

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: April 5, 2007
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Jane Burris

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

OTHERS PRESENT: Fidaa Araj, George and Nancy Boyd, Susan Chavarria, T. Cotcas, Matt Dixon, Chris Enck, Steve Feriburg, Jennifer Feucht, Angela Fike, Jackie Holke, Bjorg Holte, Zach Kennedy, Sang Lee, Joseph Levre, Danielle Quivey, Norma Ray, Dennis Roberts, Tim Scovic, Emily Smith, Brent Solinsky, Kevin Stewart, Christopher Stohr, Susan Taylor, Joel VanEssen, Latonya Webb, Mary Wood, Roger Woodbury

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

The meeting was called to order at 7:32 p.m., the roll call was taken, and a quorum was declared present. Chair Pollock introduced and welcomed Tyler Fitch as the newest member to the Plan Commission. He also announced that Ben Grosser has been appointed to serve as the Plan Commission liaison on the Development Review Board.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

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

4. COMMUNICATIONS

- Email from Roger Woodbury

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, highlighted the changes that City staff made to the proposed text amendment based on the discussion of the Plan Commission at their previous meeting on March 22, 2007. He acknowledged that obtaining 60% approval of property owners to become a neighborhood conservation district (NCD) would be difficult which might prevent many districts from going forward. He shared what some other cities are requiring in terms of property owner approval with NCDs. City staff would be comfortable with moving forward with a recommendation if the Plan Commission is.

Ms. Stake feels that 50% might be a good number for the City of Urbana since that is what is required in other communities.

Mr. Ward expressed confusion about the language on Pages 14 and 15 of the proposed text amendment. Section C (Neighborhood Conservation District Nomination) goes from uppercase letters to lowercase letters. Should the lowercase letters be numbers to be consistent? Mr. Myers answered that he would correct this.

Mr. Ward noted that Item f, which should be a 6, under Section C still says that a minimum of 10% of the owners is required to initiate a NCD. Is this an oversight? Mr. Myers replied yes. This has now been corrected to read 25%.

Mr. Grosser inquired about the placement of signs as part of notifying the neighborhood about the initial review by the Historic Preservation Commission. Mr. Myers stated that he could add posting of signs for the initial review by the Historic Preservation Commission.

Mr. Fitch stated that there was language in the proposed text amendment under K.3 that states one registered preference for each parcel and wondered if, for instance, one property owner owned 25% of the lots in a proposed NCD, then he/she would be able to more easily force a two-thirds majority vote in terms of protesting a NCD. Mr. Myers said yes.

With no further questions for City staff by the Plan Commission, Chair Pollock opened the public input portion of the hearing.

Christopher Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), expressed his concern about Section G of the proposed text amendment, which requires approval of at least 60% of the property owners. He mentioned that even in the recent case where the Historic Preservation Commission applauded the well researched nominations for two properties for historic landmark designation, the petitioner apparently did not provide the correct property owner for two properties. He foresees this as being an obstacle in establishing a NCD in the City of Urbana. Many of the areas in HEUNA are rental properties. To contact the owners of rental properties who live out of town or wish to not be contacted could pose a burden for property owners who live in the area and wish to nominate a NCD. He urged the Plan Commission to reduce the percentage of property owners required for approval from 60% of the property owners to 60% of the property owners who respond or even a simple majority as would normally be the case to choose elected officials. Mr. Stohr wanted to hear more about "signed endorsements". How much time would a property owner have to respond? He felt that there should be more detail in the proposed text amendment regarding this issue.

Roger Woodbury, of 310 West Iowa Street, mentioned that he has informally polled property owners around Carle Park to see how many would be interested in a NCD for their neighborhood. He did not see a problem with getting 25% of the property owners to apply for a NCD or with getting 60% of the property owners' approval as long as they can set up a NCD with no design control beyond the City's Building Code. Once you start talking about design controls, then it becomes more difficult to keep people interested.

Basically, a NCD for the Carle Park Neighborhood would say that their properties are zoned R-2 Zoning District and that the property owners would be opposed to any application for rezoning. They would also oppose any conditional or special use permit applications. He did not see any problems with getting support for this type of NCD, but he just wants clarification that they would not have to have design controls.

Ms. Upah-Bant asked Mr. Myers to respond to the issue of signed endorsements. Mr. Myers explained what a signed resolution is, which is as follows: Whenever a corporation owns a property, then whoever signs the petition on behalf of the corporation or agreement has to have the authority to do so.

Mr. Myers stated that the requirement should be to contact the owner of record who is the person or company listed on the tax rolls as the owner or owner's agent. Otherwise, we would have to do a title search for each and every property which would be impossible. He stated that in the case of the historic landmark applications, the City did send notice to the owner of record. Ms. Stake inquired as to who is the owner of record for 502 and 504 West Elm Street. Mr. Myers replied that according to the Champaign County Tax Assessor's Office, the taxpayer is Campus Property Management.

Chair Pollock asked who would establish design guidelines for a NCD. Would it be the NCD property owners? Would it be possible to have a NCD with no design guidelines? Mr. Myers responded that almost every NCD that he knows of uses design guidelines. However, he supposed that a neighborhood could use a NCD as an honorary designation or as an area of

recognition with self-imposed guidelines on future public improvements within street rights-of-way.

Ms. Stake believed that the reason why these questions have come up is because the areas that have expressed the most interest in using NCDs as a tool to preserve their neighborhoods already exist. The buildings are built, and some sense of guidelines is in place. Property owners want NCDs to protect what already exists and to try to prevent new development.

Mr. Myers stated that we need to keep in mind that NCDs also rely on the underlying zoning. If there is a fundamental problem with the underlying zoning that may affect a NCD, then it would typically be dealt with separately. There may be other avenues to solve neighborhood problems. Ms. Stake thought maybe in some instances the uses could be changed if there is a problem with uses that seem inappropriate for an area.

Elizabeth Tyler, Director of Community Development Services Department, pointed out that a NCD plan could include policies that might indicate zoning changes or preferences, infrastructure, and things that are not just related to design. Each plan should reflect the unique characteristics of its neighborhood and identify policies unique to the neighborhood but have legislative actions necessary to implement them such a zoning change.

With respect to Ms. Stake's comment regarding existing neighborhoods and design guidelines, NCDs with design review in areas that already exist ensure that if something happens such as a fire, then it will be rebuilt to fit the character of what is envisioned in the NCD. Therefore, they do apply to existing neighborhoods.

Mr. Ward stated that this might raise a problem. If there is a NCD with no design guidelines, then what standards would be applied when a property is rebuilt after a fire? Ms. Tyler replied that there are still additions, garages being added, and rebuilds in existing neighborhoods. She agreed that these types of things cannot be reviewed without guidelines.

Mr. Hopkins commented that almost all of the proposed text amendment, except for Section F, talks about how property owners petition for a NCD to be created. Once this happens, the City Council could approve or deny such a district. In Section F, it states that the City in consultation with the property owners shall prepare design guidelines. He understood this to mean that this would be required. Working backwards, he pointed out that the City could do this anyway, regardless of whether 60%, 20% or 10% petition or do not petition. We did this in the MOR, Mixed Office Residential Zoning District. So, it is not clear to him why all the subtleties about this petition process actually matter.

His second concern is that everything Mr. Woodbury talked about could actually not be done through a NCD because all of it involves actual amendments to the Zoning Ordinance. A group of neighborhoods could lobby City Council to get these done anyway. Their success would not have to depend upon a required percentage of petitioners or property owners who approve a NCD for their neighborhood. So, he is confused about what the Plan Commission and City staff are trying to accomplish.

Ms. Tyler responded by saying that this is a concept that is to empower neighborhoods. It is a mechanism to create a grass roots plan. City staff has done a lot of research on the use of NCDs.

Rebecca Bicksler, who was the Community Development Associate for the City of Urbana, found ways that different communities use NCDs. Most of what Ms. Bicksler and other City staff have found points to design guidelines. However, it should not be exclusive to them. We talked about a NCD Plan providing policy for a neighborhood, but it could also be an overlay.

Mr. Hopkins stated that the only way this could be done, according to the way the proposed text amendment is written, is through design guidelines. There is nothing else in the proposed language that allows any other mechanism, and it is all still completely discretionary to the City Council. Mr. Hopkins inquired about other things that a NCD could do. Mr. Grosser noted that Mr. Woodbury and his neighbors are interested in using it as an advisory tool.

With no further comments or questions from the public audience, Chair Pollock closed the public input portion of the hearing. He opened it up for Plan Commission discussion.

Mr. Grosser felt that if the proposed text amendment is not going to require design guidelines, then the word “shall” on Page 15 under Section F needs to be changed to “may”. He had not thought about the possibility of a NCD without design guidelines until Mr. Woodbury mentioned the idea. He did not believe that what Mr. Woodbury’s neighborhood wants would be binding without design guidelines according to how the proposed text amendment is currently written.

Mr. Myers commented that part of what would be enacted for a NCD would be a plan and part of it could be prescriptive, such as design guidelines. The plan portion defines what is unique about the neighborhood. Without the design guidelines, there would still be the plan portion of the NCD defining the character of the neighborhood, and it could include a statement of how the neighborhood wants to go about preserving the unique character. He can’t foresee everything that a NCD could possibly be used for and is trying to keep an open mind. Neighborhoods may come forward with creative solutions no one has thought about.

Ms. Stake believed that they should all go back to the reason why we want NCDs. The reason is because many of the older neighborhoods have been invaded with people who buy properties, let them deteriorate and then tear them down. There are many beautiful homes in areas of Urbana that are part of our history and should be saved. So, the big issue is how do we keep this from changing. The answer is neighborhood preservation. NCDs would be different from one neighborhood to another depending on what is important to a neighborhood to protect. NCDs are supposed to be a grass roots plan that begins with the neighborhood deciding what is important to them.

Many years ago, the City began with down zoning properties in the West Urbana Neighborhood area, and it helped a lot in preserving the neighborhoods. She did not see the proposed text amendment being a big problem if property owners are really serious in preserving their neighborhoods. She felt that the proposed text amendment is good. The design guidelines should be optional. There are many other things other than design guidelines that we need to do in order to save a neighborhood.

Mr. Ward agreed with Ms. Stake in terms of the goals of a NCD text amendment. However, as he reads the proposed text amendment, he does not think that it does anything. He does not know why anyone would go through the effort to create a NCD because it would not afford any protection that is not already there.

He mentioned the chart that Rebecca Bicksler put together describing the problems of different neighborhoods and what mechanisms could be used to help solve those problems. In almost every single case, it was not a NCD that would be the best solution. Either those other mechanisms are already in existence or they could be placed into existence.

He did not see anything dangerous about a NCD, except that it gives people a sense of protection when they are really not. He agreed with Mr. Hopkins in that the proposed text amendment does not really do anything.

Mr. White mentioned that he had a real problem with allowing no design guidelines in a NCD. He felt that some people might think that a NCD would be a way to change the zoning uses or requirements for one area and not all areas with the same zoning designation. Once you take the design guidelines out of preserving the appearance of older neighborhoods, then he could not support it.

Ms. Tyler reminded the Plan Commission that this is enabling legislation that would enable a NCD to be formed. City staff has received many requests for this tool. It is a tool in a toolbox that also includes rezonings, text amendments, etc. The present ordinance may not seem exciting or impressive because it does not enact a NCD. Once we get a NCD application and City staff creates a plan then we will find out what the needs of that neighborhood really are. The proposed text amendment just allows this process to occur. She felt that the proposed text amendment legitimizes it and makes it easier by setting up a process that has been successful in other communities. It is a type of tool that is common in college towns with older residential neighborhoods that have outside pressures who want to show that they want to preserve the homes and that new development be consistent with the character of the neighborhood.

Mr. Hopkins understood the interest in codify the process to some extent and inviting additional instances for example of the Downtown to Campus and the MOR Zoning District. He thought there is reason for a sense of fairness about how access to these capabilities are distributed in the City. The Downtown to Campus Plan and the MOR Zoning District are located in particular parts of the City of Urbana. However, it is not clear to him with the way the proposed text amendment is written actually accomplishes that. It almost seems to make it harder. Did the people who live in the MOR Zoning District have to go through this process in order to get the MOR Zoning District created? If he wanted to get the equivalent of the MOR Zoning District in East Urbana, would he choose to do this or would he choose to lobby the City Council? He stated that he would choose lobbying the City Council, because it is not clear to him what the proposed text amendment does.

Mr. Myers responded that it is true property owners can always get together and lobby the City Council to enact some sort of zoning provision, but it would be on a top down basis. The proposed text amendment is more grass roots, from the bottom up. It is a defined process and almost a required collaboration rather than seeing a top down process imposed.

Ms. Tyler added that the Downtown to Campus Plan was a very tough process, and it took many years. There was a lot of controversy. With a NCD, people would come together and would work on it from the grass roots. So they would be committed to the plan from the start instead of a typical planning process, which is a little more top down and a little more controversial. The

Downtown to Campus Plan took a long time, and some people still feel that they lost with the plan. It dealt with specific issues, and other issues were not dealt with. Therefore, she did not feel the Downtown to Campus Plan to be equivalent to a NCD.

Ms. Stake commented that one of the things we need to keep in mind is that NCDs work. They have and are working in other communities to preserve some of their residential areas that are near big schools. She believed the proposed text amendment is a good plan, because it lets the people in the community decide what they want to do. She likes the idea that the City is not telling the people what to do.

Mr. Hopkins inquired if one of the advantages would be that 25% of the property owners could force the City Council to accept reviewing a NCD. Mr. Myers replied that with 25% of the property owners petitioning, then it would start City staff and some of the boards working. The 25% would then need to start collaborating with the neighborhood and putting together their design guidelines or other measures. If 60% of the property owners approve of the design guidelines and the plan, then it would require the City Council to take up the issue.

Mr. Hopkins asked if the 60% approval of property owners came after a detailed proposal for the design guidelines have been developed. Mr. Myers said yes.

Mr. Hopkins questioned whether the City Council would still be able to vote on the design guidelines if there was not 60% approval of the property owners. Mr. Myers stated that it means the application would not go forward to the City Council. Mr. Hopkins did not believe that the City Council could be bound in this way. If a neighborhood got 25% of the property owners to initiate a NCD, this would force City Council to direct City staff to work on creating a plan. But what would the neighborhood gain by getting 60% of the property to approve of the plan? The 60% approval could not be binding on the City Council to adopt the plan or to not adopt the plan if they did not have 60% approval of the property owners.

Mr. Ward felt that as a Plan Commission member, he wants to be able to modify plan proposals. However, as a property owner involved in a NCD proposal, he would be frightened by the fact that the Plan Commission and/or the City Council could modify a plan that his neighbors and he had put together. Once a NCD proposal gets beyond a certain point, the neighborhood, who initiated the proposal, loses control over what happens in the plan. Therefore, a plan could be enacted that is very different from what was being initiated.

Mr. Myers believed that there needed to be some wiggle room to allow for modifications because that is the purpose of the public process. For example, City staff has incorporated a lot of the comments heard during public testimony throughout the previous meetings into the proposed NCD text amendment. If the Plan Commission and City Council could only vote an application up or down without making modifications, then what would be the need for a public process.

Mr. Fitch talked about the Historic East Urbana Neighborhood area. He spoke about their primary concern, which is land use and down zoning. They are looking creatively at a MOR type scenario that would allow mixed uses and possibly have some design criteria. In certain parts of the neighborhood, the existing use has gone more towards multi-family. Where down zoning would be impossible, a NCD would be viewed as one tool that could help with the problem.

He agreed that if someone has the ability through regular political process to influence the City Council, then they would not need a NCD. However, he believed that the proposed text amendment has value.

Mr. Grosser agreed with Mr. Ward that he would not like the Plan Commission and City Council making changes to his neighborhood's plan, especially if the plan had gone through all of the steps of the process of getting 25% of the property owners to initiate an application and then getting 60% of the property owners to agree on the plan. He questioned when the last point was that a 25% protest could be made. Mr. Myers said that the last point a protest could be made is before the City Council makes their determination. Mr. Grosser stated that this adds another problem, because the 25% of the property owners that protest a plan would not have the opportunity to see the changes or modifications that the City Council might make.

Mr. Hopkins did not understand how the fact that 25% of the property owners in protest could legally prevent the City Council from doing something that it could do anyway. He can see a benefit for the 25% of the property owners who could force the City Council to do something that some neighborhoods in the City have a hard time forcing the Council to do by previously conventional means. Twenty-five percent of the property owners could start the process, which sounds like a potential benefit. But, almost all the rest of the process after the initial step sounds like either a road block or an illusion.

Mr. Grosser understood the initial 25% of the property owners would not force City Council to do anything. They would force City staff to work with them on creating a NCD plan. Obviously, City Council could say that they liked the plan and go ahead and approve it. Mr. Hopkins meant that the City Council could direct the City staff to do this anyway. By adopting the proposed text amendment, citizens could then essentially direct the City staff to do something or force the City Council to direct City staff to do something.

Ms. Upah-Bant was concerned that one of the most vocal people in favor of a NCD does not want any design criteria. What would be the purpose of a NCD without design review? Mr. Myers explained that most all of the NCDs that he is aware of have design guidelines. He would like to leave the door open for creative ideas. There are going to be two parts to a NCD plan. The first part of the plan will include the character defining elements of the neighborhood, and the second part of the plan is typically regulatory. City Council could make changes to a plan to include design guidelines that help with maintaining the character defining elements.

Ms. Upah-Bant gave the example of a NCD without design guidelines where a neighbor wants to build a porch on his house, what happens? Mr. Myers said that there would be no design review. Ms. Upah-Bant wondered how the NCD plan would affect the neighbor. Chair Pollock said he would get to build his porch with no design review. Ms. Upah-Bant wondered why they would then have a NCD plan.

Chair Pollock understood that people would like to have an organization that is ongoing, advocates for the neighborhood, and is not necessarily interested in imposing standards on the property owners. Why they would need this to do that, he was not sure. Mr. Myers noted that a NCD could conceivably deal with parking, screening, etc.

Ms. Tyler mentioned that City staff has spent well over a year working on the proposed NCD text amendment and is not hearing a lot of support even after a year of work. Chair Pollock believed that as you begin to look at a proposal like this and dig into the fine print and hear from the public, you evaluate what is in front of you. It is not going to be exactly what City staff heard six months ago. He felt it showed discretion on the part of the Plan Commission to look at the issues. It does not mean that there is not support for doing something that would be a benefit for the neighborhoods. Perhaps, this just is not what people have envisioned a NCD to be.

Mr. Grosser stated that for the most part when people have come in and talked about NCDs during the public input portion of the hearings over the last year, most of the issues they bring up are potentially solvable in other ways. For examples, people not wanting single-family homes turned into apartment buildings. He is not sure a NCD would be the best way to accomplish this.

Mr. Myers commented that City staff began this process by proposing an array of potential solutions, and that NCDs was proposed as one tool. There is no silver bullet to solve all neighborhood problems in an area. It takes a layering effect of different programs and initiatives. NCDs would only be one potential tool.

Chair Pollock reminded the Plan Commission of the options of the Plan Commission.

Mr. Hopkins understood the frustration of City staff. However, Ms. Bicksler did a thorough study which actually concluded what the Plan Commission is concluding now. There are a couple of things that the Plan Commission wanted, and they have sustained the notion that NCDs could do them. His inclination is to suggest a simpler ordinance that would codify in a way that would encourage neighborhoods to feel like they could get action from the City Council in sort of a predictable way, such as with the 25% requirement of property owners to initiate a NCD. The ordinance would also indicate the notion of creating a NCD in order to create a review panel for design guidelines is an option. Another option from the 25% initiative is to simply force the creation of a plan. It could simply be an initiative to do a study to get rezoning or to do a study like the Downtown to Campus to get the kinds of imperfect but significant results of the buffer around Lincoln Avenue or the MOR Zoning District. The plan could be forced. It might not lead to a NCD as a legal entity that would have to be created. Therefore, he would get rid of all of the things that are illusions. Chair Pollock stated that he sees the wisdom in this. However, if there are going to be major directional changes to the proposed text amendment, then the Plan Commission needs to make a recommendation to the City Council on what has been brought to them and allow the City Council the prerogative of directing City staff to shift gears.

Mr. Grosser stated that one of the things that he likes about the proposed text amendment is that if there is going to be design review restrictions placed on properties, then at least the majority of the property owners would want it. He mentioned that he would not support the way it is currently written, because it would allow City Council to change and approve something that the majority might not end up wanting. Chair Pollock pointed out that the City Council responds to public input and to what the people in their neighborhoods want to see done, especially if there is a petition signed by most of the people in an area listing specific things that they would like to have happen in their neighborhood.

Mr. Hopkins wondered if the City Council directed City staff to develop a NCD text amendment. Mr. Myers responded that City staff proposed at a Committee of the Whole meeting six

initiatives that deal with conserving neighborhoods in the broad sense. NCDs was one of those six initiatives. City Council through a motion asked City staff to follow up with those six initiatives.

Mr. Hopkins moved that the Plan Commission forward the proposed NCD text amendment to the City Council with a recommendation that they consider the following key points: whether a simpler form of the proposed ordinance would be better using the 25% threshold to require, first, City staff planning work in a neighborhood, and second, the enabling of the creation of NCD as a legal entity to operate a design review or other kind of review board. Ms. Stake seconded the motion.

Mr. Ward stated that he would feel more comfortable with the motion if the following two things were added: 1) some language that would make it clear to the City Council that the proposed text amendment as currently written is not something that the Plan Commission is recommending and 2) to indicate whether other mechanisms exist to accomplish the purpose of this. Chair Pollock felt sensitive to the time that has been put into the proposed text amendment by City staff, the direction from the City Council to look at NCDs and the number of times it has been brought back to the Plan Commission. However, if the proposed text amendment as it is currently written is not what the Plan Commission wants to send to the City Council, then the Plan Commission should send a motion saying that they recommend not to pass it. They should include in the motion that there are specific things that could be addressed in another effort or in a different way and/or that there are questions that remain unresolved as a result of the Plan Commission's discussion. How the motion is currently worded does not give the City Council a clear idea about what the Plan Commission thinks about the proposed text amendment.

Mr. White commented that if we want to talk about design criteria with regards to porches, roof slopes, parking and things of this nature, then the proposed text amendment is fine. Once we start talking about not requiring design guidelines, then he cannot support the proposed text amendment anymore, because he feels that it has more to do with rezoning.

Ms. Tyler stated that the motion is advisory, which is fine, but it would be helpful to the City Council if the Plan Commission either moved to approve the proposed text amendment, move to approve it with changes, or move to deny it. It almost appears like the Plan Commission is delegating up, and the case could come right back to the Plan Commission. Mr. Grosser agreed with Ms. Tyler. He believes the word denial should be in the motion to make it clear to the City Council how the Plan Commission feels about the proposed text amendment as it is currently written.

Ms. Stake did not feel that the Plan Commission was talking about the preservation of neighborhoods. NCDs work in other communities. The City of Urbana has a problem of not preserving our residential areas. She expressed her disappointment with the direction that the Plan Commission had taken. She felt that the proposed text amendment was a more comprehensive way to solving neighborhood issues and problems. She felt it is a good proposal.

Mr. Hopkins withdrew his motion.

Mr. Ward moved that the Plan Commission forward the proposed text amendment to the City Council with a recommendation to not approve along with the message that the Plan

Commission is very interested in the idea of neighborhood preservation in the City of Urbana and would like to find a workable mechanism for preserving neighborhoods. The Plan Commission would like the City Council to advise staff on how to proceed, but the present proposal is not something that the Plan Commission can support. Mr. Hopkins seconded the motion.

Mr. Fitch moved to amend the main motion that they should include the 25% initiative to start the planning process, include looking at the 60% requirement for plan approval, include looking at the ability of the Plan Commission and the City Council to modify the plan after approval, and include looking into whether there are existing alternatives to a NCD. Mr. Hopkins seconded the motion.

Mr. Ward mentioned that his problem with the amendment is that the list should be longer. One way to do this is to not mention any of the specifics but simply indicate that the Plan Commission minutes reflect the issues that they have raised.

Mr. Fitch asked whether he could make an amendment to the amendment to add “and other items reflected in the Plan Commission minutes”. Ms. Tyler commented that it appears to her that the Plan Commission is still delegating up. She feels that the items in the amendment are issues that the Plan Commission could have spent the time debating and correcting. City Council will wonder if the proposed text amendment is fixable, and if so, why did not the Plan Commission take the time to do it. The amendment gives the illusion that the proposed text amendment is fixable.

Mr. Grosser believed that since the City Council directed City staff to work on this and because the Plan Commission is suggesting something quite different, then the City Council should have the opportunity to review the proposed text amendment and make a determination. Chair Pollock questioned whether the motion tells the City Council that the proposed text amendment is fixable or does it tell City Council to start over from scratch.

Mr. White felt that the proposed text amendment was going to go through and be approved until Mr. Woodbury voiced his concern about not having to have design guidelines. The proposed NCD text amendment deals primarily deals with architectural and historic qualities in the neighborhood such as design criteria, roofs, porches, etc. It does what it is intended to do in terms of architecture. As long as everyone agreed and understood that the proposed text amendment applies to architecture and not rezoning, then he would be willing to support it. We then need a second motion to let City Council know that property owners are really interested in changes in zoning.

Chair Pollock suggested that changing the zoning and neighborhood plans would be on the list of items in the amendment to the motion. He did not feel that the Plan Commission had to tell the City Council what their abilities are in order to accomplish what the proposed text amendment intends to accomplish.

Chair Pollock took a hand vote of the Plan Commission members on the amendment. The motion to amend the main motion failed by a vote of 4 ayes – 4 nays.

Mr. Hopkins commented that the Plan Commission to trying to accomplish two things, which are to get City Council to look at the proposal and to give City staff direction. The Plan Commission could send it back to staff, but it is his impression that the City Council would like to know where the Plan Commission is at. Chair Pollock pointed out that the City Council receives copies of the Plan Commission minutes.

Mr. Hopkins wondered if City staff could take the proposed text amendment to the City Council in a study session and get feedback. Ms. Tyler replied no. There should be some consideration for City staff's time. In addition, we are losing our Planner II this week, so we are going to be short-staffed for about four months. If the Plan Commission feels that they can make modifications, then that would be efficient because they have spent more time on this than the City Council. City staff and the Plan Commission could take a break on the NCD text amendment and then come back once we are fully staffed again with fresh eyes.

Chair Pollock inquired whether the Plan Commission felt the proposed text amendment was fixable. Are there changes that could be done at City staff level that could change the Plan Commission's assessment of the validity of the proposed text amendment or not?

Mr. Hopkins clarified that City staff could informally report to the City Council on the Plan Commission's progress or lack there of while the Plan Commission works more tightly focused on fixing the proposed text amendment before they formally act on sending it to the City Council. Ms. Tyler replied yes. City Council is not pressuring for the NCD text amendment to come forward. They understand that it takes time because it is complicated legislation. City staff can certainly update the City Council on the Plan Commission's efforts. City Council does watch the Plan Commission meetings, read all of the minutes and receive all of the Plan Commission packets. Chair Pollock added that if the Plan Commission believes that the proposed text amendment is repairable, then they need to vote the motion on the floor down and continue the meeting with specific direction.

Ms. Upah-Bant inquired whether there is a way to stipulate in the proposed text amendment that a NCD could not be used when a zoning protest should really be used. Ms. Tyler did not know if changing an area zoned R-2 Zoning District to be different from another R-2 Zoning District could be legally done with the proposed text amendment. This is something that City staff would want to talk to the City's Legal Department about. She felt it might have to be a text amendment to the Zoning Ordinance. It would be sort of like tailoring the zoning, and it would be a separate initiative. She mentioned that the Plan Commission had talked about the R-7, University Residential Zoning District, at their previous meeting. The concerns of the property owners and the Plan Commission raises the concern about non-residential uses in residential zones, and this is something that is probably an issue in other neighborhoods. There might be a NCD plan that had rezoning as a strategy suggestion, but it would still require a zoning change. She could not see how a NCD could accomplish tailoring R-2 in a different way.

Mr. Ward stated that the City started out with a set of goals, as Ms. Stake has pointed out. The Plan Commission ended up very early on in the process with a chart that laid out the goals, and it looked at other alternatives to achieve the goals. He does not feel that the proposed text amendment as it is currently written meets the goals or does the things that the City wants to do. It does not provide preservation of neighborhoods. It does not do anything about the demolition of historic buildings. These are the reasons for his objection to the proposed text amendment.

If the City decides to go back to and revisit this, then he would like to go back to the original goals and to the chart. If there are other mechanisms that would solve neighborhood issues better, then let us deal with them in a more effective way.

Mr. Ward mentioned that he would be happy to withdrawal his motion if the Plan Commission could arrive at a consensus of dealing with the proposed text amendment. Mr. Hopkins stated that he would vote against the motion in order to be able to work with City staff before going to City Council.

Roll call on the main motion was as follows:

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

The motion failed by a vote of 7 – 1.

Mr. White moved that the Plan Commission forward this case to the City Council with no recommendation. He feels that the proposed text amendment does take care of designs and some other issues that are important to the property owners. Mr. Fitch seconded the motion.

Mr. Grosser felt that the proposed text amendment was still not workable. He has a problem with the Plan Commission and the City Council having the ability to make changes to a NCD plan after 60% of the property owners have approved it.

Chair Pollock commented that he would not support the motion, because he does not feel that this is in keeping with what the Plan Commission’s mission is. He feels uncomfortable based on being unsure of what the outcome is.

Ms. Upah-Bant believed that the Plan Commission should either make a recommendation or fix it. Ms. Stake felt the Plan Commission is so stuck that they might as well send it without a recommendation.

Mr. Ward stated that he did not support the current motion. If we are going to continue the case, then City staff should bring back something else to consider. He believes it is the Plan Commission’s responsibility to put forth something that they can recommend to the City Council.

Roll call was as follows:

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

The motion failed by a vote of 3 – 5.

Ms. Tyler stated as the Zoning Administrator she is the applicant. She will confer with the Mayor to see if she wants to provide direction. There may be some ways the Ms. Tyler could revise the application. She did not feel that it would be productive for the Plan Commission to continue if there is no support.

Chair Pollock does not recall having been in this situation before where the Plan Commission is paralyzed on sending a recommendation. He mentioned that he is not sure where to go from here. Ms. Tyler recommended that the Plan Commission continue this case while she seeks some advice. The Plan Commission agreed to continue the case until the next meeting.

Ms. Upah-Bant left the meeting at 9:20 p.m.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Plan Case No. 2041-PR-07: Route 130 Corridor Plan Policy Recommendation

Robert Myers, Planning Manager, presented the staff report for the proposed policy recommendation of the Route 130 Corridor Plan. He began with a brief history of the proposed plan. He distributed a sheet indicating minor wording changes the consultants made to the plan since it was last reviewed by the Plan Commission. Additionally, City staff recommended one additional sentence to address an apparent inconsistency dealing with the Access Management Guidelines for the corridor.

Elizabeth Tyler, Director of Community Development Services Department, further explained that there was a paragraph added to include Mr. Hopkins suggestion to reference the Access Management Guidelines that were created in 2001 by CUUATS (Champaign Urbana Urbanized Area Transportation Study) and to consider updating these guidelines and adopting them. She stated that there was a problem in referencing this older document because it contains a map that conflicts with the proposed Route 130 Corridor Plan, particularly at the intersection of High Cross Road and the interstate.

One approach would be to adopt the wording change provided as an erratum which would call for any update to the Access Management Guidelines to include revisions to maps and text to make them consistent with the 2007 High Cross Road Corridor Plan. Updated maps would logically not include the trumpet interstate interchange because that is no longer a given in the City's plans. A second approach offered by CUUATS staff is to resolve the problem simply by updating the map in the Access Management Guidelines. If CUUATS would use the current Long Range Transportation Plan (LRTP) map, which shows the right configuration of the roadways, in the 2001 Access Management Guidelines, it would resolve the inconsistency

between the two documents. This approach is much preferred by CUUATS. It would also be easier than putting errata in all the copies of the Route 130 Corridor Plan that have been distributed. City staff did not know which approach to take so they asked the Plan Commission to make a provision in their motion to rectify this discrepancy.

Mr. Hopkins understood the purpose of the proposed recommendation is to accept the Route 130 Corridor Plan, but the City has not actually reviewed or formally recommended to the City Council adoption of the Access Management Guidelines. Ms. Tyler agreed. Mr. Hopkins went on to say that the concern about the errata is that there be no confusion about what the Plan Commission might suggest City Council look at for formal adoption. Ms. Tyler said that is exactly right.

Chair Pollock asked if there were any members of the audience who would like to address the Plan Commission concerning the proposed case. With no comments or questions from the audience, Chair Pollock closed the case for Plan Commission discussion.

Ms. Stake moved that the Plan Commission accept the Route 130 Corridor Plan including the "Summary of Changes to the Final IL130 Corridor Plan", including the proposed errata. Mr. Ward seconded the motion.

Ms. Tyler pointed out that the alternative to the motion is to just fix the map, and then we would not need the errata. Ms. Stake said she likes the errata. She feels that the Route 130 Corridor Study is an excellent study, so the City should endorse it. She was concerned about the map in the Access Management Guidelines, because it is old and inaccurate. She feels that the proposed motion will resolve that problem.

Mr. Grosser inquired why not just recommend approval with a stipulation that CUUATS update the map rather than making them reprint the plan to include the summary of changes. Ms. Tyler mentioned that all of the changes have already been added, and CUUATS has already printed out the copies of the plan, which are expensive. Paper copies for the meeting cost \$100.00 per copy to print. So, the erratum is the only change that has not already been included in the document so far. City staff feels that by changing the plan to put in the current map, it would hopefully avoid this confusion.

Chair Pollock questioned if the motion would be less onerous in terms of reprinting the document and taking up more of staff's time. Or is there an alternative that would better address what the City wants to do? Ms. Tyler believed that the City still had time to figure out the most efficient clear way to correct the problem. The current motion ties the City to the errata and not other alternatives. She felt it would be better to have some flexibility in how we address the problem.

Ms. Stake asked if City staff wrote the staff report. Ms. Tyler said yes. She explained that there were comments after City staff had produced the staff report suggesting that there might be a simpler way to take care of the problem. Chair Pollock inquired as to what the best way to solve the problem is in terms of protecting the interests of the City of Urbana and making it less onerous as possible on CUUATS staff and their time. Ms. Tyler suggested that Susan Chavarria speak for CUUATS.

Susan Chavarria, Transportation Planner for CUUATS, expressed the County's concern with having the errata statement concerning updating the Access Management Guidelines, which is that this could open the door for any small area plan to affect the technical work that was done for the broader Access Management Guidelines. They want policy to drive plans and not have plans driving policy. So, they preferred to internally handle this by staff removing the map that caused the contention and replacing it with the most updated and approved version that is in the LRTP.

Mr. Hopkins understood that all of the changes, except the errata, on the handout titled "Summary of changes to final IL 130 Corridor Plan" have already been made in the current version of the plan. He suggested that since the City is not actually adopting or changing anyone else's adoption of the Access Management Guidelines at this time, a way to resolve this would be to put on record that when the City reviews, updates and considers formal adoption of the Access Management Guidelines, the City would take particular concern about the maps included in the document and whether they are up-to-date. Chair Pollock mentioned that CUUATS plans to replace the maps anyway. Mr. Hopkins remarked that the City of Urbana could follow his suggestion anyway. It has nothing to do with CUUATS. This recommendation is for something for the City of Urbana to do.

Ms. Chavarria clarified that the Access Management Guidelines were created for any of the CUUATS member agencies to take and manipulate and change however they want. CUUATS does not want it tied to one specific area plan, so it does not compromise the integrity of the document.

Chair Pollock asked Mr. Hopkins if he felt the current motion did what he had suggested. Mr. Hopkins replied no, because it requests that the errata statement be added to the Route 130 Corridor Plan. Ms. Stake withdrew the motion. Mr. Ward agreed to the withdrawal of her motion.

Mr. Hopkins moved that the Plan Commission forward the Route 130 Corridor Plan to the City Council with a recommendation for acceptance and include a note under Section 5.3: Strategies for Implementing Plan Ideas that says when and if the City of Urbana considers formal adoption of the Access Management Guidelines that we exclude references to map data included in the guidelines, because the current maps are out-of-date. Mr. Grosser seconded the motion.

Roll call on the motion was as follows:

Tyler Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Mr. Ward	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote.

Ms. Tyler thanked Ms. Chavarria and Rita Black for all their hard work on the Route 130 Corridor Plan. It is a terrific document, and we should all be proud of it.

9. AUDIENCE PARTICIPATION

George Boyd lives in the County northeast of the City of Urbana. He stated that he was concerned about the Access Management Guidelines. As long as the map is replaced with a current map, that is the only thing that he is aware of that needs to be done. However, since the Access Management Guidelines were created in 1981, it should be reviewed entirely especially with the number of years that have gone by and changes in state laws. The Access Management Guidelines is a good looking document and has a lot of information in it, but it should be reviewed entirely before the City of Urbana accepts it.

Dennis Roberts, of 507 East Green Street, talked about the value of neighborhood conservation districts. It is true that any neighborhood group could petition the City Council to change the zoning or some such way that would modify the structure or perhaps the policy that would exist in their neighborhood area. This is part of the point for having neighborhood associations. Neighborhood associations are not people who usually instigate new plans.

A neighborhood conservation district provides a legal framework for making a voice and establishing policies for an area. A neighborhood association does not have the structure or means to create policy documents. The use of a neighborhood conservation district is that of a tool in which residents in an area can use to create some policies in their area that has legal standing through ordinances. The tool is to create or suggest the ultimate policy. Therefore, although the current document is kind of boring, it is a policy document. It does not have goals in it for the neighborhoods, because the goals are developed after discussion when a neighborhood conservation district is drawn up and the ideas are assembled by the community. You do need some functioning tool to allow the community to actually set this in motion. Otherwise, ideas and changes will always come from the top down.

Someone needs to put together more thought on the process for this. If the Plan Commission does not have the wherewithal to come up with an ordinance, then the City Council will. It does not matter where the ordinance comes from but there needs to be an ordinance.

Perhaps the proposed ordinance that has been drafted is trying to accomplish too much. Maybe there is too much mental process involved in it. He feels that there is a place for the proposed text amendment though, and it should be carefully considered before it is abandoned.

10. STAFF REPORT

Mr. Myers reported on the following:

- Planned Unit Development Text Amendment was approved by City Council on Monday, April 2, 2007.
- 2007 Official Zoning Map Annual Review has been approved by City Council as well.
- Route 130 Corridor Plan will go before the City Council on April 16, 2007.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission