



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, Director, Community Development Services

DATE: July 17, 2003

SUBJECT: Plan Case 1859-T-03, Request by the Zoning Administrator to amend Article XI of the Urbana Zoning Ordinance by adding Section XI-15, Interim Development Ordinance – Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District.

Introduction

This memorandum addresses a proposed Interim Development Ordinance (IDO) intended to place a 120-day moratorium on development in the M.O.R., Mixed-Office Residential Zoning District while the existing regulations are reviewed.

Background

The proposed IDO and moratorium stem from concern over two recent developments in the district. The multi-family project proposals at 611 and 605 West Green represent the first development proposals in the district in nearly seven years and have generated concern regarding the regulations of the district and the process for approval through an internally staffed Development Review Board. A resident petition containing 185 signatures was recently submitted to the City Council requesting that the City consider architectural design criteria for projects in the district and that citizen interests be represented on the Development Review Board. On June 9, 2003 City Council directed staff to prepare a text amendment request to the Urbana Plan Commission to enact an Interim Development Ordinance creating a moratorium on further development in the district for a period of 120 days so new regulations can be considered.

On July 10, 2003 the Urbana Plan Commission considered the matter with a public hearing and unanimously recommended that the City Council adopt an ordinance creating the IDO and commencing the moratorium. For more information, please refer to the staff memorandum to the Urbana Plan Commission dated July 3, 2003 and the attached draft minutes of the hearing.

Discussion

The M.O.R., Mixed-Office Residential Zoning District has been in effect in the City of Urbana since its adoption in 1991. The district was created as a result of the Downtown to Campus Plan which suggested the adoption of the district in order to foster the adaptive reuse of existing structures along the Green and Elm Street corridors for a variety of residential, business and office uses. The adopted regulations pertaining to the district included the creation of a Development Review Board responsible for reviewing and acting on proposed developments. The regulations of the district have remained largely unchanged since their adoption.

A draft Interim Development Ordinance is attached to this memorandum and contains a statement of purpose, identification of the boundaries, the use and development regulations, the duration, and the variations and exceptions. These items are summarized below.

Goals and Purpose of the Interim Development Ordinance

Staff has proposed a set of goals for creating the Interim Development Ordinance and subsequent amendments to the zoning district. These goals include the following:

- To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
- To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
- To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
- To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
- To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

Boundaries

The moratorium would affect all properties zoned M.O.R., Mixed-Office Residential. This includes approximately 90 properties along the Green Street and Elm Street corridors generally from Race Street to Busey Avenue. Property owners have been notified of the pending moratorium.

Use and Development Regulations

The moratorium would prohibit the issuance of any demolition permits and new building permits other than those permits relating to electrical, plumbing, mechanical and other remodeling permits that do not affect the use of the property. During the moratorium, the Development Review Board will not consider any new cases other than those listed as exceptions to the IDO.

Variations and Exceptions

The IDO specifies exceptions to the use and development regulations. These exceptions allow the Zoning Administrator to issue necessary permits for reasons related to the health, safety and general welfare of the public, damage to a structure due to an act of God, fire or explosion, or a demonstrated hardship. Also, four specific properties are listed as exceptions to the moratorium. These properties either currently have applications submitted and pending with the Development Review Board or have pending city action associated with them. Currently, these include development projects at 611 West Green, 605 West Green, 701 West Green, and a dilapidated accessory building demolition at 410½ West Elm Street.

Summary of Staff Findings

On July 10, 2003 the Urbana Plan Commission conducted a public hearing on the matter and recommended the City Council adopt the Interim Development Ordinance based on the following findings of fact:

1. Recent development activity in the M.O.R., Mixed-Office Residential Zoning District calls into question the adequacy of the current regulations related to the district and the process of reviewing proposals within the district, and indicates the need for amendments to the Urbana Zoning Ordinance.
2. An Interim Development Ordinance will prevent potentially incompatible development within the district while staff can reconsider specific aspects of the current regulations.
3. An Interim Development Ordinance will allow staff to conduct a review of the regulations and procedures for the M.O.R., Mixed-Office Residential Zoning District for a period of 120 days including consideration of architectural and design guidelines as well as changes to the composition and procedure of the Development Review Board.

Options

The Urbana City Council has the following options Plan Case 1859-T-03:

- a. Approve the proposed text amendment to the Urbana Zoning Ordinance as presented herein; or

- b. Approve the proposed text amendment to the Urbana Zoning Ordinance as modified by specific suggested changes; or
- c. Deny of the proposed text amendment to Urbana Zoning Ordinance.

Staff Recommendation

Staff recommends that the City Council **APPROVE** Plan Case 1859-T-03 as proposed.

Prepared By:

Rob Kowalski, AICP
Planning Manager

- Attachment #1: Proposed Interim Development Ordinance to Amend Article XI of the Urbana Zoning Ordinance
- Attachment #2: Map of M.O.R. properties
- Attachment #3: Plan Commission Memorandum dated July 3, 2003 without attachments
- Attachment #4: Copy of Courtesy Notice sent to property owners
- Attachment #5: Draft minutes of the July 10, 2003 Urbana Plan Commission

ORDINANCE NO. 2003-07-073

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To add Section XI-15, Interim Development Ordinance -
Moratorium on development in the M.O.R., Mixed-Office
Residential Zoning District- Plan Case No. 1859-T-03)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District call into question their compliance with the stated intent of the district; and

WHEREAS, the City of Urbana intends to conduct a review of regulations and procedures of the M.O.R., Mixed-Office Residential Zoning District to address these concerns; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance in order to create a 120-day moratorium on the issuance of demolition and new building permits in the district; and

WHEREAS, the Interim Development Ordinance submitted to the Urbana Plan Commission included the following goals: 1) To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined. 2) To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties. 3) To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district. 4) To consider

architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district. 5) To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility; and

WHEREAS, on July 10, 2003, the Urbana Plan Commission voted 6-0 to recommend approval of Plan Case 1859-T-03; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Zoning Ordinance of the City of Urbana is hereby amended by adding a new Section XI-15 to be titled "M.O.R., Mixed-Office Residential Moratorium" which provides as follows:

Section XI-15. M.O.R., Mixed-Office Residential Moratorium

A. Statement of Purpose - The purposes of the regulations contained in this Article are:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with

the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.

2. To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
3. To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
4. To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
5. To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

B. Boundaries - All parcels with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026.

C. Use and Development Regulations - No demolition or new building permits shall be issued within the M.O.R., Mixed-Office Residential Zoning District other than those that meet the requirements for the variations and exceptions listed below in Section XI-15.E. The Development Review Board shall not consider applications submitted during the duration of the Interim Development Ordinance as specified in Section XI-15.D below. The provisions of this Article shall not prevent the issuance of plumbing, electrical, mechanical permits or interior remodeling permits not affecting the use of the property.

D. Duration - 120 calendar days from July 22, 2003

E. Variations and Exceptions

Health, Safety and General Welfare

The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.

Fire, Explosion, Act of God

The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any

structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph "reconstruction" means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.

Hardship

The Zoning Administrator may authorize the issuance of a permit when the owner of the property demonstrates that disallowing such a permit would eliminate any reasonable use of the property.

Specific Property Exceptions

The following properties shall have specific exceptions applied to them:

611 West Green Street

Site plan review and the issuance of building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. The Development Review Board may also consider minor alterations to the approved site plan as requested by the developer.

605 West Green Street

A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and new building permits may be issued for the site in strict compliance with any approved site plans.

701 West Green Street

An application for development of a multi-family use was submitted to the Development Review Board for 701 West Green Street on July 16, 2003. The Development Review Board shall consider site plans submitted and demolition and new building permits may be issued for the site pending action by the Development Review Board.

410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such

invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance in conflict with the provisions of this Ordinance.

Section 4. This Ordinance shall be effective July 22, 2003.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this ____ day of _____, 2003.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2003.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To add Section XI-15, Interim Development Ordinance - Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District- Plan Case No. 1859-T-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2003.



Properties in the
M.O.R., Mixed-Office Residential
Zoning District

- Properties Zoned MOR
- Owner Occupied



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: July 3, 2003

SUBJECT: Plan Case 1859-T-03, Request by the Zoning Administrator to amend Article XI of the Urbana Zoning Ordinance by adding Section XI-15, Interim Development Ordinance – Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District.

Introduction

On June 9, 2003 the Urbana City Council directed city staff to file a request with the Plan Commission to consider an Interim Development Ordinance (IDO) as an amendment to the Urbana Zoning Ordinance for the purpose of creating a 120-day moratorium on any development in the M.O.R., Mixed-Office Residential Zoning District. The purpose of the IDO and the moratorium is to protect the interest of the public from further development that has impacts to the neighborhood while allowing staff sufficient time to review the current regulations and procedures in the district and propose amendments to the text of the Zoning Ordinance to help achieve the goals of the IDO.

The Interim Development Ordinance to create the moratorium is prepared as an amendment to the Urbana Zoning Ordinance. In order to amend the Zoning Ordinance, the Plan Commission must conduct a public hearing and recommend action to the Urbana City Council. The City Council would then adopt an ordinance creating the IDO. A moratorium on development would begin once the IDO is passed by City Council. Once the IDO is adopted and the moratorium in place, a second text amendment to propose actual changes to the M.O.R. district would be drafted and considered in another public hearing with the Plan Commission with final action by the City Council.

This memorandum offers a background on the M.O.R., Mixed-Office Residential Zoning District and also outlines the proposed goals, purpose, boundaries, duration and exceptions of the Interim Development Ordinance.

Background

History of the M.O.R. Zoning District

The M.O.R., Mixed-Office Residential Zoning District was created in 1990 as a result of the Downtown to Campus Plan study that identified numerous land use and zoning objectives for the area. Approximately 90 properties along Green Street and Elm Street from Race Street to Busey Avenue were rezoned from high-density residential zoning classifications to the new M.O.R., Mixed-Office Residential Zoning District. The intention of the district, as stated in the Zoning Ordinance, was to promote a mix of small-scale residential, office and business uses through the adaptive re-use of the existing structures. It was envisioned that the old homes along the Green and Elm Street corridors that had been traditionally divided for multiple apartments could be rehabilitated and transformed into less intense uses including “boutique” type of businesses and offices. In order to maintain an appropriate level of density and intensity in the district, specific limitations were implemented which regulate how much of a lot can be developed. It was further envisioned that the scale and design of new development would be harmonious with the existing neighborhood and would be constructed to fit the character of the existing development. The M.O.R. district does not restrict the demolition of existing structures and allows new construction provided that it is “compatible” with the neighborhood. Multi-family development is a permitted use in the district.

The Zoning Ordinance was also amended to include provisions for a Development Review Board to review any development proposals in the district. The Development Review Board is comprised of five city staff members including three members from the Community Development Services Department and two members from the Urbana Public Works Department. Article XI-12 outlines thirteen review criteria points that the Board is to consider when deciding on development proposals. The criteria points range from general issues of neighborhood compatibility to technical issues of access and drainage. A unanimous vote of the Board is required in order for a proposal to proceed to construction. If the Board does not unanimously approve a development proposal, the case is taken to the Urbana Zoning Board of Appeals for final determination.

Projects in the M.O.R. Zoning District

Since the inception of the M.O.R. district in 1990 there have been just fourteen requests made to the Development Review Board. Of these requests, the most significant projects have been new multi-family construction at 604½ West Elm Street, The “Aspen on Green” at 308 West Green Street, 712 West Green Street and 611 West Green Street. There have also been a number of remodeling projects approved for the Lindley House Bed and Breakfast, Timothy John’s Salon, the conversion of 401 West Elm Street to offices, and the conversion of 511 West Green Street for a Christian Counseling Center. Although the original concept for the district was to adaptively reuse existing structures for new small-scale commercial, office and residential uses, the only apparent demand from developers has been to construct new multi-family developments.

Discussion

Recent proposals in the M.O.R. Zoning District

The proposed moratorium and subsequent amendments to the M.O.R. Zoning District stem from concern over two recent developments in the district. The multi-family project proposals at 611 and 605 West Green represent the first development proposals in the district in nearly seven years and have generated concern from the neighborhood regarding the regulations of the district and the process for approval through an internally staffed Development Review Board. A petition containing 185 signatures was submitted to the City Council requesting that city staff consider more design criteria for projects in the district and that citizen interests be represented on the Development Review Board.

In April of this year the Development Review Board granted approval of an eight-unit apartment development at 611 West Green. The apartment building would replace the existing old home that contained up to five separate dwelling units inside. The new development will be a two-story building with a total of approximately 5,893 square feet of area. It represents nearly the largest scale building that can possibly be built in the district. Each of the apartments will have two bedrooms and one parking space. While the Development Review Board successfully convinced the developer to design and orient the building in a way that will minimize impacts to the neighborhood and adjacent properties, many residents in the area still felt that the scale and design of the development did not harmonize with the style, character and density of the area. Many residents indicated that the style, scale and orientation of the new apartment building at 712 West Green Street would be more compatible.

In June of this year the Development Review Board was convened again to consider a proposal for a six-unit building at 605 West Green. The building would also replace an existing older structure that is currently vacant and has had building code and over-crowding issues in the past. Similar to the proposal at 611 West Green Street, some residents who spoke at the Board meeting felt that the design of the building was also not compatible with the neighborhood. The request is still pending with the Development Review Board as the developer considers alterations to the floor plan and/or the number of off-street parking spaces provided to meet the requirements of the Zoning Ordinance.

Problems with the M.O.R. District and Process

The two proposals at 611 and 605 West Green illustrated two fundamental problems with the M.O.R. district and process. First, the review process does not allow the Development Review Board to consider any aspects of architectural style, appearance, color, building materials or architectural details. At that same time, the Board is required to determine if the project design is “harmonious” with adjacent properties and the neighborhood. In both of the cases mentioned above, the Board found it very difficult to *not* consider architectural aspects of the proposals when considering compatibility and the impact on the neighborhood and adjacent properties.

The second issues relates to the composition and charge of the Development Review Board. The concept of the Board is to have an “administrative review” of projects in the district but in a

public hearing type of format. The main function of the Board is to consider the thirteen established criteria points to be sure the proposal is compatible with the intent of the district. The criteria range from objective, technical issues to subjective, compatibility issues. It is unusual for city staff members to be placed in a role of voting for subjective issues concerning design and neighborhood compatibility. It becomes increasingly difficult when the Board is limited on what can be considered. Further, the Board is comprised of staff members that directly supervise other Board members on a daily basis. This creates the possibility of uncomfortable situations when deciding on cases if opinions differ.

Proposed IDO Amendment – Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District

Purpose and Goals of the Interim Development Ordinance

Staff has identified a number of goals that should be addressed in undertaking a comprehensive review of the current M.O.R., Mixed-Office Residential Zoning District regulations. These are addressed below and are set forth in the proposed Ordinance, which is attached to this report.

The general purpose and goals of the IDO are proposed as follows:

- To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
- To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
- To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
- To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
- To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

Boundaries

The Interim Development Ordinance would apply to all parcels with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026. The areas designated as M.O.R. are primarily along the Green Street and Elm Street corridors.

There are a number of properties zoned M.O.R. on the west side of Race Street between High Street and California Street.

Use and Development Regulations

The Interim Development Ordinance will prevent the issuance of all demolition and building permits within the district other than those that meet the requirements for the variations and exceptions listed below. The Development Review Board will not consider cases submitted subsequent to the passing of an ordinance establishing the IDO. The Development Review Board has one case pending for 605 West Green Street that will be permitted to proceed. Any alteration and maintenance to property that does not require a building or demolition permit from the City of Urbana will not be affected.

The City of Urbana Building Safety Division distinguishes between building permits and plumbing, electrical and other mechanical permits. The IDO will not restrict the issuance of plumbing, electrical and mechanical permits.

Duration

The IDO will be in effect for 120 calendar days from the date of adoption by the City Council.

Variation and Exception

The proposed IDO amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur during the length of the IDO. Under the proposal, demolition or building permits may be allowed under the following circumstances:

Health, Safety and General Welfare

The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.

Fire, Explosion, Act of God

The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph “reconstruction” means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.

Hardship

The Zoning Administrator may authorize the issuance of a permit when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.

Specific Property Exceptions

The following properties shall have specific exceptions applied to them:

611 West Green Street

Building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. No changes to the approved site plan will be considered by the Development Review Board during the length of the IDO.

605 West Green Street

A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and building permits may be issued for the site in strict compliance with any approved site plans.

410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.

Summary of Findings

1. Recent development activity in the M.O.R., Mixed-Office Residential Zoning District calls into question the adequacy of the current regulations related to the district and the process of reviewing proposals within the district, and indicates the need for amendments to the Urbana Zoning Ordinance.
2. An Interim Development Ordinance will prevent potentially incompatible development within the district while staff can reconsider specific aspects of the current regulations.
3. An Interim Development Ordinance will allow staff to conduct a review of the regulations and procedures for the M.O.R., Mixed-Office Residential Zoning District for a period of 120 days including consideration of architectural and design guidelines as well as changes to the composition and procedure of the Development Review Board.

Options

The Plan Commission has the following options for recommendation to the City Council. In Plan Case 1859-T-03, the Plan Commission may:

- a. forward the case to City Council with a recommendation for approval of the proposed text amendment to the Urbana Zoning Ordinance as presented herein; or
- b. forward the case to City Council with a recommendation for approval of the proposed text amendment to the Urbana Zoning Ordinance as modified by specific suggested changes; or
- c. forward the cases to City Council with a recommendation for denial of the proposed text amendment to Urbana Zoning Ordinance.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission forward Plan Case 1859-T-03 to the City Council with a recommendation of **APPROVAL**.

Attachments #1: Proposed Interim Development Ordinance to Amend Article XI
Attachments #2: Memorandum to Bruce K. Walden dated June 5, 2003 with attachments

ATTACHMENT #1

Proposed Interim Development Ordinance to Amend Article XI by adding Section XI-15 as follows:

Section XI-15. M.O.R., Mixed-Office Residential Zoning District Moratorium

A. Statement of Purpose – The purposes of the regulations contained in this Article are:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
2. To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
3. To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
4. To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
5. To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

B. Boundaries - All parcels within the city limits with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026.

C. Use and Development Regulations – No new demolition or building permits shall be issued within the M.O.R., Mixed-Office Residential Zoning District other than those that meet the requirements for the variations and exceptions listed below in Section XI-15.E. The Development Review Board shall not consider applications submitted subsequent during the duration of the Interim Development Ordinance as specified in Section XI-15.D below. The provisions of this Article shall not prevent the issuance of plumbing, electrical or other mechanical permits.

D. Duration - 120 calendar days from (date of adoption of ordinance by City Council).

E. Variation and Exception – The following variations and exceptions may be authorized during the length of the moratorium:

1. Health, Safety and General Welfare
The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.
2. Fire, Explosion, Act of God
The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph “reconstruction” means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.
3. Hardship
The Zoning Administrator may authorize the issuance of a permit when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.
4. Specific Property Exceptions - The following properties shall have specific exceptions applied to them:
 - a. 611 West Green Street
Building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. No changes to the approved site plan will be considered by the Development Review Board during the length of the IDO.
 - b. 605 West Green Street
A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and building permits may be issued for the site in strict compliance with any approved site plans.
 - c. 410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division
400 S. Vine
P.O. Box 946
Urbana, IL 61801
(217) 384-2439

July 15, 2003

COURTESY NOTICE TO PROPERTY OWNERS IN THE M.O.R., MIXED-OFFICE RESIDENTIAL ZONING DISTRICT

Dear Property Owner:

On Monday, July 21, 2003 the Urbana City Council will consider enacting a 120-day moratorium on development in the M.O.R., Mixed-Office Residential Zoning District. The purpose of the moratorium is to allow city staff to review the current regulations pertaining to the district and to propose necessary amendments. It is anticipated that the amendments would include 1) the formulation of design guidelines for new construction in the district; and 2) changes to the Development Review Board process. The Development Review Board is currently responsible for reviewing and acting on proposals for development in the district.

If the moratorium is enacted on the 21st, there will be a 120-day freeze on the issuance of demolition and new building permits in the district. The moratorium will not affect basic electrical, plumbing, and mechanical permits necessary for typical repairs and remodeling. The moratorium would expire on November 21, 2003. It is expected that the moratorium will allow for discretionary exceptions relating to extenuating circumstances.

You are being notified of this action because you have been identified as a property owner in the district. Attached is a map indicating the extent of property zoned M.O.R., Mixed-Office Residential. You will receive another notice indicating the specific changes that are proposed for the district in the next four months. If you have any questions about the moratorium or the regulations of the district itself, please do not hesitate to contact me at 384-2440 or at rgkowski@city.urbana.il.us.

Sincerely,

Rob Kowalski, AICP
Planning Manager

Enclosure: Map of properties zoned M.O.R., Mixed-Office Residential

Cc: Mayor Tod Satterthwaite
Urbana City Council Members