

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** May 20, 2010

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

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

---

**MEMBERS PRESENT:** Andrew Fell, Tyler Fitch, Ben Grosser, Dannie Otto, Michael Pollock, Marilyn Upah-Bant

**MEMBERS EXCUSED:** Jane Burris, Lew Hopkins, Bernadine Stake

**STAFF PRESENT:** Robert Myers, Planning Manager; Lisa Karcher, Planner II; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Sara Metheny

---

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

Chair Pollock called the meeting to order at 7:31 p.m., roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

There were no minutes available for review and approval.

**4. COMMUNICATIONS**

There were none.

## 5. CONTINUED PUBLIC HEARINGS

### **Plan Case No. 2126-T-10: A request by the Zoning Administrator to amend Section XI-15.J.1 of the Urbana Zoning Ordinance to create the East Urbana Design Review Overlay District and to adopt the East Urbana Design Guidelines for that district.**

Robert Myers, Planning Manager, presented an update for this case to the Plan Commission. He stated that the Plan Commission had two main issues with the proposed text amendment during the previous meeting. The first issue concerned the landscaping requirements for signage. The second issue was about the proposed boundary of the design review district. The Zoning Administrator is the applicant in this case. She views the boundary as generally following the Future Land Use Map in the Comprehensive Plan, but granted a design review district is not the same as a zoning district. If the Plan Commission wants to leave the boundary as proposed, then they could forward the case to the Urbana City Council, or if they want to make a change to the boundary to include the two additional properties, then City staff could bring a revised boundary back to the Plan Commission.

There are several ways to view how the district boundaries should be laid out. One way is that the Design Review standards are mainly written for residential uses to make sure that future residential multi-family developments are compatible with the rest of the neighborhood. The two properties of concern on Elm Street are still shown in the Comprehensive Plan as being part of the Central Business District. At some point, these two properties could very well be developed for downtown uses so would the Design Guidelines really be applicable to downtown business? On the other hand, the properties are still zoned multi-family residential. So, the property owners could demolish the existing buildings and rebuild apartments. This is exactly what the guidelines would address.

Mr. Myers pointed out several changes to the design guidelines as recommended by the Plan Commission at the previous meeting. Staff reviewed adding landscaping requirements for signage, but felt it would be too complicated legally given what has been learned about First Amendment sign issues and discretionary design review.

Mr. Fitch asked about the membership of the Design Review Board. Will there be a new member appointed to the Board to represent the East Urbana Design Review District? Mr. Myers said that was his recollection. When the Ordinance was written creating the Design Review Board, the Comprehensive Plan points to two design review districts – one is for the Lincoln-Busey Corridor and the second is the East Urbana Design Review District.

Mr. Grosser asked why the two properties on Elm Street were not included in the East Urbana Design Review District. Mr. Myers explained that 506 East Elm Street is currently used as multi-family residential and 504-1/2 is used as single-family residential. The entire north side of the block was previously designated in the Comprehensive Plan as being Central Business. When the City completed the large-scale rezoning for more than 100 properties in the neighborhood, two property owners in that same block requested that their properties be rezoned to residential, which is why they are included in the proposed district. Lisa Karcher, Planner II,

added that the two properties not included are zoned R-5, Medium-High Density Multiple Family Residential.

Mr. Grosser asked if there are any objections to the Design Review Guidelines or the Plan from owners or residents in the proposed district. Mr. Myers said no. City staff notified property owners and residents, placed an ad in the newspaper, and posted signage in the area. They held an open house and a meeting with the Historic East Urbana Neighborhood Association as well. They have not heard much feedback on the proposed design guidelines.

Mr. Otto questioned if they leave the two properties on Elm Street out of the district, then the property owners could build apartments by right in a way that could be inappropriate to the neighborhood. Mr. Myers said that is correct. They would be under the same zoning standards and building code standards that any other property would and they would not undergo design review.

Mr. Fell commented on the two properties on Elm Street not included in the proposed district. As an overlay district the City disregards zoning and the comprehensive plan, correct? He feels it does an injustice to the other properties on the block if the two properties were not to be included.

Mr. Myers replied that the original thought was to exclude the two properties because the standards are written for residential properties. The future land use of those two properties, in following the Comprehensive Plan, could be downtown business. There are not any setback requirements in the downtown business district. Central Business District zoning allows construction right up to the property line three stories tall. On the other hand, what is the likelihood of this happening? The two properties are still zoned residential so the owners would have to rezone the properties.

Mr. Fell remarked that he understands this. However, as an overlay district, the City does not care what the zoning is or what the Comprehensive Plan designates for properties, so this is almost irrelevant in the discussion. Mr. Myers said that the zoning and Comprehensive Plan are pertinent because the permitted uses dictate the building type – whether it is residential or commercial. Because the standards for the district are written for residential, City staff thought it would be appropriate to follow the zoning district boundaries.

Mr. Fell stated that the whole idea for creating design guidelines is to protect the neighborhood. By excluding the two properties on Elm Street, the City is negating everything around them. Doing so defeats the purpose of everything that surrounds the properties in the overlay district.

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

Sara Metheny, 502 East Elm Street, commented that she would like to see the proposed design guidelines and design review district approved. The City can go back and make an amendment to include the other two properties into the proposed district. She expressed concern about the properties at 503 and 505 East Elm being for sale.

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

Mr. Fitch stated that at the previous meeting he had made a motion to forward this case to the Urbana City Council with the recommendation for approval with the condition that they include the two properties on the north side of Elm Street. The motion was defeated. He wondered if it would be legitimate to make the same motion again. Chair Pollock responded that any motion addressing what to do with the case is appropriate.

Mr. Grosser questioned whether they would have to send the case back to City staff to have it re-noticed to include those two properties instead of forwarding it on to the City Council. Chair Pollock answered that if the Plan Commission wanted to forward the case as is, they could do so. If they want to change the boundaries, then they would need to send it back to City staff to re-notice the case.

Mr. Otto wondered how long it would take to send it back to staff to re-notice the case. Mr. Myers said it would take about four weeks to re-notice it and bring it back to the Plan Commission for review. If approved, then it would go before the City Council in approximately six weeks.

Mr. Otto asked how long it would take for the Ordinance to go into effect once City Council approves it. Mr. Myers replied that it would take effect immediately unless the Ordinance states otherwise.

Mr. Otto expressed his concern about 503 and 505 East Elm Street being for sale. If they send this back to City staff and it takes at least six weeks before City Council can approve the Ordinance creating the design review district, then the properties could be sold and a developer could apply for building permits. Mr. Myers stated that although it is possible, it does take a while for plans to be drawn up and building permit applications submitted.

Mr. Fell stated that he had understood that building permit applications for 503 and 505 East Elm Street could be ready the day after they sell.

Chair Pollock recommended that if this is a real concern of the Plan Commission, then they could forward the case to the City Council with a recommendation for approval to protect those two properties, and ask staff to bring an amendment to the boundary district back to the Plan Commission in the near future.

Mr. Otto asked who would take the initiative to alter the boundary of the district. Mr. Myers said that the Plan Commission could pass a motion requesting that the Zoning Administrator amend the proposed boundaries. Chair Pollock stated that if the Plan Commission forwards this case as recommended to the City Council at this meeting, he wanted to make sure that the minutes reflect the Plan Commission's desire to amend the boundaries in a future amendment.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2126-T-10 to the Urbana City Council with the recommendation for approval of the East Urbana Design Review District as currently defined. Mr. Otto seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Fell	-	Yes

The motion was passed by unanimous vote. Mr. Myers stated that this case will go to the Urbana City Council on June 7, 2010.

Mr. Fitch moved to request that the Zoning Administrator amend the East Urbana Design Review District boundaries to include the two properties at 504 [504 ½] and 506 East Elm Street, and for City staff to begin the notification process. Mr. Otto seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Fell	-	Yes

The motion was approved by unanimous vote.

Mr. Fitch moved that the Plan Commission forward the East Urbana Design Guidelines referenced in Plan Case No. 2126-T-10 to the Urbana City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Fell stated that on principle he opposed design guidelines because they are trying to legislate in good design and legislate out bad design which he feels they cannot do. Although he sympathizes with the residents in the neighborhood, he believes that when people purchase homes they should be aware of the zoning around their properties. If it is the City's wish to legislate out multi-family developments, then the City should rezone properties.

Mr. Grosser expressed some sympathy for Mr. Fell's concerns. However, one thing he likes about the proposed design guidelines is that they are light handed. They don't legislate too much about the design of a development other than keeping development from being tremendously ugly - buildings with no windows or entrances on the front façade or buildings that are way out of proportion for the neighborhood size. There are other design guidelines in the City of Urbana that are more comprehensive that he would not necessarily want on his own house. In this particular case, there were no objections by the people who live or own properties in the proposed district. Therefore he will support the motion.

Mr. Fell stated that he agreed with Mr. Grosser's comment to a point. If the design guidelines were all listed as what is deemed as "appropriate" and "inappropriate" as opposed to what is mandatory, then it would be a different issue. Mr. Fitch replied that the only mandatory requirements are the orientation of the façade zone and that there are windows and an entrance

on the front. Mr. Myers added that one more mandatory regulation is that parking at ground level needs to be screened to prevent buildings on stilts.

Mr. Pollock commented that they cannot legislate taste. He likes that the people in the neighborhood recognize that it is a changing neighborhood and there are going to be a mix of uses. They do not want to rezone everything to prevent the reuse of older buildings or improving the neighborhood. Doing this in such a way that it protects the stock of buildings in the neighborhood that exist is not a bad idea. He will support the motion.

With no objection from the Plan Commission members, Chair Pollock re-opened the public input portion of the hearing.

Ms. Metheny re-approached the Plan Commission to say that when she bought her home it was zoned R-3, Single and Two Family Residential as well as many other people in the neighborhood.

Chair Pollock closed the public input portion of the hearing and asked for a vote on the motion. Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Fell	-	No	Mr. Fitch	-	Yes

The motion was passed by a vote of 5-1. Mr. Myers stated that this case would go to the City Council on June 7, 2010.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

There were none.

**8. NEW BUSINESS**

**CCZBA-664-AT-10: Request by the Champaign County Zoning Administrator to amend the Champaign County Ordinance concerning shadow flicker and the number of concurring votes needed for ZBA decisions.**

Lisa Karcher, Planner II, presented this case to the Plan Commission. She gave a brief introduction and background information on the purpose of the proposed text amendment to the County Zoning Ordinance. City staff recommends that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest.

Chair Pollock asked if there are only five members on the County Zoning Board of Appeals, would they still have to have four votes? Ms. Karcher stated that she would have to look at the County Zoning Ordinance to find out what the Board's by-laws state.

Ms. Upah-Bant wondered why they were looking at text amendments in the extra-territorial jurisdiction (ETJ) area. Ms. Karcher stated that it is the City of Urbana's right as a municipality to review County Zoning Ordinance text amendments.

Mr. Fell inquired as to how they would use landscaping to block shadow flicker from a 100-foot wind turbine. Ms. Karcher replied that shadow flicker changes with the height of the sun and where it is at in the season, so she would guess that they could change the shadow flicker by locating the wind turbine even further away or maybe a strategically placed tree would work. It will be up to the consultant that does the shadow flicker study.

Mr. Fell wondered if the wind turbine is built first before a home that will be affected by a shadow flicker. Will the wind turbine be forced to provide landscaping for the owner of the home? Ms. Karcher said that there are some specific siting standards for constructing a wind turbine next to a vacant lot. She assumed that these standards would help to mitigate those circumstances.

With no further questions from the Plan Commission and with no comments or questions from the public audience, Chair Pollock opened the case to Plan Commission discussion and/or motion(s).

Mr. Grosser moved that the Plan Commission forward Case No. CCZBA-664-AT-10 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Fitch seconded the motion. Roll call on the motion was as follows:

Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Grosser	-	Yes

The motion was passed by unanimous vote. Ms. Karcher noted that this case would go before the Urbana City Council on June 7, 2010.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- ✚ Joint Sustainability Advisory Commission/Plan Commission/City Council meeting will be held on Wednesday, June 9, 2010.
- ✚ Plan Commission Meeting scheduled for Thursday, June 10, 2010 will be cancelled.

- ✚ Downtown Strategic Plan Update – Steering committee was formed with stakeholders, property owners, business owners, elected officials and others with an interest in the downtown area. Mr. Pollock has been asked to serve on the committee. At some point, he expects that the Downtown Strategic Plan Update will come before the Plan Commission for review and discussion. The next meeting of the Downtown Strategic Plan Update Steering Committee is scheduled for May 24, 2010 at the Urbana Civic Center.
- ✚ High-Speed Rail Presentation was held on May 19, 2010 that he attended. He talked about interesting highlights from the presentation.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

---

Robert Myers, AICP, Secretary  
Urbana Plan Commission