



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members  
**FROM:** John A. Schneider, MPA, Director, Community Development Services Department  
Lorrie Pearson, AICP, Planning Manager and Zoning Administrator  
**DATE:** May 9, 2019  
**SUBJECT:** **Committee of the Whole Review of Development Projects**

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### **Background**

Council has requested that staff suggest mechanism(s) that would allow the Committee of the Whole (COTW) to consider significant development cases that originate from the Plan Commission (PC) and the Zoning Board of Appeals (ZBA) prior to being considered at City Council. The concept was discussed briefly at the March 11, 2019, COTW meeting and the April 15, 2019, City Council meeting.

### Current Process

The PC and the ZBA were established to consider different types of planning- and zoning-related cases. Members are appointed by the Mayor and confirmed by the City Council. Each body conducts the public hearing, discusses the relevant criteria or findings for that case, and makes a recommendation to City Council. City Council then considers the item at its next meeting. Typically the time between the PC meeting and the City Council meeting is 12 days. Depending on when the ZBA meetings fall in a month, the time between the ZBA meeting and the City Council meeting is either six or 13 days.

City Council then either vote on that item at that meeting or if more discussion is warranted, vote to send the item to COTW or to a future City Council meeting.

PC considers the following cases in this manner: Planned Unit Developments (PUDs), Special Use Permits, Zoning Map Amendments (rezonings), Comprehensive Plan Amendments, Zoning Ordinance text amendments, Annexation Agreements where zoning is assigned, and waivers to the Subdivision and Land Development Code. The ZBA considers Major Variances in this manner.

### Past Case History

Over the last two years, PC and the ZBA have sent recommendations on 19 items<sup>1</sup> per year on average. Of those, there was an average of ten items per year involving a development project or a rezoning.

### **Discussion**

The discussion below outlines the research that was conducted as to how other communities process similar cases, three potential options to change the process, and an estimated cost of each option.

### Community Comparison

Staff examined the processes employed by other comparable communities in central Illinois, including Champaign, Normal, Bloomington, and Peoria, and the Chicago-area communities of Oak Park and Evanston. All but one (Evanston) follow the same process as the City of Urbana currently follows, where the City Council (or Town Board) considers the item for a potential final vote after their PC and/or ZBA forwards a recommendation. In Evanston, cases are sent from the PC to the Planning and Development subcommittee of the Council, who considers the item and forwards it either to the City Council that meets later than evening, or to the following City Council meeting two weeks later. The table below summarizes the practices of each of these communities, using only the PC as an example of the recommending body for simplicity and because most discretionary development cases are heard by that body.

**Table 1: Procedure and Timeline Comparison**

<b>Community</b>	<b>Heard by a Council Committee</b>	<b>Total Time, PC through Council</b>
Urbana	No	12 days
Champaign	No	14 days
Normal	No	12 days
Bloomington	No	Varies; have been short staffed. Recent cases 30-40 days.
Peoria	No	20 days
Oak Park	No	12 days
Evanston	Yes – by the Planning & Development Committee (P&D) of the Council. The case is introduced at P&D. P&D may vote to suspend the rules and send the case for action by the full Council at its meeting the same evening. If rules are not suspended, Council acts on the case at its next meeting.	13 or 27 days

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<sup>1</sup> In instances where one project consists of two or more distinct cases, such as a rezoning coupled with a special use permit, the cases are counted here as one item as they would be considered together.

As Table 1 shows, Urbana's current procedures and the timeline between the Plan Commission meeting and City Council are on par with most comparable communities.

### Potential Options

Staff has developed a number of options for consideration. They are summarized in Table 2: Option Summary and Timelines. Since most of the large development projects are processed through the PC, and not the ZBA, and because the dates on which PC meetings fall are tied to when the City Council meets, it is less complicated to discuss the options only in terms of how they would impact cases heard by PC. Cases processed through the ZBA could be treated in the same manner; the change in processing times would be about the same as those for PC cases, or would increase by a week depending on ZBA meeting dates.

#### *Option 1*

The first option would send a case to the COTW on the Monday immediately following the PC meeting the previous week. Due to timing and logistics, a new staff memorandum could not be prepared for the Committee to reflect the results from the PC, nor would minutes from the PC meeting be available. However, the Council members do receive PC memoranda the week prior to the Commission meeting, and staff would be present at the COTW meeting to summarize the PC meeting and its vote. The video of the PC meeting would also be available for viewing prior to the COTW meeting, as it is typically posted within 24 hours of the PC meeting.

Option 1 would have no increase in overall case processing time as the City Council consideration would occur at the same time in the process as current practice. Assuming a two hour COTW meeting, attendance at and preparation for that additional meeting by the necessary Community Development staff would require approximately nine hours of staff time. Those hours spent preparing for and attending the COTW meeting would redirect hours from other projects that staff is working on. Assuming the average of ten development-related cases per year, that is an additional cost of **90** hours per year.

The added step of Committee consideration would require attendance by representatives of the developer. Large projects often have large project teams and may travel from across the country, adding to the cost of the project.

#### *Option 2*

The second option would send a case to a Special Committee of the Whole (SCW) meeting held immediately preceding the next regular City Council meeting. Council members would receive a staff memorandum that would include the PC minutes and any follow-up from the PC meeting.

This option then takes two potential routes: Option 2a and Option 2b. In Option 2a Council members may determine during discussion that they are ready to vote on the case that evening. If this option is selected, members could vote to send the item to the City Council meeting that follows, assuming the item was listed on that meeting's agenda. If Council acts on the item that evening, then Option 2a would also result in no increase in the amount of time needed to process a case.

In Option 2b, the SCW discussion yields a desire for more time to consider the item at a later date. In this case, the members could vote during the SCW meeting to send the item to a Special City Council meeting the following week. Employing Option 2b would result in an increase of one week in the processing time for a case.

Approximately the same staff and developer costs would be borne in Option 2a as current practice as there would not be an additional evening meeting involved. Option 2b, on the other hand, could result in the potential need for a new memorandum to City Council to address issues that may have been raised by SCW, and preparation for and attendance at that Special City Council meeting. Option 2b is estimated to result in an increase in staff hours and costs that would be about the same as that produced by Option 1: **90** hours per year.

*Option 3*

The third option would send a case to the regularly-scheduled COTW meeting 18 days after the PC meeting. Much like in Option 2, Council members would receive a staff memorandum with minutes and any follow-up from the PC meeting. Per standard procedure, the ordinance(s) could be forwarded to the next City Council meeting the following week for a final vote. This process results in the greatest increase in processing time for cases, from 12 days between PC and City Council under the current process, Option 1, and Option 2a, to 26 days under Option 3.

Option 3 would result in the same staff (**90** hours per year) and developer costs as under Option 2b, unless it is evident at the COTW meeting that detailed questions or issues are unlikely to arise at the City Council meeting.

**Table 2: Option Summary and Timelines**

	Day of the Week/Number of Days																										
	Thur 1	2	3	4	Mon 5	6	7	8	9	10	11	Mon 12	13	14	15	16	17	18	Mon 19	20	21	22	23	24	25	Mon 26	
<b>Current</b>	PC											CC															
<b>Option 1</b>	PC				COTW							CC															
<b>Option 2a</b>	PC											SCW / CC															
<b>Option 2b</b>	PC											SCW							SCC								
<b>Option 3</b>	PC																		COTW								CC

PC = Plan Commission      COTW = Committee of the Whole      SCW = Special Committee of the Whole  
 CC = City Council      SCC = Special City Council

Types of Cases Subject to New Process

In those earlier discussions, some Council members have suggested sending only significant development-related cases to the COTW, rather than all cases. It is important to further define what

the threshold would be. A dollar figure for estimated construction costs could be used in some, but not all cases. For example, a rezoning request may not be associated with a proposed development, so construction costs could not be estimated. Should those cases also be considered by the COTW?

One approach would be to test out the new process for a trial period on the following types of cases. Council could then evaluate the process and determine if these are the appropriate thresholds.

*Suggested Case Types to Bring to COTW:*

- New Planned Unit Developments involving new construction
- New Special Use Permits involving new construction
- Zoning Map Amendments (rezonings) to any zoning district except R-1, R-2, or R-3
- Major Variances if they involve new construction or an expansion of more than 50% of the gross floor area of a building, with an exemption for single-family homes and duplexes

## **Recommendation**

To the extent that Council members would like to change the process, staff recommends a trial period of one year implementing Option 2. Due to the increase in staff hours required for this change, implementation would require an amendment to the proposed budget to allocate one-time funding for a part-time, limited term (one year) planner (approximately \$23,500).

Option 2 provides adequate time between the PC meeting and the Special Committee of the Whole meeting to prepare a memorandum and address issues raised at the PC meeting, yet provides flexibility for Council to vote on the item the same evening should a project be ready for a vote. At the end of the trial period, staff can collect input from Council, PC, ZBA, applicants, and the public. Council could then make any needed adjustments to the process and identify recurring funding for a permanent part-time planner to support the process.

## **Fiscal Impact**

In addition to the fiscal impact of the options noted above, approximately **40 hours of staff time** from the Executive Department, Community Development, Legal, Finance, and the Clerk's office have been spent to research, develop, and evaluate the options and prepare and distribute this memorandum. Additional hours will be needed to prepare and present the recommended course of action to the Committee of the Whole.