

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 4, 2008

TIME: 7:30 P.M.

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

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

MEMBERS EXCUSED: none

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared with all members present.

2. CHANGES TO THE AGENDA

Chair Pollock suggested changing the order of the agenda. The first change is to move Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 under Item 7. The second change is to follow these two cases with Plan Case No. 2063-T-08 under 5, Continued Public Hearings. Lastly, the Plan Commission will consider Plan Case No. 2074-T-08. With no objections from the other members of the Plan Commission, these changes were approved.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the November 20, 2008 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ✚ Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- ✚ Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- ✚ Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

5. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-04: Annexation agreement between the City of Urbana and Mennenga Construction, Inc. for a 0.21-acre tract of property at 109 Country Club Road.

Plan Case No. 2091-M-08: A request to rezone a 0.21-acre tract of property at 109 Country Club Road from Champaign County R-1, Single Family Residential Zoning District to City R-3, Single and Two-Family Residential Zoning District upon annexation.

Rebecca Bird, Associate Planner, presented these two cases together to the Plan Commission. She began by briefly introducing the purpose for the proposed annexation agreement and rezoning requests and by providing background information on the proposed site. She talked about the proposed zoning of the property and reviewed the La Salle National Bank criterion that pertains to the proposed rezoning request. The closest portion of the City, about 600 feet away, is zoned R-3, Single and Two Family Residential, which allows duplexes by right if the property meets certain minimum standards. She reviewed the options of the Plan Commission and presented staff's recommendation for both cases.

With no questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. No one spoke.

Mr. White noticed that the surrounding properties in the County are single-family residential. Ms. Bird pointed out that the property directly to the west is a duplex. Merl Mennenga, Mennenga Construction, Inc., clarified that there are two duplexes immediately to the west of the proposed site.

Ms. Stake wondered how the two duplexes were allowed in a single-family residential zoning district. Ms. Bird that the duplexes may have also been built prior to the change in the County R-1 Zoning District, which now restricts duplexes, or the duplexes might have obtained special use permits in the County under the current zoning.

Ms. Stake commented that none of the maps show what the surrounding properties are zoned in the County. Is it all single-family residential except for the two properties with duplexes on them? Mr. Myers said that prior to this request, the Mennengas applied with Champaign County for a Special Use Permit so they could hear any concerns from their neighbors. Champaign County approved the Special Use Permit application to construct a duplex; however, due to sewer service permit requirements, the petitioner cannot act upon the Special Use Permit until they get an annexation agreement with the City.

Ms. Stake stated that it appears there are still properties available to build on. Is this correct? Mr. Mennenga answered by saying that all of the lots have buildings on them. There are no

vacant lots. Ms. Stake asked if more duplexes could be built on the empty space of each lot. Mr. Myers said that the County allows only one primary structure per lot.

Ms. Upah-Bant inquired as to whether the duplexes to the west were hooked up to the sanitary sewer. Mr. Mennenga replied that the duplexes to the west are in the County.

Ms. Upah-Bant did not understand why they needed to bring this property into the City. She does not like having spot annexations. Mr. Myers explained that the proposed property would not actually come into the City unless the City’s boundaries reached the property at some point in the future. The annexation agreement is required because the City of Champaign and the City of Urbana have agreements with the Sanitary District that they will not provide any permits to connect to the sewer system unless a property is either annexed or has an annexation agreement with the appropriate City.

With no further comment or concerns from the public, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Annexation Case No. 2008-A-04 and Plan Case No. 2091-M-08 to the City Council with a recommendation for approval. Ms. Stake seconded the motion. Roll call on the motion was as follows:

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

The motion was approved by unanimous vote.

Mr. Myers noted that these cases would be presented to City Council along with the Plan Commission’s recommendation on December 15, 2008.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

Article IV. Districts and Boundaries

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received a number of complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking for shopping centers has usually been easily worked out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add “*recycling center*” as a special use in Industrial zoning districts.
5. Move “automobile salvage yard (junkyard)” to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of “*recycling center*” in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for “*junk*” but not “*recycling center*.”

Mr. White inquired as to the difference between a “*junkyard*” and a “*recycling center*.” Mr. Engstrom read the definition of “*salvage yard*” for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

Article VI. Development Regulations

Section VI-5.B.13 Yards - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

Section VI-5.E.2 Yards – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

Section VI-6.A Screening – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

Section VI-6.C and D Screening – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that buildings constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

Article VII. Standards and Procedures for Conditional and Special Uses

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

Article VIII. Parking and Access

Table VIII-3. Widths for Access Drives – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

Section VIII-7. Bicycle Parking – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of “*daycare facility*” or is it simply adding “*daycare facility*” to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

Article IX. Comprehensive Sign Regulations and Article X. Nonconformities

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

Article XI. Administration, Enforcement, Amendments and Fees

Section XI-10.B – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers explained that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during

this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

Section XI-12.C – Make some minor word substitutions.

Chair Pollock asked if “*owner-occupant*” refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

Section XI-12.E – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

Section XI-12.F – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which require a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions requires a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is set up so the Board can never pass anything, then can they really improve anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

Section XI-12.H – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

Article XII. Historic Preservation and Article XIII. Special Development Provisions

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff’s rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking; a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of in a garage, car parts outdoors, extra cars parked on the street – that’s a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that’s not necessarily because of the type of home occupation.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. With no comments or concerns from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make \$500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City

staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said \$25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes'

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Rebecca Bird, Associate Planner/Historic Preservation Planner, presented a brief update to the staff report. She reported on the changes made since the last meeting. Those changes include:

- Adding one additional resident to the Design Review Board membership
- Expanding the language to include the installation or enlarging of a parking lot as one of the types of projects that would require review

- Adding language to further clarify what types of projects are subject to what level of review
- Adding language requiring new and amended guidelines to be reviewed by the Plan Commission.

She noted staff's recommendation, which is that *the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval of the Lincoln-Busey Design Guidelines, approval of the Zoning Ordinance text amendment as written in the handout listed under Communications of these minutes, and approval of the Lincoln-Busey Corridor Design Review Overlay District.*

Regarding Section XI-15.F.3, Chair Pollock requested that staff clarify the meaning of the additional language, "...*but in no case shall action be taken by less than 4 votes*" as suggested in the handout. Does this mean that there must be four votes in favor of an action to pass? Or does this simply require four members to vote and a 3-1 vote would pass a motion?

Mr. Grosser pointed out a typographical error on Page 148 under Section XI-15.C.d.b. "*Three*" should be "*Four*" with the revised language adding an additional member. Mr. Hopkins also pointed out that the language in Section XI-15.H.2 and F.3 should be consistent. He pointed out that it is also unclear about whether an abstaining member of the Design Review Board is included in the vote. To be consistent with the MOR Development Review Board, and what was just approved in the previous text amendment, he agreed that an abstaining member should not be included in the vote. He suggested that it read, "*Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.*"

Mr. Hopkins agreed.

Ms. Stake moved that they should change the language in Section XI-15.C.1.d.b to read, "...*The residents ~~should~~ shall include a representative from each design review district who owns ~~or~~ and occupies a residence in the district. If there is only one design review district, other residents ~~should~~ shall own or occupy a residence elsewhere in the ~~City~~ district.*" Ms. Upah-Bant seconded the motion.

Ms. Stake feels it is only fair to have at least one person who owns a home in the district to serve on the board. She believes that a person who lives in the district will be more concerned about what happens in the district than say a real estate agent or a local developer.

Chair Pollock commented that a motion was premature since the Plan Commission had not yet held public discussion on this case yet. The motion and second were withdrawn.

Chair Pollock then asked if there were any more questions from the Plan Commission members for City staff.

Ms. Stake wondered why City staff changed the percentage of an increase in the floor area ratio (FAR) of a building used to determine further review of submitted redevelopment plans by the Design Review Board from 5% to 15%. Robert Myers replied that staff was following through

with a request by the Plan Commission to increase the percentage. The Plan Commission has the could change the percentage.

Ms. Stake inquired as to the difference between the FAR (floor area ratio) and the footprint of a building. Mr. Myers explained that the footprint is the outline of the building on a lot. Typically, the footprint includes any portion of the building that touches the ground or extends below the ground. The FAR is the ratio between the total square footage of the building and the lot area. The FAR comes into play because it essentially defines how tall the building can be in the relationship to the lot.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was none. Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Grosser would not like to have eight members for the Design Review Board. It gives more power to deny a case. On a seven-member board, it takes four votes to approve or deny a motion. However, on an eight-member board, it takes four votes to deny and give votes to approve.

Chair Pollock pointed out that the eighth person came from the Plan Commission's desire to have more residential representation on the board. Mr. Grosser responded that he understood this, and he mentioned that he did not feel strongly about what a real estate agent could bring to the board.

MAIN MOTION

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2074-T-08 to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion.

AMENDMENT #1

Mr. Grosser moved to amend the motion by removing the real estate agent from the list of Design Review Board members and keeping it a seven member board in Section XI-15.C.1.d.a (Page 148). Ms. Stake seconded the motion.

Mr. White commented that a real estate professional would be very objective. Ms. Stake pointed out that several citizens have testified at previous meetings expressing their desire to get rid of the real estate agent. She did not feel that a real estate agent was needed either. There is a developer and that is enough.

Roll call on the amendment was as follows:

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

The motion to amend failed by a vote of 4 – 4.

AMENDMENT #2

Ms. Stake moved to amend the main motion by changing the FAR requirement mentioned in Section XI-15.G.4.a.3 (Page 150) from 15% to 10%. With no second, the motion to amend died.

AMENDMENT #3

Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say “*and*” instead of “*or*” and change “*city*” to “*district*”. Ms. Burris seconded the motion to amend.

Ms. Burris recalled having a lengthy discussion during a previous Plan Commission meeting about making the change that is currently in the proposed text amendment. The proposed wording is used because the Plan Commission wanted to allow residents who both rent and own/and live in the area a place on the Design Review Board. Renters should have just as much of a voice as people who own their homes. She feels that the language should remain as it is currently written without any changes. Also, she does not like the idea of changing “*city*” to “*district*” because it is a City board. Some of the members should remain City-wide.

Mr. Fitch agreed with Ms. Burris’ explanation of why the proposed wording is being suggested by staff.

Ms. Stake disagreed with Ms. Burris’ in that the board should not be city-wide. People who care about the Lincoln-Busey Corridor should serve as members on the board. Residents from south Urbana do not care about the Lincoln-Busey Corridor.

Mr. Grosser expressed his concern about the proposed amendment. As currently written, the proposed text amendment would include residents from the Lincoln-Busey district. With the amendment that Ms. Stake is suggesting, if there should ever be three districts, then there would be no option for a renter to serve on the Design Review Board. There would only be owners who occupy their homes serving on the Board. The Mayor will make nominations and the City Council will approve the nominations of the members who serve on the Design Review Board. It is reasonable to presume that the Mayor and the City Council will not approve of a board that has zero owner-occupied residents on it from the district.

Mr. Hopkins understood Section XI-15.C.1.d.b to only apply to the Lincoln-Busey Corridor Design Review Board. If there is another district, then there would be another constitution of a board to serve that district. If this is the case, then the wording proposed in the text amendment does not say this. He mentioned that he does care about what happens in the Lincoln-Busey Corridor, but for different reasons than the residents living there. He cares in that the proposed text amendment is a City ordinance and not a neighborhood self-protection deed restriction. What the City staff is going to enforce and enable to happen in the City affects lots of other things about the City. This includes the City’s tax base and who gets to live where, how far students have to commute to campus, and many other things. To say what the City makes happen in one little neighborhood can be decided just by the people who live that neighborhood, it misrepresents what City action is all about.

Ms. Stake feels that the majority of the people in the City care about the City in some sense or another, but as for every other neighborhood, they do not care as much as the person who lives

next door to something that is being built. This is only design review. It does not include all of the other rules for the Lincoln-Busey Corridor. There is going to be change in the Lincoln-Busey Corridor. Some people may like the changes, but some of the people might be disturbed by it. One of the things that the City can do is to have more residents serve on the board so redevelopment plans can be discussed more so there are fewer controversies about what happens when new issues arise.

Mr. Grosser asked City staff for clarification on Mr. Hopkins' previous comment. Ms. Bird explained that the proposed text amendment creates a Design Review Board. It does not create a Lincoln-Busey Design Review Board. The Design Review Board would review design in any district that has adopted design guidelines.

Mr. Grosser asked if the membership would potentially shift if a second district would be created. Ms. Bird said no, not with the way the proposed text amendment is written. Chair Pollock noted that if the motion to amend was approved, then it would change the makeup of the Board. Mr. Grosser then asked if the motion to amend is approved and three districts are created, is it correct that there could not be a renter on the Board. Chair Pollock said that is correct. The only way a renter would be allowed to serve on the Board would be to increase the number of members.

Ms. Stake stated that this was not her intention. She only wants at least one owner-occupant to serve on the Board. Mr. Hopkins pointed out that if they just make the word changes that Ms. Stake proposed, then it does not accomplish what she describes as her intention. Her intention is that there be three residents on a Busey Corridor Board, not a city wide Design Review Board. One of the three residents must be an owner-occupant. The other two members could be owners or occupants (renters) that live in the district. Ms. Stake withdrew her motion to amend.

AMENDMENT #4

Ms. Stake moved to amend the main motion by changing the language in Section XI-15.C.1.d.b (Page 148) to say that three members must be residents who live in the district and at least one of the three should be an owner-occupant. If there are other districts, then the members will be the same except for the three residents. Ms. Upah-Bant seconded the motion.

Mr. Fitch felt this goes back to the very first meeting. This was discussed and the consensus was that this might not be workable to have three people rotating on and off of a board. Mr. Grosser understood the motion to amend to apply only to the Lincoln-Busey Corridor. Ms. Stake commented that she did not understand why this could not be for the whole City if only three people change when a new district is added. Chair Pollock explained that the proposed ordinance is written for a city-wide Design Review Board. Her motion recommends that they change that to be specific to the Lincoln-Busey Corridor. Ms. Stake stated that she did not want that. She wants a city-wide Design Review Board, where the three residential members change from one district to the next, but the other members remain the same. Chair Pollock stated that is not what the language says in the motion to amend.

Ms. Burris did not feel that a rotating Board would do well in making city-wide decisions. It would not be stable enough in making consistent decisions.

Ms. Upah-Bant wondered when they changed it from a Lincoln-Busey Design Review Board to a city-wide Design Review Board. Ms. Bird explained that when City Council first asked City staff to look at this, it was specific to the Lincoln-Busey Corridor. This was several years ago, and since then, there have been discussions about design guidelines and a design review district in the Historic East Urbana Neighborhood (HEUNA) area as well. City staff realized that creating a different board each time a district is proposed would not be the right way to go about it. A city-wide Design Review Board is being proposed.

Mr. Grosser pointed out that the MOR (Mixed Office Residential) Development Review Board currently exists. The proposed text amendment would allow for the Lincoln-Busey Corridor Design Review Board, and eventually there will probably be a HEUNA Design Review Board. He understands Ms. Stake's intentions to be that with each new district a Design Review Board is created with some members in common with the other Design Review Boards and the resident members change from district to district. He does not like that someone from one district could not serve on the Board for another district as part of the residential membership. He also feels that if the City ends up with three or four Design Review Boards, it might become difficult to find people who are interested in serving on them.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend failed by a vote of 1-7.

Mr. Hopkins recalled that part of Ms. Stake's motion to amend was to change "*should*" to "*shall*". He remembered the Plan Commission discussing this at a previous meeting, and it is not accidental that the permissive "*should*" is used. Mr. Fitch said that is correct. The rationale is that in case the Mayor and City Council could not find anyone who is willing to serve in a given district that they could fill the board with a resident from elsewhere in the City.

AMENDMENT #5

Mr. Hopkins moved to amend the main motion to delete the second 2 in Section XI-15.G.4.c (Page 150), which states "*Visible from no public right-of-way other than an alley*". Ms. Stake seconded the motion. Chair Pollock asked for a hand vote and the motion to amend passed by unanimous vote.

AMENDMENT #6

Mr. Fitch moved to amend the main motion by changing the language in Section XI-15.C.1.d.b to read, "*A number of residents of Urbana equal to the sum of one resident of each design review district plus one resident from a part of the City not in the design review district.*" This would allow one board that would expand only as new design review districts were created. Ms. Upah-Bant seconded the motion.

Mr. Fitch stated that there would be no distinction between owner occupancy. A person from each design review district would have to serve on the Board. All of the resident members would have to live in the City. At least one resident member would have to live outside of any design review district. With this language, the Design Review Board would start with seven members. Only when and if a second district is created that the board would increase to eight members.

Chair Pollock commented that if the Plan Commission approves this motion, then City staff would have to take a look at it, refine any language legally and look at the question of going to seven members to see if it is mentioned anywhere else in the proposed ordinance. Ms. Bird added that City staff would need to look at how they would word the language under Quorum, etc.

Mr. Hopkins stated that this motion seems to solve a problem or two. It gets away from having an eight person board, which the Plan Commission just demonstrated that four people could object and a motion could fail because of it. It completely simplifies the notion of resident in a way that may actually advantageous because it eliminates the non-resident owner as an option. Therefore, he likes it.

Chair Pollock called for a hand vote on the motion. The motion to amend passed by a vote of 5-3.

AMENDMENT #7

Mr. White moved to amend the motion by deleting #5 in Section XI-15.B (Page 147). Mr. Grosser seconded the motion. Ms. Bird stated that this clause simply outlines the difference between the Development Review Board and the Design Review Board. The Design Review Board would only be allowed to review the design of a development project and not the land use.

Mr. Hopkins felt that the reason to include this clause is in the first part of the sentence. Mr. White stated that the first part of the sentence makes sense and understands why it is included. However, they cannot deny a land use that is permitted by right.

Chair Pollock asked if it was the consensus of the Plan Commission to hand this over to the City staff to make sure this is clarified. The Plan Commission members agreed.

Ms. Stake expressed her concern about the administrative review section on Page 150 in Section XI-15.G.4.b. She feels the language is vague. Chair Pollock recalled the Plan Commission having already discussed this at a previous meeting. It is the consensus of the Plan Commission members that this Section has the correct amount of flexibility and the correct amount of definition on this issue.

SUMMARY

Mr. Fitch summarized what the Plan Commission would like to see changed in the proposed text amendment. The changes are as follows: 1) Fix typographical errors in Section XI-15.C.1.b by changing "*three*" to "*four*"; 2) Clarify that an abstention is not counted toward a vote in Section XI-15.F.3; 3) Strike the second 2 in Section XI-15.G.4.c; 4) Replace language in Section XI-15.C.1.d.b; 5) Clarify that Section XI-15.B.5 is not a limitation on permitted land use possibly by eliminating the clause after the comma; and 6) Clarify meaning of additional language in Section XI-15.F.3.

Ms. Bird mentioned that one of the members had inquired at the previous meeting about the number of building permits that have been applied for in the Lincoln-Busey Corridor in the past year. She stated that there have been zero building permits applied for in this area. Mr. Fitch

recalled that this had to do with a discussion about whether the Zoning Administrator's decisions should be appealable to the Design Review Board.

Following discussion, Chair Pollock continued this case to the next Plan Commission meeting. Plan Commissioners agreed that the next regularly-scheduled meeting on December 18, 2008 could be cancelled unless an important issue came up. This case is therefore continued to the January 8, 2009 Plan Commission meeting.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS


There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Engstrom reported on the following:

 Cunningham Avenue Beautification Plan was adopted by the City Council on December 1, 2008.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission