



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: Sept 1, 2011

SUBJECT: 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

Introduction

Plan Case No. 2142-T-11 is a request to amend the Urbana Zoning Ordinance to create standards for portable storage containers both on private property and in public rights-of-way. The proposed text amendment would place limits on the allowed time, location, condition and dimensions of portable storage containers within the City of Urbana.

The Plan Commission held a public hearing for this case and at their August 4, 2011 meeting and after providing specific changes voted 6-yes and 0-no to forward the case to City Council with a recommendation for approval.

Background

The proposed amendment is an outcome of the increasing popularity of portable storage containers and concern regarding their use in Urbana. There are currently no restrictions on the use of portable storage containers. This lack of standards may allow these units to be used in ways that can become a nuisance for Urbana residents. For example, residents have periodically reported that these containers are being placed in front yards for extended periods of time. Residents feel that because the containers are not visually appealing that there should be limits on how long they are allowed in a given space. Community Development Services Department staff also has concerns about using portable storage units for long-term storage in ways that circumvents building codes. Additionally, some containers are also placed on surfaces that are inappropriate for their weight and size. The Urbana Public Works Department has also raised concerns regarding the placement of the containers in the public right-of-way for traffic and parking reasons. In order to address these concerns and provide regulations for the use of

portable storage containers, the Urbana Zoning Administrator has requested an amendment to the Zoning Ordinance.

Comprehensive Plan

The 2005 Comprehensive Plan provides the following goals and objectives relevant to this case.

Comprehensive Plan Goals and Objectives

Goal 1.0 Preserve and enhance the character of Urbana's established residential neighborhoods.

Objective

- 1.2 Encourage investment in older properties to help maintain their appearance and long-term potential.
- 1.3 Promote the improvement of existing structures through the enforcement of property maintenance codes.
- 1.4 Promote established neighborhoods close to campus and the downtown as attractive places for people to live.

The primary purpose of this ordinance is to maintain high quality of life standards in Urbana neighborhoods, and as such would support Comprehensive Plan Goal Number 1.0.

Issues and Discussion

In order to determine appropriate regulations, City staff researched several community ordinances regarding portable storage containers. After compiling the research, staff drafted an ordinance of the regulations to best suit Urbana's needs. The proposed regulations are based on follow up research at the request of the Urbana Zoning Administrator.

The thirty day maximum is proposed to ensure that the containers are used for temporary rather than long term storage. City staff contacted a leading portable storage company, PODS Enterprises, Inc., to determine what time limits would be an acceptable. PODS informed staff that they rented the containers at the same price for 1 to 30 days and the business operated six days per week. PODS stated that if Urbana adopted regulations for portable storage units, they would notify new clients of any local requirements placed on the containers.

In the proposed ordinance, portable storage units should be stored on a paved or graveled surface. In conformance with PODS' recommendation, this is to insure that placement and retrieval of containers leave yards undamaged, and to avoid trucks driving over curbs and across yards. In cases where site constraints do not allow storage on these surfaces, the Zoning Administrator can allow storage on other surfaces.

Alternately if there's not room onsite, storage in the street right-of-way adjacent to the property is an option but limited to 72 hours in duration. On-street storage would only be allowed at the discretion of the Urbana's Department of Public Works, taking into consideration factors like

traffic flow and circulation, sight visibility and public safety, fire hydrants, and potential damage to public facilities.

Dimension regulations are based on the different size of containers available through PODS Enterprises, Inc. According to PODS the largest container available for Urbana is 8 feet wide by 8 feet high by 16 ft long. From this information staff created the proposed 8 feet x 8 feet x 20 feet maximum.

Text Amendment

The following proposed Zoning Ordinance text is provided in the attached ordinance:

Section VI-9. Portable Storage Containers

- A. *Purpose and intent.* The purpose of this Section is to insure that portable storage containers as defined herein are used for the short-term, temporary storage and transport of personal property; and do not impede vehicular access, traffic flow or circulation, or create public safety hazards. This section intends that portable storage units be placed on private property unless site constraints dictate placement elsewhere, in which case placement within a public right-of way shall be allowed by a permit issued by and at the discretion of the Urbana Public Works Department.
- B. *Definition.* For the purposes of this section, portable storage containers shall be defined as any container designed to store personal property or construction equipment and which is typically rented, delivered, loaded, and removed by truck.
- C. Notwithstanding provisions of any contrary City ordinance or regulation, portable storage containers located outside of a fully-enclosed structure shall comply with the following restrictions:
 1. *Permit.* If the portable storage container is located on private property, the Urbana Zoning Administrator or designee shall issue permits for portable storage containers so placed for more than seven days. Urbana Public Works shall issue permits for portable storage containers located within public rights-of-way for any period of time.
 2. *Maximum number and time limits.* Within any twelve month period, one (1) portable storage container may be placed on private property for a maximum of thirty (30) consecutive days or on an adjoining public right-of-way for a maximum of 72 hours. The Urbana Zoning Administrator may grant up to 30 additional days and/or one additional storage container on private property when good cause is shown by the applicant.
 3. *Placement.* Portable storage containers shall be placed on a paved or gravel surface. When space is unavailable due to site constraints, the Zoning Administrator may allow placement of containers on other surfaces, or one (1) portable storage container

may be placed on the right-of-way in a legal parking space and with approval by Urbana Public Works Department.

4. *Dimensions.* No portable storage container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height. The Urbana Zoning Administrator may make exceptions to dimensional requirements when necessary.
5. *Signs.* Other than the required city permit(s), no sign shall be attached to a portable storage container.
6. *Maintenance.* All portable storage containers shall be maintained in a condition free from rust, peeling paint and other visible forms of deterioration.
7. *Industrial Districts.* Portable storage containers as defined herein and located on private property in IN, Industrial, zoning districts shall be exempt from the requirements of this Section; provided, such containers located on public rights-of-way however shall comply with this Section and any conditions stipulated by Urbana Public Works.

Summary of Findings

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code; and
2. The Urbana Zoning Administrator has submitted a Zoning Ordinance text amendment to establish regulations for the outdoor storage of portable storage units both on private property and in the public right-of-way; and
3. The proposed text amendment will help in administration of the Urbana Zoning Ordinance; and
4. Plan Case No. 2142-T-11 complies with Section XI-7, Amendments, of the Urbana Zoning Ordinance, and with notification and other requirements of the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Urbana City Council has the following options regarding Plan Case No. 2142-T-11:

1. Adopt as presented herein;
2. Adopt with specific changes; or

3. Not adopt.

Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission recommends that City Council **APPROVE** Plan Case No. 2142-T-11, as presented herein. Staff likewise recommends approval.

Prepared by:

Zach Woolard, Planning Intern

Attachments: Draft Ordinance

cc: Bill Gray, Urbana Public Works Director

ORDINANCE NO. 2011-09-108

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF

THE CITY OF URBANA, ILLINOIS

(Adding Section VI-9 entitled "Portable Storage Containers" -

Plan Case No. 2142-T-11)

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, the Zoning Administrator has applied to adopt a new Section VI-9, Portable Storage Containers, which would provide standards for the time, place, and manner of storage of such containers; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their May 5, 2011 and August 4, 2011 meetings; and

WHEREAS, the Urbana Plan Commission on August 4, 2011 voted 6 ayes to 0 nays to forward this application to the Urbana City Council with a recommendation for approval; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That a new Section VI-9, Portable Storage Containers, is hereby amended to read as follows:

Section VI-9. Portable Storage Containers

- A. *Purpose and intent.* The purpose of this Section is to insure that portable storage containers as defined herein are used for the short-term, temporary storage and transport of personal property; and do not impede vehicular access, traffic flow or circulation, or create public safety hazards. This section intends that portable storage units be placed on private property unless site constraints dictate placement elsewhere, in which case placement within a public right-of way shall be allowed by a permit issued by and at the discretion of the Urbana Public Works Department.

- B. *Definition.* For the purposes of this section, portable storage containers shall be defined as any container designed to store personal property or construction equipment and which is typically rented, delivered, loaded, and removed by truck.

- C. Notwithstanding provisions of any contrary City ordinance or regulation, portable storage containers located outside of a fully-enclosed structure shall comply with the following restrictions:
 - 1. *Permit.* If the portable storage container is located on private property, the Urbana Zoning Administrator or designee shall issue permits for portable storage containers so placed for more than

seven days. Urbana Public Works shall issue permits for portable storage containers located within public rights-of-way for any period of time.

2. *Maximum number and time limits.* Within any twelve month period, one (1) portable storage container may be placed on private property for a maximum of thirty (30) consecutive days or on an adjoining public right-of-way for a maximum of 72 hours. The Urbana Zoning Administrator may grant up to 30 additional days and/or one additional storage container on private property when good cause is shown by the applicant.
3. *Placement.* Portable storage containers shall be placed on a paved or gravel surface. When space is unavailable due to site constraints, the Zoning Administrator may allow placement of containers on other surfaces, or one (1) portable storage container may be placed on the right-of-way in a legal parking space and with approval by Urbana Public Works Department.
4. *Dimensions.* No portable storage container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height. The Urbana Zoning Administrator may make exceptions to dimensional requirements when necessary.
5. *Signs.* Other than the required city permit(s), no sign shall be attached to a portable storage container.
6. *Maintenance.* All portable storage containers shall be maintained in a condition free from rust, peeling paint and other visible forms of deterioration.

D. *Industrial Districts*. Portable storage containers as defined herein and located on private property in IN, Industrial, zoning districts shall be exempt from the requirements of this Section; provided, such containers located on public rights-of-way however shall comply with this Section and any conditions stipulated by Urbana Public Works.

Section 2. 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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2011.

PASSED by the City Council this ____ day of _____, 2011.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2011.

Laurel Lunt Prussing, 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 _____, 2011, the corporate authorities of the City of Urbana passed and approved AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Adding Section VI-9 entitled "Portable Storage Containers" - Plan Case No. 2142-T-11 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 _____, 2011, 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 _____, 2011.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

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

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 infringement 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.