

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: August 4, 2011

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, Dannie Otto, Michael Pollock,
Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Ben Grosser, Lew Hopkins

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Gina Pagliuso, Susan Taylor

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

There were none.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2142-T-11: Request by the Zoning Administrator to amend Section VI-9 of the Urbana Zoning Ordinance regarding portable storage containers.

Robert Myers, Planning Manager, gave a brief update. He stated that at the May 5, 2011 meeting, the Plan Commission had some great comments from which City staff further researched and is proposing two changes to the text.

The first change regards time limits for portable storage units. On private property, portable storage units can be located for up to 30 days with a permit. Although the City's Public Works Department is not thrilled about allowing them on streets, they do understand that there are situations where residents do not have space on their property to store one. Consequently a 72 hour time limit is recommended for public rights-of-way.

The City of Champaign allows portable storage units on private property up to 60 days. Although they do not have a time limit for units in public rights-of-way, they charge a fee which escalates with time to discourage long-term storage there. The City of Urbana would rather have standard rules rather than charging a fee scaled by time.

The second change regards the dimensions of portable storage units. City staff spoke with some portable storage container companies and found that there are one or two standard sizes that the original proposed text amendment would not allow. Consequently City staff has revised the text to *"no portable storage container shall have dimensions greater than twenty feet in length, eight feet in width and eight feet in height."*

Mr. Fell stated that people often use storage containers to store their furniture when remodeling their home or during construction. This type of work typically would not be completed in a 30-day period. He wondered if it would make sense to tie a permit for a portable storage container to a building permit. As long as the building permit would be active the property owner could keep the storage container. Mr. Myers felt it would be cleaner to allow a permit for a certain number of days because there are several types of building permits and with different expiration dates. Also, it might be more difficult to separate out which building permits would necessitate a person putting all of their personal belongings in a storage container. Mr. Pollock pointed out that a property owner could always ask for an extension, which would be for a defined period of time.

Ms. Upah-Bant questioned how people will know that they need a permit from the City to have a portable storage unit. Mr. Myers answered that City staff will enforce the permit process once they have received a complaint or observe portable storage units without a permit. Also, at least one portable storage container company said they would inform clients at the time of renting portable units about the City's rules.

Mr. Otto asked about the current rules regarding dumpsters. How is the proposed text amendment similar and/or different than the proposed text amendment? Mr. Myers explained that permits for dumpsters are issued by the Public Works Department for 72 hours. Dumpsters in the street must be blocked off with sawhorses.

Mr. Otto believes that rules for portable storage units should parallel those for dumpsters. He cannot see allowing a portable storage unit on the street for 30 or 60 days. If the storage unit is located on a person's private property, then we should allow broad latitude with some controls insure they are temporary. The rules should be clean and simple. He does not believe that a person should be required to get a permit if they locate a unit on their property. Mr. Pollock pointed out that the proposed text amendment would allow a portable storage unit to be located on a person's property for up to 30 days and be located on a street up to 72 hours.

Mr. Pollock wondered if City staff had discussed whether Public Works could allow an extension for a portable unit to be stored in the public right-of-way if there is a good reason for it. Mr. Myers said that is possible. He pointed out that there are more complicating factors in locating a portable storage unit on the street: it cannot block a fire hydrant, views from driveways, or sidewalks and cannot create a traffic hazard.

Mr. Fitch asked for clarification whether units can be located off a driveway or paved surface. City staff had talked about a unit being placed on the grass, but it seemed cleaner to have them placed on a surface other than dirt. Many companies prefer that their units be placed in a driveway or on a hard surface. Mr. Fitch asked if City staff would be willing to allow a unit to be placed on the grass if a person did not have a driveway and did not want to give up their parking space on the street, because that is where they keep their car. Mr. Myers said that revision would be acceptable if that is the Plan Commission's recommendation.

Mr. Fell questioned whether they should include language that would prohibit a person from using a portable storage unit as a permanent storage container. Mr. Myers replied that staff had further discussed this and thought it would be better addressed through the building code. Portable storage units are intended to be loaded up and moved. They are basically warehouse storage units on wheels. However, companies do sell old units to individuals, and a person could purchase a unit and use it for permanent storage. It would need to meet the City's building codes. If it is less than 100 square feet, it would not require a building permit but would need to meet setback and other requirements for storage sheds.

Mr. Pollock commented that semi-trailers are parked in industrial zoning areas for extended periods. What is the logic in extending the proposed limitations to industrial zoning? Mr. Myers said that the City has an ordinance for outdoor storage in the Industrial (IN) Zoning District. The ordinance requires the owner to screen the storage area. Mr. Pollock suggested that the City not regulate portable storage units in the IN Zoning District. Mr. Otto noted that if a portable storage company located in Urbana in an IN Zoning District, then they would presumably have many storage units sitting for long periods of time.

Mr. Pollock stated that the purpose of the proposed text amendment is to limit infringe on the rights of neighbors and for neighborhood aesthetic reasons. He believes that the City should be flexible for people who want to use portable storage units. In an industrial area where a lot of uses are completely legal he doubts the benefits of limiting the use of portable storage units. Mr. Myers mentioned that even in IN Zoning Districts, trailers are not supposed to be used for indefinite storage like buildings. City staff has found use of a few shipping containers and trailers for permanent storage in commercial and industrial areas.

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

Gina Pagliuso, 806 South Vine Street, stated that she recently moved her in-laws to the City of Urbana from Las Vegas. In the process, they used four small portable storage containers. She talked about the dimensions, which were larger than what is being proposed in the text amendment. The length of time (30 days) is adequate for storage units to be placed on private property, but the size needs to be discussed and amended further. She recommended allowing a person to use a portable storage unit for up to 30 days without a permit, but if they needed to extend that time limit, then they would need to apply for a permit. Required maintenance standards should only apply if a person has a storage unit for longer than 30 days. She pointed out that when the company comes to get the units, they use a forklift. There are fork tabs on the bottoms of the storage units, so if they were placed on grass, they would sink into the ground.

There was no further public input, so Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Fitch stated that he feels they need to tweak the definition of a portable storage container versus dumpsters, construction trailers or a container used for industrial purposes in an IN Zoning District. They need to add language to allow the Zoning Administrator to grant reasonable exceptions regarding placement of the units. They need to include prohibitive uses such as for a shed or accessory building. He commented that he also likes the idea of not requiring a permit for the initial amount of time but then requiring one for any extended time.

Mr. Pollock wondered how the permit requirements would be enforced. Mr. Otto commented that he likes the idea of allowing two weeks without requiring a permit. The purpose for a permit is not to create revenue for the City but to have a lever to address neighbor complaints about the length of time a person has had a storage unit in their yard. If a person moves from another area to the City, and their moving company delivers a portable storage unit on their new property, the person is not going to know that they need a permit. There could also be move-ins and move-outs, so there may be two units on one lot. If a neighbor calls to complain, then the City could ask the residents for their receipt and inform them of the regulations and that their two weeks began when the unit was delivered. If the unit is not removed within two weeks, then the resident needs to apply for a permit. He did not feel that the City should try to create another bureaucracy or hurdle for either the people who already live here and for people who move here. He does not believe that they should restrict what type of surface a storage unit can be placed on. If someone wants to have a unit on their grass, then it is their responsibility to repair their own yard. The City should keep the proposed ordinance as user friendly as possible. It is mainly to use as a tool for when portable storage units are being abused.

Ms. Upah-Bant wondered if they should set a maximum volume standard rather than setting a maximum on the size of the storage container. This way a person could have more than one container on their property.

Chair Pollock remarked that they want to keep the proposed text amendment simple, easy and flexible, but yet they want it to be a tool for when people abuse storage containers. He recommended allowing the Zoning Administrator the flexibility to grant a person to locate a storage container in their yard if there is no other space to place one, to extend the time limit if

needed, and to make exceptions to the size and the number of portable storage units one property can have. This would prevent the City from having to figure out the maximum size or volume or the maximum time, etc. to include in the proposed ordinance. This also would allow people who are using portable storage containers in good faith and who need this type of service to be able to use them easily and without a lot of hassle.

Mr. Fell agreed that there should be some flexibility because there may be an apartment building with several tenants needing to use portable storage units when moving in or out.

Mr. Pollock commented that different circumstances call for different levels of flexibility, and it would be nice to allow the Zoning Administrator that flexibility.

Ms. Upah-Bant added that this may be some people's first encounter with the City of Urbana. If they can move storage units in and out before the Zoning Administrator is informed, then who cares?

Mr. Fell proposed stating that a permit is required but there will be no fee for the first two weeks. When someone notifies the City of a person using a storage unit, then City staff can inform that person of the ordinance and let them know that they need a permit, that there is no penalty because the person did not know of the permit requirements and that there is no fee for the first two weeks.

Mr. Myers related this to how the City issues permits for temporary banners. Some businesses put up temporary banners without first obtaining a temporary sign permit. When City staff discovers the sign, they approach the business owner/manager and inform them that they need to apply for a sign permit. Some banners are put up just over a weekend and never seen by City staff. For banners without permits, City staff requires a permit and removal of the banner once the permit has expired. Normally they don't try to subtract the number of days a banner was displayed before a permit. That's normally too difficult to document.

Chair Pollock asked what the Plan Commission thought about having the proposed ordinance in effect in an IN Zoning District. Mr. Fitch does not feel that the restrictions for a residential zone should apply to an industrial area. The Plan Commission agreed. Mr. Myers stated that City staff could add language regarding this in Section C.

Chair Pollock questioned whether the Plan Commission wanted to require a permit for the first two weeks or just allow the first two weeks to be considered a grace period. Mr. Otto believes that they should have the maximum time limit for portable storage units on private property be 30 days. The first two weeks no permit is needed, and after two weeks a permit must be obtained. If additional time is needed, then the person would need to request that from the Zoning Administrator.

Mr. Fell recommended that they split C.1 into two sections. The first section would apply to private property and the second section would apply to public right-of-way. Chair Pollock felt this would be a good idea. It would clearly separate the requirements and enforcements for each.

Mr. Otto believes that if a portable storage unit is placed on a street or in the public right-of-way, then it requires getting a permit prior to the placement. He feels that this is something the City's

Public Works Department might want to do a site visit to flag where a storage unit could be placed to preserve the public’s interest.

Chair Pollock noticed that it did not specify in ordinance that a portable storage unit could not be placed in the dirt or grass in the public right-of-way. Mr. Myers explained that the Public Works Department would regulate this.

Mr. Fitch moved that Plan Case No. 2142-T-11 be forwarded to the City Council with a recommendation for approval including specific changes that are consistent with the discussion and recommendations of the Plan Commission as noted by the City staff. Ms. Stake seconded the motion.

Chair Pollock read his list of changes for clarity to the motion. They include the following: 1) allow the Zoning Administrator or Public Works Director the ability to make exceptions for placement of portable storage containers in yards, to extend 30 day or 72 hour time limits if needed, and to make exceptions to the size and/or number of units allowed, 2) to make IN Zoning Districts exempt from the regulations, and 3) to allow a grace period of two weeks on private property.

Roll call on the motion was taken and was as follows:

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

The motion passed by unanimous vote. Mr. Myers noted that this case would be forwarded to the City Council on September 6, 2011.

Plan Case No. 2145-SU-11 – A request by US Cellular on behalf of the Urbana School District for a Special Use Permit to construct a 150-foot monopole telecommunications tower with antennas, and a telecommunications equipment enclosure at 1201 South Vine Street in the City’s CRE, Conservation-Recreation-Education Zoning District.

At the request of the applicant, US Cellular, this case was continued to a future meeting, probably in October. The petitioner is investigating locating the proposed tower in a different location on the property further away from the residential neighbors.

Plan Case No. 2148-CW-11 – A request by the Central Illinois Mosque and Islamic Center for a Creekway Permit to construct a dormitory/gymnasium with a building height increase of up to 12 feet, parking encroachment, a front yard building setback of 15 feet or greater, and allowances for Transfer of Development Rights/ Zoning lot provisions, at 711 Western Avenue in the R-5, Medium High Density Multi-Family Residential Zoning District and the Boneyard Creek District.

At the request of the applicant this case was continued to the August 18, 2011 meeting. The petitioner plans to revise their plans based on public comments provided at the July 21, 2011 meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Robert Myers, Planning Manager, gave a staff report on the following:

- ✓ **August 18, 2011 Joint Meeting** of the Urbana Plan Commission and the Urbana Bicycle & Pedestrian Advisory Commission at 6:30 p.m. in the City Council Chambers. The two commissions will review a potential shared bus/bike lane for Green Street in Urbana as part of anticipated grant applications to fund major street improvements to high capacity transit routes in the City.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission