

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 22, 2010

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Andrew Fell, Ben Grosser, Lew Hopkins, Michael Pollock, Marilyn Upah-Bant

MEMBERS EXCUSED: Tyler Fitch, Dannie Otto, Bernadine Stake

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

OTHERS PRESENT: no audience members present

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll was called, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes from the June 24, 2010 regular meeting of the Urbana Plan Commission as presented. Ms. Burris seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- 📄 Minutes from the June 9, 2010 Joint Study Session with the Urbana City Council, the Urbana Plan Commission and the Urbana Sustainability Advisory Commission

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2122-T-10: Multipart Text Amendment to the Urbana Zoning Ordinance, including limited revisions to Article II (Definitions), Table V-1 (Table of Uses), Article VI (Development Regulations), Table VI-3 (Development Regulations by District), Article VI (Development Regulations), Article VIII (Parking and Access), Table VIII-7 (Parking Requirements by Use), and Article XI (Administration); as well as adding Section VIII-8 regarding pedestrian access requirements.

Jeff Engstrom, Planner I, presented this case to the Urbana Plan Commission. He began by explaining the purpose of the proposed text amendment. He said that upon approval of the proposed text amendment, City staff will republish the Zoning Ordinance, including those Zoning Ordinance text amendments adopted over the past two years following the last republication. The proposed text amendment is in three parts.

The changes recommended in Part A are as follows:

PART A: Miscellaneous Text Changes

Article II. Definitions

- Remove the definition of *Area, Building*.

Article V. Use Regulations

- Amend V-2.D.7 to refer to footprint instead of building area.

Table V-1. Table of Uses

- Allow “Mobile Home in approved Mobile Home Park” to be permitted by right in the AG District.
- Allow Self-Storage Facility as a Conditional Use in the B-3 District.

Article VI. Development Regulations

- Rearrange Section VI-6 so that the general provisions (F and G) are at the beginning of the section.
- Move Screening Requirements for parking lots from Section VIII-3.F to Section VI-6.B and rename the section to “Screening of Off-Street Parking and Storage Areas”.
- Amend Paragraph VI-6.B.2 so that it does not state the required front yard setback is 15 feet and remove CCD.
- Add heading to Paragraph VI-6.C and D.
- Amend Table VI-3 to increase allowed FAR in the CRE District to 0.40.

Article VIII. Parking and Access

- Amend Section VIII-3.E to reference the proposed Figure VIII-8 regarding standards for circular access drives. Insert Figure VIII-8, Standards for Circular Access Drives.
- Amend and rename Section VIII-3.F so that it only addresses shade tree requirements.
- Amend Paragraph VIII-4.F.6 so that it does not state the required front yard setback is 15 feet and remove CCD.
- Restore language mistakenly removed from Paragraph VIII-5.A.
- Amend Table VIII-7, Parking Requirements by Use.

Mr. Engstrom asked if anyone had questions regarding the changes recommended in Part A of the proposed text amendment.

Mr. Hopkins pointed out that Figure VIII-4 doesn't clearly illustrate the parking requirements on page 2 of Exhibit A: Zoning Ordinance Proposed Changes. Mr. Engstrom explained that Figure VIII-4 does not show parking facing an alley. Basically parking "facing" an alley is when the headlights of parked cars point across the alley. In this case they need to be screened from intruding in residences.

Mr. Hopkins noted that there are three parcels illustrated on Figure VIII-4. The first parcel is zoned for retail use, and the second and third parcels are zoned multi-family residential. He does not understand why screening is required for the second parcel, and it is not clear whether three feet is the maximum or minimum screening height. Mr. Engstrom responded that City staff can revise the figure to clarify these issues.

Mr. Hopkins asked what is being superseded in Paragraph a) under *Design of Parking Screening, Materials, and Maintenance* on page 2 in Exhibit A. What is the effect of the proposed changes? Mr. Engstrom believes this refers to an older version of Chapter VII, and there have been many changes made over time. He will verify whether this reference is still needed.

Mr. Fell suggested that Planning staff check with the City's Engineering Division, because they have some visibility triangle requirements that overlap these requirements. Mr. Engstrom replied that he believes the intent was to limit parking screening to three feet. Mr. Hopkins stated that Article VI of Chapter 20 of the Urbana City Code already deals with this, but most people are not going to realize this. Mr. Engstrom stated that this language can be cleared up.

Mr. Hopkins wondered if there were diagrams in the Zoning Ordinance about loading docks. Mr. Engstrom said no. Mr. Hopkins asked what constitutes a loading dock. Does the loading dock include the parking space or just the dock itself? He recommended that Planning staff include a diagram of loading docks. Mr. Engstrom responded that this is explained in Part B of the proposed changes.

He then continued his presentation by explaining the changes being proposed in Part B of the text amendment. He mentioned that the purpose of the changes in Part B are to reduce land use conflicts between businesses with loading docks or loading spaces and nearby residences. The proposed changes are as follows:

PART B: Loading Area Standards

Article II. Definitions

- Add the definitions for *Loading Dock* and *Loading Space*.

Article VI. Development Regulations

- Change language in Paragraph VI-6.B.5 so that it does not refer to loading areas. Loading areas are to be addressed in the proposed Section VI-6.F.
- Add a new Paragraph VI-6.F, Screening of Loading Docks and cross-reference new requirements for loading docks in Section VIII-6.

Article VIII-6. Parking and Access

- Revise language in paragraph VIII-6.C to reference screening requirements for loading docks specified in Section VI-6.F.
- Specify that loading docks must be paved with a hard surface.
- Add requirements for the location and design of loading docks in Section VIII-6.G.

Mr. Engstrom asked if there were any questions on Part B.

Ms. Burris asked for clarification on whether the Planning staff is recommending a 75-foot setback from the actual loading dock to adjacent residences or 75-feet from the parking space at a loading dock. Mr. Engstrom stated that a loading dock is a type of loading space. Loading space is being defined as the area where the truck and trailer park. Ms. Burris stated that the language is what confuses her. Robert Myers, Planning Manager, suggested that they could change the wording to something like “loading spaces with docks” and “loading spaces without docks.” Ms. Burris indicated this would be an improvement.

Mr. Hopkins questioned what the setback is being proposed for a “loading space.” Mr. Engstrom stated that a loading space could be located anywhere in a regular parking lot area with the exception of the front-yard setback. Mr. Hopkins stated that a business could locate a fixed lift gate at the end of a parking space less than 75 feet away from the adjacent residences because a fixed lift gate is different than a loading dock. He is not sure that the language is distinguished enough.

Mr. Grosser inquired about “loading zones.” Is there a definition of a “loading zone” in the Zoning Ordinance? Mr. Engstrom said no. Mr. Grosser asked if a “loading zone” would be a type of “loading space.” Mr. Engstrom explained that the proposed text amendment only addresses off-street loading. On-street loading in “loading zones” would be addressed in the Traffic Code.

Chair Pollock recalled that there were restrictions placed on loading/unloading at the Aldi site. Mr. Engstrom stated that Aldi’s is restricted to certain hours of the day for loading and unloading. Chair Pollock asked if this was one of the options in the proposed text amendment. Mr. Engstrom said yes. Chair Pollock inquired as to what kind of impact this would have on existing businesses. Mr. Engstrom replied that the proposed text amendment, if approved, would not be retroactive. Unless a business expands or does some reconfiguring of its loading space, the proposed text amendment would not affect existing businesses.

Mr. Grosser wondered if the proposed text amendment would have mitigated some of the issues and concerns that arose from the loading dock at Meijer on Philo Road. Mr. Engstrom responded by saying yes. City staff had Meijer in mind when creating the proposed changes for loading dock requirements even though if approved, the text amendment would not apply only to new loading spaces. He mentioned that Mr. Myers has been working with Meijer and the adjacent property owners to mitigate the issues they have.

Mr. Myers added that Meijer changed their delivery hours to avoid using their loading docks overnight. The Illinois Pollution Control Board has more stringent noise standards for the hours 10:00 p.m. and 7:00 a.m. This is recognized in the proposed ordinance as not using loading docks during those hours would be one measure to mitigate noise when close to residential. Admittedly this can be tricky because the term “shall not be utilized” may require interpretation. For example, if a truck is parked at a loading dock with a noisy refrigeration unit running all night, is the dock being utilized?

Mr. Engstrom continued with his presentation. He discussed the changes being proposed in the last part, Part C, which are as follows:

PART C: Fence Code Changes

- Fences in a required front yard shall be no more than 50% opaque, and shall be no taller than four feet.
- On a corner lot, fences behind the front face of the house will be allowed to be six feet tall and solid.
- Within ten feet of the intersection of a driveway and sidewalk, fences must be at least 50% transparent.
- The Building Official will be allowed to grant an administrative variance to the height limits if there is a demonstrated nuisance, hazard, or security concern.

Mr. Engstrom read the options of the Plan Commission and presented staff’s recommendation, which was as follows:

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

Mr. Grosser noticed a typo in Section 7-5 of Chapter 7, Fences. Paragraph (b) should read: “No ~~in or around~~ fence within a required side or rear yard, ...”. The word fence is missing.

Mr. Fell cited an instance where the property owner did not want the fence to be opaque, so they raised the fence supports up four inches and called it the top of the fence. This met the letter of the fence ordinance, but he wondered whether this was a loophole which needed to be addressed.

Chair Pollock, having noted that no one was present to speak at the public hearing, opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Burris moved that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval based on changes as requested during the presentation and discussion. Ms. Upah-Bant seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Ms. Burris	-	Yes

The motion was approved by unanimous vote. Mr. Myers pointed out that this case would go before the Urbana City Council on August 16, 2010.

Plan Case No. 2130-T-10: Request by the Zoning Administrator to amend XI-15.J.1.B of the Urbana Zoning Ordinance to add 504-1/2 and 506 East Elm Street to the East Urbana Design Review District.

Robert Myers, Planning Manager, presented this case to the Urbana Plan Commission. He explained that the proposed text amendment is the result of a recommendation by the Plan Commission to add 504½ and 506 East Elm Street to the East Urbana Design Review District.

Mr. Grosser asked if the change would also be made on the Future Land Use map. Mr. Myers said no, that the Comprehensive Plan's Future Land Use Map was independent.

Mr. Hopkins asked if the owners of these two parcels are aware of the proposed text amendment. Mr. Myers stated that the Planning staff mailed the owners notification of the public hearing, and signs were posted in front of the two properties.

Mr. Hopkins noted that one of the properties is zoned multi-family and one is not. What are the implications of the property that is zoned multi-family? Would this ordinance require that they make changes to their building? Mr. Myers explained that while the design guidelines are not retroactive, if the apartment building should be rebuilt, plans for the new building would need to be reviewed and approved by the Design Review Board.

Mr. Hopkins commented that the property appears to be non-conforming. Many property owners have insurance policies for full recovery of the value even though they may not be able to rebuild. He wondered if this might apply in this kind of case. Chair Pollock stated that the use is not restricted by the proposed text amendment. Although the existing building is not complying, the property owner could rebuild using the same footprint and square footage. They would just not be able to have a blank wall on the front facade.

Mr. Hopkins wanted the property owners to know what they will have to do in order to rebuild. They should be told that if the City Council approves the proposed text amendment, the property owners will have to get plans to rebuild reviewed and approved by the Design Review Board.

Ms. Upah-Bant asked why these two properties were left out of the original text amendment to create a design review district for this area. Mr. Myers explained that in the original application the proposed district boundaries followed the Future Land Use map boundary separating Central Business and Residential. The feedback received at the public hearing was to add 504½ and 506

East Elm Street because they would be the only properties in the block outside the design review district, and both are used for and zoned residential, not Central Business District.

Chair Pollock, having noted that no one was present to speak at the public hearing, opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Burris moved that the Plan Commission forward the proposed text amendment to the Urbana City Council with a recommendation for approval. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Burris	-	Yes	Mr. Fell	-	Yes

The motion was passed by unanimous vote. Mr. Myers noted that this case would go before the Urbana City Council on August 16, 2010.

8. NEW BUSINESS


There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

 Wind Turbine Text Amendment will be presented at the next regular meeting of the Plan Commission scheduled for August 5, 2010.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission