to have broader support before they proceed.

Mr. Myers asked what the Plan Commission felt would be a good number in terms of a required percentage for the nomination process. The Plan Commission agreed that 25% would be good.

Acting Chair Grosser stated that there will probably be a lead applicant who shuttles things through the process. For the remainder of the 10% or 25% who make up the applicants, what would they be required to do? Mr. Myers replied that there are two things the applicants would need to take the lead on. The first one is to get neighborhood support if they really want their application to get approved. They need to meet with people and talk with them about the proposal. The second thing they need to do is to coordinate between the neighborhood and City staff in terms of helping to write the design guidelines.

Mr. Grosser commented that some of the examples presented in the slide show such as the facades or roof lines being similar do not represent the City of Urbana because our neighborhoods are not very homogeneous. Ms. Stake pointed out that a NCD would decide what they want in their NCD. Mr. Myers added that it depends on the qualities of a neighborhood that the people really value. In East Urbana, there are some themes that run throughout the neighborhood, such as the height of the buildings and orientation of the front entry ways faces towards the street, but that many of the front porches have already been filled in so that is no longer a common theme.

Mr. Grosser wondered if outdoor living spaces in the design criteria referred to porches. Mr. Myers said yes.

Mr. Ward felt the list (a through g) under the Design Guidelines on Page 16 is permissive. It states that the design guidelines “*may*” include the items on the list. His understanding is that the group that submits an application would make a determination of which of these items they would include in the application. Are the design guidelines confined to this list? What if there are things that are not included on the list that an applicant would like to include? Would it be

permitted? Mr. Myers answered by saying that the proposed ordinance would specify if other elements besides the items listed are included.

With no further questions from the Plan Commission towards City staff, Acting Chair Grosser reopened the public hearing.

Roger Woodbury, 310 West Iowa Street, stated that most of the blocks are already built up. He did not feel that anyone was arguing about changing the size of the buildings or adding porches. There are two basic issues in the West Urbana Neighborhood area, which are apartment buildings and churches. He understood a NCD as something to give a neighborhood as small as a block some added protection against apartment buildings and churches being built in place of two or three houses. If this proposed text amendment is approved, he plans to start nominating neighborhoods around Carle Park to be NCDs. All his criteria will be about churches and apartment buildings and not what people do to the outside of their homes. He felt that if a group could not get 25% of the property owners to initiate an application, then it would not work anyway. He plans to go door-to-door in his neighborhood to get property owners involved. He feels the proposed text amendment is flexible and would be a bottom up democracy type of thing.

Mr. Myers pointed out that a NCD would be an overlay zoning district. It would not affect the underlying zoning or the uses that are allowed in that zoning. For example, if an underlying zoning allowed an apartment building, a NCD could not say that apartment buildings could not be built anymore, but it could say that apartment buildings would need to be built in a certain way.

Georgia Morgan, of 804 W. Nevada, urged the Plan Commission to move forward on this case. She believes that NCDs would give the City of Urbana the option to preserve the neighborhoods. Some neighborhoods are 100 years old. It would be a real shame to allow these neighborhoods to be interrupted by buildings that do not fit. She urged the Plan Commission to pass a flexible text amendment regarding NCDs, because the needs of one neighborhood might be different than the needs of another neighborhood.

Mr. Grosser asked what she meant by saying “buildings that do not fit”. Ms. Morgan answered by saying that the blue apartment building on stilts on the corner of Iowa Street and Lincoln Avenue. She does not feel that it fits into the neighborhood.

Chris Stohr, of 405 East High Street, mentioned that he is with the Historic East Urbana Neighborhood Association (HEUNA). He stated some of the concerns that HEUNA has with the proposed text amendment. They are concerned with having to submit a second petition. Especially with the Plan Commission recommending that City staff raises the percentage of property owners who must apply for a NCD to 25%, to submit a second petition is unusual. It would be difficult to find the property owners. Therefore, he suggested that the Plan Commission might consider allowing a mail voting process, where a mail vote would be sent out to the property owners and allow a certain amount of time for them to reply. It takes a lot of time to contact property owners and get them to sign a petition. Most people want to take time to research the topic prior to signing.

Mr. Stohr inquired as to whether there would be a process to amend or change the design guidelines or would there need to be a new petition process to make changes. It is not unlikely that some features or changes might need to be made to a NCD over time. There are other conflicting concerns of HEUNA that he would like to submit to City staff in a summary form for staff to sort out. In brief, there seems to be confusion about what should be regulated as a guideline and what should be put in the enabling ordinance. Maybe there could be some sort of workshop to help people better understand how a NCD might work.

Ms. Stake wondered if the City staff would be able to help locate property owners who live out-of-town. Mr. Myers thought that individual property owners could sign and mail in. The City has access to find out who owns properties and what their addresses are. It would be a burden to have to go door-to-door and find that an owner does not live on the property but lives out-of-town.

Ms. Stake asked if there could be a limit on the length of time that out-of-town property owners could have to respond. Mr. Myers mentioned that City staff left leeway in the proposed ordinance in terms of timing for submitting the petition.

Mr. Stohr stated that HEUNA would prefer to have some sort of voting process where perhaps 60% of the property owners responding might be a way of adopting a NCD.

Ms. Burris asked for more clarification on what was meant when Mr. Stohr said that HEUNA would like to see a process where a NCD or its guidelines could be amended. Mr. Stohr noted that once a NCD is created, there are usually set. There may be something overlooked or some new building material or circumstance that may arise that a NCD might want to consider. Rather than having to go through the entire process again, they feel that there should be a simpler process. Ms. Burris commented that this would make sense.

Mr. Ward inquired as to what Mr. Stohr might suggest for the process to be as a possibility. Mr. Myers stated that it typically works in most communities where there is an ordinance amending the Zoning Map. And then there is a separate ordinance or resolution that actually adopts the design guidelines. Because the proposed ordinance does not differentiate between the two clearly enough he agreed that the wording would be adjusted. Most communities need to modify their design guidelines every few years to keep up with changes.

Carolyn Baxley, 510 West Main Street, congratulated City staff on how the proposed case had been prepared. She was pleased to see a preliminary review included in the NCD process to allow the Historic Preservation Commission an opportunity to look at NCD applications. There are areas where there are opportunities to create historic districts which would provide more protection for historic properties. She supports the proposed ordinance and urged the Plan Commission to forward it to City Council with a recommendation for approval. She believes it is a step in the right direction.

Acting Chair Grosser wondered if during the preliminary review, the Historic Preservation Commission decides that a NCD application has historical significance, would the NCD

application convert to a historic district application or would it require a new application for the Historic Preservation Commission? Mr. Myers replied that a new application would need to be submitted to nominate a historic district.

Mr. Myers responded that the change to the proposed ordinance have been made as suggested by the Plan Commission regarding the Historic Preservation role in reviewing NCD applications. The applicants will now be able to reapply for a NCD application should their historic district application be rejected. The Historic Preservation Commission expressed a concern about not having enough information to determine whether or not a proposed NCD district has historical significance. The Commission and City staff decided that they would have to use the information that is readily available or on hand at that time. In most cases, it will be obvious whether a NCD would be eligible for a local historic district or not.

Acting Chair Grosser questioned whether an applicant would have to go through the same process over again if the Historic Preservation Commission determined a NCD to be of historical significance. Mr. Myers answered that the applicant would have to follow the process for a historic district nomination. We would not want to covert the signatures from a NCD to a historic district nomination because some property owners may not agree with becoming a historic district. However, the same 25 people could sign the historic district application if they chose to.

Ms. Stake asked if an applicant could still follow through with the NCD process if they do not want to become a historic district. Mr. Myers responded by saying that the way the proposed ordinance is currently written is that if a district qualifies as a local historic district, then it would be ineligible for a NCD. The purpose for this is to not have historic neighborhoods circumvent the historic preservation process by going with the type of district that has fewer restrictions.

Mr. Ward commented that this presents a problem. If a NCD application comes forward and is determined by the Historic Preservation Commission to be eligible as a historic preservation district, then what happens if the applicants do not want to become a historic district? If they do not sign the historic district nomination, then there is no valid application to submit for a historic district. Is it just in limbo at this point? Mr. Myers agreed.

Mr. White stated that he did not understand why the Historic Preservation Commission needed to review NCD applications. Mr. Myers said that the Historic Preservation Commission members are the experts in determining whether or not properties qualify for historic landmarks and historic districts. Mr. White replied that the property owners are applying for conservation districts not historic districts.

Acting Chair Grosser inquired as to the rationale for this section of the proposed ordinance. Is it because City staff is concerned that a neighborhood would apply for a NCD rather than a historic district because of a NCD would have less regulations? Mr. Myers said yes, this is one concern. Mr. White asked if this would not be the decision of the property owners. Mr. Myers responded that the Plan Commission would have to weigh this when making a decision about the proposed text amendment.

Ms. Stake commented that she is very pleased with the proposed NCD ordinance. She mentioned that she would have liked to have some review of demolition of buildings mentioned in the ordinance, but maybe it is not possible to do so. She would rather have the proposed text amendment than nothing. She felt the Plan Commission should go forward with it.

Acting Chair Grosser noticed that there would be two different points of notice to property owners. The first notice is after the application before the plan is enacted, and the other notice is after the plan has been developed when the applicants and City staff are looking to get 60% approval of the property owners. During the second notice, City staff also posts signs and publishes the legal ad in the newspaper in preparation for the Plan Commission meeting and the City Council meeting. He felt it would make sense to post signs when the first notice was mailed out as well prior to the preliminary discussion. Mr. Myers felt this is probably a good idea.

Acting Chair Grosser asked if when a NCD proposal eventually comes before the Plan Commission, would they be able to suggest changes to the City Council or would they only be able to recommend approval or denial of what is presented to them? Mr. Myers stated that he would review this section of the proposed ordinance and make any necessary changes to allow the Plan Commission an opportunity to recommend changes, because in almost every application the Plan Commission can recommend approval as submitted, approval with changes, or denial.

Mr. Ward remarked that this presents another set of problems. Normally when something comes before the Plan Commission, they have the options that Mr. Myers mentioned. Normally, the applicant is an individual developer or property owner. Once the Plan Commission makes a recommendation and City Council makes a determination, the applicant can either choose to go ahead or not go ahead. With NCD applications, it is more of a group effort to develop design guidelines for their neighborhood. The Plan Commission or City Council could make changes that destroy the integrity of the applicants' plan. Once a NCD is approved, the group cannot decide whether or not to go ahead with it as with the other types of cases that are presented to the Plan Commission and City Council. He is not sure how to avoid this problem, but he feels that we need anticipate that this could happen and find some way to negotiate these things so that before it is finally approved by City Council that both the applicants and the Plan Commission are happy with it.

Acting Chair Grosser inquired as to what staff preferred the Plan Commission to do at this meeting. Did staff want the Plan Commission to forward this case to the City Council? Mr. Myers replied that he could make the changes discussed tonight and bring them back to the Plan Commission at the next scheduled meeting. Mr. Ward commented that he preferred to have staff bring it back with the updated changes. He would like to find a way to get more public input on the changes before the Plan Commission considers the case.

Mr. White proposed that City staff take out all the input and consideration involving the Historic Preservation Commission. Some property owners clearly do not want to have to fit under the regulations of a historic district. If they wanted their properties to be considered historic districts, then they would have applied for it. At the same time, the property owners might see some advantages of some sort of overlay and want to come up with a set of guidelines themselves.

Ms. Stake feels that it is important to have the Historic Preservation Commission to review NCD applications, because they have been studying NCDs and know a lot about it. There may be some property owners who may very well want to become a historic district, but just have not thought about it or do not know about historic preservation. She also felt that there should be a way for applicants to follow through with a NCD application if most of the property owners do not want to be a historic district.

Many people do not realize how important their properties are to the City of Urbana. There are historic districts that have not even been nominated yet. Part of the problem is that the Historic Preservation Commission is not allowed to nominate properties for historic districts or historic landmarks. As a result, she feels it is important to have the Historic Preservation Commission review NCD applications, so that they are able to let property owners know if their properties have significant historic value.

Mr. Ward suggested that all NCD applications be reviewed by the Historic Preservation Commission. If the Historic Preservation Commission feels that a NCD is eligible for historic significance, then the applicants should be given an opportunity to amend their application and make an application for a historic district. But, if the applicants decide not to do so, then nothing should impede them from continuing on to apply for a NCD. He does not like how this part of the proposed ordinance is currently worded. We are mixing two things that are tangentially related, but do not overlap. It may very well be as Ms. Stake pointed out that the applicants may not know that they are eligible for historic preservation. If they find out they are eligible for historic designation, they may decide that is a direction that they want to go. If they do, then they should have that option. If they don't want to proceed in that direction, then they should have that option as well. It should be fairly easy to write this into the proposed ordinance.

Ms. Upah-Bant questioned whether a NCD could become a historic district as well. Mr. Myers said that a NCD could later become a historic district.

Acting Chair Grosser asked the Plan Commission for a show of hands of who would support removing the section of the proposed ordinance that would allow the Historic Preservation Commission to stop a NCD application because the proposed district has historical significance. Five of the six Plan Commission members raised their hands.

Acting Chair Grosser commented that it is unlikely that applicants will not have talked to City staff prior to submitting a signed application for a NCD. When a group of interested property owners comes in to talk with City staff to talk about the issues, City staff could give them a sense if their properties might be eligible for a historic district.

Mr. White pointed out that we have zoning regulations which are enforceable; many neighborhoods have covenants, and then a NCD if approved on top. He expressed his concern for the 25% of the property owners who protest a NCD application, and the City Council enacts the NCD anyway. He suggested that if 30% of the property owners protest a NCD application, then the process should end there. Ms. Upah-Bant replied that "majority rules." Mr. White

remarked that "majority rules" is one thing, but this is different because there is already zoning regulations and covenants that they would have to follow.

Ms. Stake stated that a NCD would only be preserving the homes, not changing them. A NCD would only change what could be done in the whole area. Mr. White exclaimed that a NCD would be changing what a property owner could do with their property that fits within the zoning and what fits within the covenants when they purchased the property. Mr. Myers felt that if a NCD application meets the minimum qualification then it needs to be taken through its final course with a vote of the City Council. However, under the protest requirements through the State of Illinois' enabling legislation, there is a 2/3 super majority vote in favor required for official protests to rezoning applications.

Ms. Upah-Bant likes the wording the way it is written.

Mr. Woodbury re-approached the Plan Commission. He said that when the Urbana Comprehensive Plan was being updated three or four years ago, he did the research on bringing up NCDs. He thought it would be a light way of protecting some of the neighborhoods from the encroachment of apartment buildings and churches. From what he has heard during this meeting, he feels that it has become way too complicated and would not provide any protection. He feels it might be a lot of effort for nothing.

Alice Novak, of 601 W. Delaware and Chair for the Historic Preservation Commission, commented that she was shocked by the course of this discussion. She felt City staff did an excellent job at writing the proposed ordinance. She feels that it is very important for the Historic Preservation Commission to be able to review NCD applications for possible historic districts. She does not think the Historic Preservation Commission review should be taken out of the proposed ordinance.

She is disappointed that the Plan Commission is recommending that the mandatory provision for historic districts be stricken from the ordinance. She believes that many people feel that a NCD is a way out of becoming a historic district. These people want all the protection of a district without the pain. She has written over 100 nominations to the Register of Historic Places. She has worked with a number of communities throughout the Midwest in establishing historic districts both local and to the National Register. She personally feels that she has a good feel for what a historic district is in terms of architectural significance.

There are a number of historic areas in the City of Urbana that for a variety of reasons have not been proposed as historic districts. It takes work to research and to do the documentation, much less the percentages that are required to get these things done. Therein is the huge issue. She believes that NCDs will be like historic district applications in that there will not be that many NCDs written up because of the amount of work it takes to create such a document. People will need to show a commitment to having the desire to having a NCD or historic district to happen for whatever means of protection. This builds in an impediment from the start to have the applicants sign on and then to require 60% approval of property owners.

Many people do not realize how historic their homes are. Nor do they realize the historic value of their homes to the community. She figured there are about 800 buildings, not counting ancillary ones, which are historically and architecturally significant. She thought the National Register might be a good logical step to start with because there are no aesthetic controls with it. This might help to prove that these are historically and architecturally significant buildings. This is something that she would love to look at, but the fact is that she does not have the time to volunteer to document these 800 buildings to put together a historic district nomination.

Her main point is that she does not like to see our mission of trying to recognize the historic character in our community sapped by someone going for a NCD status because they want to be able to change their windows, put a large addition on, enclose the front porch, etc. that might be regulated differently through historic district status.

Mr. Stohr re-approached the Plan Commission. He talked about the process of making changes to a NCD's design guidelines. There has been an undue level of alarm raised about this process. This may also be part of the reason why there has been a hesitancy of establishing historic preservation districts and landmarks in the City of Urbana with unfamiliarity with the Certificate of Appropriateness process and concern with the struggle of getting approval to make changes. He believed it would benefit the community and clarify some of the process of trying to adopt a NCD ordinance if City staff would summarize the process of how to make a change, such as replacing a storm door or re-roofing to give property owners a better idea of what the process would be like.

Dennis Roberts, of 507 East Green Street and Councilmember, agrees that there needs to be more discussion on this topic. He appreciates and supports Ms. Novak's interest in historic preservation in the City of Urbana. He mentioned that he has begun to look into the process of nominating a historic landmark. The landmarking process is a much lighter review process than creating a historic district.

Historic preservation districts accomplish a lot. If there are 800 houses in the West Urbana Neighborhood area that could immediately become suitable for such a designation, we need to ask why is there a great resistance for historic preservation designation. He likes the idea of preservation; however, we need to find out why the list of requirements that a property owner would need to meet or maintain to make any changes to the property is not working for the residents of the City. He came to the conclusion that greater regulations over personal property is unappealing to people. They like the idea of historic preservation but they do not want the level of regulations or restrictions that apply. To change out storm windows or to add a dormer or porch on the front of the house, a property owner who has historic district or landmark designation on his/her property would first need to seek approval of the Historic Preservation Commission which probably will have different values than the property owner who lives there.

He feels that there is a place for historic preservation, and that place is with those people who have a conviction for it. It tends to be something that is more likely to appeal to the well-educated professional residents of the City. There are many people who own homes who are more blue-collar, who perhaps have different values or different pocket books when it comes to repairing their home who are afraid of historic designation. If quite a few of these people live in

an old neighborhood, then how do we protect the homes or keep any stability in the neighborhood? He believes the concept of a NCD is created to meet the different kinds of needs of part of our community.

If we make the initial NCD application too steep, then we will never actually see an application fulfilled here at the City of Urbana. It takes education and clarification to make what is available and possible understood by the people so they can make a decision. This is why it will be important to have neighborhood meetings to sell the project.

Mr. Roberts feels that a NCD has different goals and uses than historic districts. Perhaps Mr. White's comment about removing Section E on Page 15 might have some merit. Really isn't the purpose and wish of the group that proposes a NCD is that they already know about the possibility of historic preservation, and they do not want to go that route?

He thinks it would be fair to have the Historic Preservation Commission review NCD applications. They are the professionals in it. Sometimes when you are a professional, your goals and interests are different than those of the petitioners, so there needs to be an allowable process so that if the applicants do not want to pursue historic preservation, then they need to have the right not to. Perhaps we need to have a greater dialogue in education about the importance of historic preservation in this town.

One of the problems is that in certain parts of Urbana we have residential areas where one or two houses are demolished and replaced with an apartment building. People wonder why this is possible. Well, it is because the zoning allows it. There are large sections of neighborhoods with homes that are zoned R-4 or R-5. Anyone who owns one of these properties could tear down the existing single-family home and construct an apartment building by right. What can be done about this? The only thing to do is to install some kind of measure to protect a mass structure and many other features of typical NCDs as evaluation points for a NCD. That is why the proposed NCD ordinance has such great use to neighborhoods.

Greg Girolami, of 2709 Holcomb Drive, asked if Certificates of Appropriateness do not apply to NCDs. Mr. Myers replied that the Certificate of Appropriateness section is already in the historic preservation ordinance and is for local landmarks and historic districts, not for NCDs. Mr. Girolami was puzzled by the mechanism by which the Historic Preservation Commission would review proposed changes and how their review is taken into the process. Mr. Myers stated that the Historic Preservation Commission would not be part of the review process after a NCD is created. If a NCD was created, design review would most logically be carried out by the Development Review Board. Mr. Girolami did not see in the proposed NCD ordinance where the Development Review Board would have input into the approval process for any construction project within the NCD. Mr. Myers said that the process would be in the enacting ordinance for each particular NCD. If design guidelines were proposed, they would come with an ordinance and that the enabling ordinance would say who would review it. Mr. Girolami asked if the Development Review Board would have the decision making authority of whether to approve or disapprove a particular construction project within that NCD. Mr. Myers said yes. They would find whether or not the changes would be appropriate or inappropriate based on the design guidelines enacted by City Council for that particular district.

Mr. Girolami wondered if there would be an appeal process of the approval or denial of a particular project. Mr. Myers stated that would have to come as part of the enabling ordinance. Mr. Girolami questioned who the appeal would be brought to. Mr. Myers stated that typically appeals go to City Council and then it could be appealed to a court of law. There is always a way to appeal any decision made by City staff, a board, or the City Council.

With no further discussion from the Plan Commission and no further input from the public, the Plan Commission recommended that this case and the public hearing be continued to the next scheduled Plan Commission meeting on April 5, 2007.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2031-T-07: A request by the Zoning Administrator to amend Table V-1; Table of Uses of the Zoning Ordinance as it pertains to the R-7, University-Residential Zoning District.

Jeff Engstrom, Planner II, handed out an addendum with additional photos of the inventory for R-7 properties. He began his presentation by stating the purpose of the proposed text amendment, which is to bring the stated intent of the R-7 Zoning District more in line with what is currently allowed, and with what is proposed to be allowed. The proposed amendment to the R-7 Zoning District requirements would modify Table V-1, Table of Uses, to allow additional, appropriate uses in this district such as duplexes and condominiums. An apartment building could be allowed by Special Use Permit. Also for consistency with lower residential zoning districts, uses such as parks and municipal buildings would be allowed. Currently only single-family homes, rooming houses, and dormitories are currently allowed in R-7 zoning districts with no uses in between. He presented background information on the R-7 Zoning District and talked about its history. He discussed the affect of the 1990 Downtown to Campus Plan on the R-7 Zoning District. He also discussed the Goals and Objectives of the 2005 Comprehensive Plan that pertain to the proposed text amendment. He reviewed the options of the Plan Commission and presented staff's recommendation, which is 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 this public hearing, staff recommends that the Plan Commission recommend approval of the proposed Zoning Ordinance text amendment as presented.

Ms. Stake commented that City staff is proposing to mix all these proposed other uses in the R-7 Zoning District, which contains a lot of historic housing. It does not seem like a good idea to her.

Mr. Myers responded by that the proposed new uses are already allowed right next door in the adjoining R-2 and R-3 residential zoning district. The R-7 district is the only residential zoning district that does not allow the uses that are being proposed. Mr. Engstrom added that many of the properties in the R-7 Zoning District look nice on the outside, but they are experiencing disinvestment. They are basically just rooming houses that have been torn up on the inside. There is no real incentive for the landlords to maintain the exterior. So, if a duplex use would be allowed, then it might provide incentive for the property owner to upgrade the exterior and interior of the building.

Mr. Ward understood the R-7 properties to be fraternities, sororities or other kinds of group homes. The Lincoln/Busey Corridor was setup to serve as a buffer between the residential area and the University of Illinois. As he looks at the proposed text amendment, he sees that it would allow property owners to tear down sorority and fraternity houses and build small apartment buildings and duplexes.

He questioned the criteria of the Comprehensive Plan to the proposed text amendment. He seemed that in fact, this proposal works against a number of the Goals and Objectives in the Comprehensive Plan. He did not understand how this is a congruent proposal at all, because it seems to him that the real impact would be quite the opposite of what it proposes to be.

Mr. Myers explained that uses currently allowed in the R-7 Zoning District are single-family homes, dormitories, rooming houses, fraternities and sororities. This is more restrictive than what is allowed in the neighboring single-family district. If the property owners next door are not tearing everything down to build something undesirable to the neighbors, then he did not understand why it would happen in the R-7 District. He did feel that the proposed amendment would allow R-7 property owners the opportunity to reuse their existing buildings though. The R-7 Zoning District was setup to serve as a buffer zone, but is it really a buffer zone? The types of uses allowed are mostly less intensive than allowed for the properties it is supposed to protect.

Ms. Upah-Bant commented that she felt this would encourage the eradication of all the older historic buildings. The property owners would not convert some of the existing buildings into duplexes.

Elizabeth Tyler, Director of Community Development Services, stated that City staff was not proposing anything that would be inconsistent with the Comprehensive Plan or will disrupt the neighborhood. The zoning district was prepared when conditions were different with respect to student housing. It is a very limited zone. There are some uses that cannot be done in the R-7 Zoning District that are very low intensity uses.

She mentioned that the proposed text amendment came up because there is interest in the adaptive reuse of these beautiful old properties in ways that are not permitted by the Table of Uses. The City has had some inquiries about converting these buildings into condominiums and getting some reinvestment this way. Can we convert this rooming house with 15 students into a duplex that might have an occupancy half that? The Zoning Ordinance will not allow this because a duplex is not allowed in the R-7 Zoning District. City staff went through the Table of Uses to modify it to make it a little more sense for today's market. We found that the R-7

District stands alone for not allowing certain uses that are permitted in all the other residential zones. So, with the proposed text amendment, City staff is trying to assign some rationality to the R-7 Zoning District. For example, a public park is allowed in every other zoning district except the R-7 Zoning District. Here is a chance to take some time and make this zoning district work better. Please do not just say that this is a bad idea, and we like it the way it is. The R-7 Zoning District is really not serving very well from City staff's understanding.

Ms. Burris understood Ms. Tyler's point, but people are going to want to make the maximum profit from their properties. Profits means that if they can tear down the existing structures and build new ones to charge more, then that is what they will do. She does not believe that all developers will do what City staff intends for the R-7 Zoning District with the proposed text amendment. She does like the way the R-7 area is now. She walks down this area everyday and feels that it does serve as a buffer zone already.

With no further questions from the Plan Commission for City staff, Acting Chair Grosser opened the case to input from the public.

Greg Girolami, of 2709 Holcomb Drive, said he is on the Board of Directors for one of the fraternities in the R-7 Zoning District. They have owned the property since 1938. Times have changed. He feels there might be some merit to the proposed amendment. The fraternity's by-laws restrict the people who can live in the fraternity to those who have a certain kind of major. The house could accommodate about 40 of the 200 people who are eligible to live in the house. In 1938, they had no trouble filling the house because students were poor and they were able to provide a very economical way to live in the community. Today their occupancy is 12 students. Students are not finding fraternities with communal kitchens and bathrooms attractive anymore. As a result, they have been experiencing increased financial difficulties over the last twenty years and are finding it impossible to maintain any sort of financial model to keep the house operating. Therefore, they are going to have to sell the fraternity. They have no other choice.

What happens next with the building? The building could just sit there for a long period of time. They are already concerned with the integrity of the house. Forty, thirty and maybe even twenty years ago they could have sold the building to another fraternity, because that market was still strong and could operate at a profit. He is not sure this is still true. With the current restrictions of the R-7 Zoning District, it certainly limits the number of buyers that are available. They could try to rezone the property. A new owner could risk trying to rezone the property as well.

Ms. Stake commented that it seems there should be some creative way to reuse the house without allowing it to be demolished. Maybe there could be some special district that would make sure the buildings are not demolished.

Carolyn Baxley, of 510 West Main Street, inquired as to whether City staff sent a notice to adjacent property owners of the R-7 Zoning District. Mr. Engstrom said that owners of R-7 properties were notified but not other property owners. She urged City staff to review the transcripts of the Downtown to Campus study. They would then have a better understanding of what the neighbors and the Plan Commission felt at the time when the R-7 Zoning District was created.

Ms. Baxley mentioned that she was a member of the Plan Commission when the R-7 Zoning District was created. It is not like the other residential zoning districts and never was intended to be. It was setup as a buffer to protect the neighborhood on the east side of Busey Avenue. She believes that the areas now within the R-7 Zoning District have a different feel than what the district was originally designed to do. She believes that the Plan Commission should do a study of the R-7 area to find out what the impact of the proposed changes would be. This is what they did with the Downtown to Campus study. She also urged the Plan Commission to continue this public hearing and for City staff to send notices to adjacent property owners. The residents on the east side of Busey Avenue will be very upset if the Plan Commission forwards this case to the City Council in its present form.

Ms. Tyler noted that City staff did send this case to the West Urbana Neighborhood Association and to the R-7 property owners. The City could also notify adjacent residents. Mr. Ward commented that he owns a property adjacent to one of the R-7 zoned properties. If he was not on the Plan Commission, then he would have not known about the proposed text amendment. He is sure that the neighbors in the area have opinions about this, and the Plan Commission needs to hear their opinions.

Mr. White moved that the Plan Commission table this case to the next Plan Commission meeting. Meanwhile, City staff should notify adjacent property owners about the proposed text amendment and the date and time of the next Plan Commission meeting. Ms. Upah-Bant seconded the motion.

Ms. Stake wondered if the land that the R-7 zoned properties belongs to the University of Illinois or to the individual fraternities and sororities. Mr. Girolami replied that the fraternity owns the property that their building is located on.

Acting Chair Grosser commented that it makes sense to notify everyone in the area. He believes that the intent of the proposed text amendment is good. Most of the fraternities, sororities and rooming houses are not what students want to live in anymore. Allowing something that would allow them to be adaptively reused and preserved would be a good thing.

Mr. Ward moved to amend the motion to include notification of all property owners of record between Orchard Street and Lincoln Avenue and between Illinois Street and Florida Avenue. Ms. Tyler pointed out that there are several R-7 properties located west of Lincoln Avenue, so City staff will notify everyone from there to Orchard Street.

Ms. Upah-Bant seconded the motion for the amendment. Roll call was as follows:

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

The motion for the amendment was approved by a vote of 5-1.

Roll call on the main motion including the amendment was as follows:

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

The main motion including the amendment was approved by a vote of 6-0.

Mr. Engstrom noted that this case would be brought back to the Plan Commission on April 5, 2007.

At 10:05 p.m., Acting Chair Grosser a three-minute break in the meeting. At 10:08 p.m., the meeting was called back to order.

Acting Chair Grosser announced that he would like to switch the Study Session item with the item under New Business. The Plan Commission agreed with the change.

8. STUDY SESSION

University Master Plan Presentation

Mark Inglert, Manager of the University of Illinois' Planning and Design Department, and Kevin Duff, Campus Landscape Architect, presented the University of Illinois' Updated Master Plan. They noted that the following information is also available on the website.

Mr. Inglert stated that this plan was presented and approved at the University of Illinois' Board of Trustees meeting on March 13, 2007. He continued with a slide presentation on the following:

- Master Plan Purpose
- Benefits of a Master Plan
- Development History of the University of Illinois
- Tree Lined Streets and Malls
- Continuity of Landscape and Buildings
- Progression of Plans from 1986 to present
- Three Components of a Master Plan: 1) Master Plan, 2) Design Guidelines, and 3) Ancillary Plans, such as Existing Plan and Proposed Area Plan
- 2007 Master Plan Update
- Academic Core Area
- 2007 Update including the Research Park; Athletics, Recreation and Veterinary Medicine; and Orchard Downs
- 2007 Design Guidelines, including Landscaping, and
- 2007 Ancillary Plans, including the Campus Area Retail Assessment and Campus Area Transportation Study

Mr. Grosser inquired about married student housing in the Orchard Downs area. Mr. Inglert believed that as the Orchard Downs area is being redeveloped, the U of I is taking into consideration married student housing and is working it into the plans.

Ms. Stake commented that we have many people from different countries attend the U of I. They have always had Orchard Downs to live in. She felt it is not right to lower the amount of housing available at Orchard Downs to these students. Mr. Duff responded that the U of I did not know how much housing would be available for married students. They are waiting for redevelopment proposals for the site to be submitted. Ms. Stake commented that she is disturbed by the fact that the U of I did not quantify the number of housing units for the students as part of the RFP (Request for Proposals) process.

Acting Chair Grosser asked what the retail assessment is for the North Campus Parking Deck. Mr. Inglert replied that each of the sites were specific to what type of clientele was in the adjacent areas. He believed that for the North Campus Parking Deck were a specialized book store and some type of coffee shops. However, he thought they were moving to some sort of off-shoot campus recreation, such as workout rooms.

Acting Chair Grosser asked if it would be for private enterprise and not for the U of I. Mr. Inglert said yes. Mr. Grosser questioned whether the rents for this space would be competitive with other rental spaces in the neighborhood. Mr. Inglert replied that he did not know.

Ms. Upah-Bant asked if Mr. Inglert or Mr. Duff foresees another development like Gregory Place happening elsewhere on campus. Mr. Inglert believes that the retail study acknowledged that all of the locations were viable. The study said that there were concentrations of people that have retail needs that should be looked at, especially in places like Orchard Downs or the Research Park. These are more free-market based campus developments, so they have to be developed more in a flexible way.

Mr. Inglert went on to talk about the Pomology tract. At one time, the entire property was the Natural Resources and Environmental Sciences research plots for fruit trees, etc. The Board of Trustees has approved the transfer of this land as U of I Foundation owned property. It can now be traded out for land that the U of I is looking at within their Master Plan boundaries or for the purchase of other land that would work with the Master Plan.

Ms. Stake objected to the U of I selling the Pomology tract. The U of I has done all their research on blueberries and apples there. There are many beautiful apple trees. The University of Illinois is owned by the people of Illinois, and now the U of I is just going to give it away. Mr. Inglert said that they would not be giving it away, but rather sell it, which would bring up an opportunity for future development within the community. The Urbana Comprehensive Plan shows part of this tract as being an expansion of Meadowbrook Park and another part of the tract as being an expansion of the City.

Ms. Tyler noted that the adopted Urbana Comprehensive Plan is consistent with what the U of I is showing for the Pomology tract. Map #14 of the Comprehensive Plan tells the City to plan for

future private development in the Pomology tract area. The map also mentions several ideas including the expansion of Meadowbrook Park, mixed residential, etc.

Ms. Stake exclaimed that you cannot regain the years and years of research that has gone into this tract. Mr. Inglert replied that the U of I would not be lessening their research but just be relocating it. Ms. Stake commented that they would have to start their research all over again from scratch. Mr. Inglert pointed out that the U of I was already in the process of making that relocation.

Mr. White added that many of the experiments that were done in the Pomology tract have outlived their usefulness. Another problem is with safety. It is not very safe to drive tractors down Windsor Road to get to the Pomology tract.

Ms. Upah-Bant inquired as to what the U of I's Master Plan shows for the corner of Lincoln and University Avenues. Mr. Inglert stated that this is part of the update that the U of I looked at. He believed that there is an agreement between the U of I and the City of Urbana which states that the U of I will not develop anything east of Harvey Street that would take the property off the tax roles. The U of I has planned to make this corner a Gateway point for the City of Urbana and for the University of Illinois. As for the rest of the corridor between Goodwin and Harvey Streets from University Avenue south to Springfield Avenue, the U of I would like to jointly plan this area with the City of Urbana to help redevelop this area in a way that makes sense for both.

Acting Chair Grosser understood that the U of I would actually sell the Pomology tract, so that it would not be like the Orchard Downs area, where they plan to lease it out. Mr. Inglert stated that he did not know if the U of I would attach any covenants to the Pomology tract. This would be up to their real estate people and to what the goals of the campus are. He did not foresee the U of I attaching any restrictions to the property unless it is in the best interest of the University of Illinois and the community.

With no further questions or discussions, this item was closed.

9. NEW BUSINESS

Plan Case No. 2037-M-07: Annual Update of the Official Zoning Map

Paul Lindahl, Planner II, gave the staff report for the proposed annual update of the Zoning Map. He summarized the changes that have been incorporated into the Official Zoning Map which included six annexations, six rezoning requests, two certificates of exemption, and seventeen subdivisions. He reviewed the options of the Plan Commission and presented staff's recommendation, which was as follows:

Staff recommends that the Urbana Plan Commission recommend approval to the Urbana City Council of the summary of case activity and proposed map revisions for the Official 2007 Zoning Map.

Acting Chair Grosser inquired about the Country Club annexation. Mr. Lindahl explained that there is an annexation agreement for the Country Club but a petition has not yet been submitted. Ms. Tyler added that the Country Club is marketing for pre-sales of the condominiums. Once they hit a certain level of pre-sales, they will follow through with the steps of the annexation agreement.

Ms. Upah-Bant wondered about the Brickhouses Road Subdivision which is listed in the staff memo as pending. Mr. Lindahl stated that the City Council is still discussing the case and has not yet approved it. The proposed subdivision is not in the City and would not affect the zoning map.

With no further questions for staff, Acting Chair Grosser opened the case up to hear testimony from the public. There was no public input, so he closed the public input portion regarding this case.

Mr. White moved that the Plan Commission forward Plan Case No. 2037-M-07 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion. Roll call was as follows:

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

The motion was passed by unanimous vote.

10. AUDIENCE PARTICIPATION

There was none.

11. STAFF REPORT

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission