

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** October 9, 2003  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

---

**MEMBERS PRESENT:** Christopher Alix, Laurie Goscha, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

**MEMBERS EXCUSED:** Alan Douglas, Randy Kangas

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department; Rob Kowalski, Planning Manager; Teri Anandel, Secretary

**OTHERS PRESENT:** Todd Bendor, Jason Brody, Rich Cahill, Divya Chandrasekhar, Ji-wean Choi, Paul Debeuec, Jeff Engstrom, George Gore, Rebecca Haughtalry, Cynthia Hoyle, Kate Hunter, Hye Young Kim, Hyung Kyoo Kim, Linda Lorenz, Ben Mason, Linna McDade, Andrew Murray, Rohit Negi, Esther Patt, Jackie Pfeiffer, Steve Ross, Sofia Sianis, Lois Steinberg, Emily Talen, Susan Taylor, Lisa Treull, Matt Wenger, Kathleen Wilcox, Tolga Yilmaz, Joan Zagorski, Jason Zawila

---

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

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Ms. Stake moved to approve the minutes from the September 21, 2003 meeting as amended. Mr. Upah-Bant seconded the motion. The minutes were then approved as amended by unanimous voice vote.

#### 4. COMMUNICATIONS

Regarding the M.O.R., Mixed-Office Residential Zoning District:

- Email from Clare Barkley
- Email from Carolyn Baxley
- Email from Donald Burkholder
- Email from Stephanie Bury
- Email from Elizabeth Cardman
- Email from Karen and Michael Folk
- Email from Marcel Franciscono
- Email from Camille Goudeseune
- Email from Howard Guenther
- Email from C. K. Gunsalus
- Email from Deborah Katz-Downie
- Email from Linda Lorenz
- Email from Sarah McEvoy and Huseyin Sehitoglu
- Email from Georgia Morgan
- Email from Phil and Sonia Newmark
- Email from Curtis Pettyjohn
- Email from D. Fairchild Ruggles, PhD
- Email from Michael Walker
- Letter from Joan Zagorski
- Email from Ricardo M. Zayas

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

##### **Plan Case 1865-T-03: M.O.R., Mixed-Office Residential Zoning District and Development Review Board Procedures Text Amendment**

Elizabeth Tyler, Director of Community Development Services Department, presented the staff report for this case to the Plan Commission. She mentioned that staff had allowed enough time for the Plan Commission to review this case at this meeting and continue discussion and make a final recommendation at the next meeting before the moratorium expired. She gave a brief introduction and background noting the history and the projects in the MOR Zoning District. She talked about the Interim Development Ordinance (IDO) that the City Council adopted on July 21, 2003 and stated the purposes of the IDO and the moratorium. She noted the previous efforts at amending the MOR Zoning District. She discussed the amendment review process.

Ms. Tyler summarized the proposed amendment in detail. She discussed proposed revisions to the following sections:

- Section IV-2.1, Purpose of Districts

- ❑ Section VII-3, Location of Parking Facilities
- ❑ Section XI-12, Development Review Board
  - Powers and Duties
  - Membership
  - Application and Development Plan Submittal Requirements
  - Development Review Board Review Procedures
  - Development Plan Review Criteria
  - Adjustments to Existing Codes and Regulations

Ms. Tyler mentioned that there were a number of other related issues and actions that have been discussed during the preparation of the amendment but were not included in the current proposal. They include the following: demolition procedures, revisions to the Table of Uses, and adjustments to development regulations. During preparation of the proposed amendment, the need for a number of related actions had arisen as well. They include the following: potential sites for rezoning, adjustment to permit parking area, adjustment to definition of bedroom, Historic Preservation review of proposals around historic properties, and parking for multi-family residences.

Ms. Tyler summarized staff findings. She noted the attachments to the staff memorandum. It was staff's recommendation that the Plan Commission would not forward the case to City Council at this meeting, but instead they take the time to review the information they received in their packets and make a recommendation at the next scheduled Plan Commission meeting. Chair Pollock agreed with staff's recommendation that the Plan Commission carry the case over to the next meeting to give the Commissioner's a chance to read the written correspondence, to give staff time to answer questions that will arise out of this meeting from both Commissioners and from the public.

Ms. Stake stated that the City has provided incentives for people to move into the Stone Creek Subdivision with tax write-offs. She wondered if the City could do the same for people interested in reusing an old house, which is historic. The whole area is historic. There was reason for the City to spend some money for incentives.

The other question she had was if staff could get the design criteria for the Plan Commission by the next meeting? She thought the design criteria were one of the most important parts to the proposed amendment. When reading the existing MOR text amendment and the proposed amendment, they are not too different. The Purpose of the MOR Zoning District is only a little shorter in the proposed text amendment. The Purpose states, "... limited the scale and intensity" of the uses and buildings that may locate in this district. The City has not really done that, but it was in the Purpose. Therefore, she felt that the design criteria were something that the City needed in order to make sure that the changes are effective.

Ms. Tyler responded to Ms. Stake's suggestion of the City offering incentives by saying that the incentives offered to people to build homes in the Stone Creek Subdivision was through the Build Urbana Tax Rebate Program. This was available anywhere in the City for new single-family, duplex and condominium housing to increase residential activity. It has been very effective. The City has gone from 34 new housing units built in Urbana per year to about 200

per year. This has improved Urbana's tax base tremendously. It was only a program of short duration and ends December of 2004.

She stated that the target neighborhoods, which have income where people couldn't afford home improvements as much as other neighborhoods, did not include the MOR Zoning District. The City does have Housing Rehabilitation Programs and Emergency Grants and Access Grants for home improvements. We use our federal dollars for first time homebuyer loan programs.

The City has a whole host of housing programs to help people whether they are buying a new house or want to buy an older house and rehab it. However, the MOR Zoning District was not of an income level that would qualify for these programs.

In regards to design criteria, Ms. Tyler noted that if we want good criteria it would take longer than two weeks to create. She mentioned that the Historic Preservation Commission recommended a number of key elements that will be in the design guidelines. However, there also needs to be photographs, drawings, and illustrations included in the guidelines, so that people, who do not have an architectural background, could really comprehend these elements. To do that well, it will take some time. The City has an architecture student retained to do that. The City wants a nice pattern book that people can use and really understand what could be built in this area. It might be January when the pattern book is done. In the meantime, staff does not want to hold up the amendment until then. In the proposed amendment, the Development Review Board would be able to look at the design of a proposed structure. Currently, the ordinance prohibits the Development Review Board from even looking at design. Therefore, we are heading in the right direction.

As for the Purpose not being different, Ms. Tyler agreed that it had not been changed. Staff was not trying to do anything radically different.

Ms. Stake clarified that she wanted the City to create an incentive for people to reuse the older homes on Green Street. She would like it to be one recommendation to the City Council. Older homes are very important to the City of Urbana. We do not want to destroy the neighborhood. Ms. Tyler replied that the Plan Commission could review the material in the amendment, and then the ideas that were not included in the amendment, the Plan Commission could think about how they want to move the text and whether they want supplementary recommendations to forward to the City Council in addition to that.

Mr. White posed a question about underground parking. If the City wanted to really encourage underground parking, then the City would allow for use of multiple lots for larger structures, so that the developers would be able to afford to have underground parking. Otherwise, it would be too expensive. Ms. Tyler answered by saying that was one reason why staff looked at having parking areas partially submerged, which was a much less expensive option. If it was hidden in the rear of the property, then that might allow for some hidden parking and still be within the current footprint. She agreed that encouraging underground parking was really something that you only see in much larger scale buildings. Mr. White inquired why the City did not allow development on multiple lots with a new single structure? Ms. Tyler replied that it would come up against the purpose of the MOR Zoning District to retain the scale. There are certainly many

people that feel that these corridors should be more intensively developed. Mr. White thought in a way that architecture was as important as scale. Developers are really limited when the City limits it to single-lot development. He noted that he was only asking a question and not making a suggestion. Ms. Tyler believed that many of the owners would agree with that observation.

Mr. Pollock asked staff to explain what “transfer of development rights” would entail? Ms. Tyler answered by saying that it was something that you would see often in environmentally constrained areas, where you might have certain zoning or perception of the ability to develop, but then there are constraints such as slopes or endangered species. Rather than telling someone that they could not build because of the constraint, the owner could sell their right to build to someone else and place that development right elsewhere in a permitted area. It was a way to retain some value in difficult locations. It could also be used to cluster development in some of the environmental areas and was used in urban locations. If you average everything out, it was still the same development intensity, but it was a way to allow creativity in getting around obstacles and development.

Mr. Pollock questioned if the Plan Commission or the City Council decided now or in the future that an adjustment to the definition of “bedroom” was appropriate or if the number of parking spaces required per bedroom need to be changed, then could those changes be legally made to the Zoning Ordinance for only the MOR Zoning District? Ms. Tyler responded that staff rewrote the current public hearing broadly to pertain to the MOR Zoning District. So, some of the changes that pertain to other districts were not included. If the Plan Commission or the City Council sees another regulation that should be modified only for this district, then it could be done as part of this current case.

Mr. Pollock commented that part of the problem with the Development Review Board was that it required a unanimous vote when a case is brought. Staff was talking about the recommendation going to a majority vote with a different makeup of the Board’s members. He inquired if there had been a case in the past, where the case had been denied because the vote was not unanimous? Rob Kowalski, Planning Manger, answered saying that the original proposal for 611 West Green Street was denied by a 4-1 vote. Ms. Stake stated that she had real reservations about three people, who have been appointed and not elected, deciding what happens. She did not feel that would be very good. There should be more than 3 yes votes to require approval of a case or else have the Development Review Board forward cases to the City Council with recommendations for approval or denial.

Rich Cahill, of 307 South Orchard, lives adjacent to the MOR Zoning District. He thanked staff for a very thorough change in the ordinance. He believed that the Plan Commission needed to spend some time during this meeting to read it. He gave staff credit for taking input from the public and the Historic Preservation Commission and including 90% in the proposed amendment.

He clarified that the first case to be denied involved the Ricker being torn down, and the Development Review Board denied the case. The Barr redevelopment was denied due to lack of a unanimous vote as well.

He talked about some of the proposed changes. He felt that it would be unrealistic to expect developers to build underground parking for all new multi-family structures. The proposed makeup of the Development Review Board was very good. It would allow more public input. A simple majority versus a super majority vote would be fine with a group of only five people. However, the City would need to make sure that the quorum was at least three members.

Regarding other issues, Mr. Cahill said that he was glad to see that staff had brought up the adjustment to permit parking. He felt it was very important. The people on the south side of Green Street are not allowed to get a parking permit to park on High Street and Illinois Street. He was also glad to see staff address the issue of "what is a bedroom?" He agreed that the existing design criteria were tough. The Historic Preservation Commission reviewed them at their last meeting. Balconies end up hanging out the edge and do not quite fit into the square footprint, and as a result give developers a benefit of bigger space. Therefore, good design is very critical. Mr. Cahill encouraged this effort.

Steve Ross, of 609 West Green Street, echoed Mr. Cahill's comments in that staff had done a marvelous job in gathering input for the proposed text amendment. Regarding the composition of the Development Review Board, he felt it would be a vast improvement when staff would not be responsible for working with the developers, then being the judge and jury voting on a case.

He expressed a few concerns. Regarding Mr. White's question about what would happen if the City allowed a developer to build a single structure on two lots, Mr. Ross stated that from his experience, there would be bigger boxes. He felt that if developers could not do anything creative with the current limitations, then they would not do anything creative if those limitations were bigger. It would just mean a bigger box.

With reference to the Purpose, he noticed that staff had reduced it from two paragraphs to one. The things that had been removed were the things about the impact of structures on the neighboring properties. Not that the presence of that statement helped him any in his effort to keep inappropriate buildings from being built next to his house, the fact that the statement would be removed would have negative impact. He viewed that as a step backwards.

On Page 4 of the Proposed Zoning Ordinance Text Amendment, he recommended that the Development Review Board would have access to a surveyor's plat of survey, because adjacent property owners might disagree with the plat of surveyor. On Page 6, lists the design criteria. He believed that the original 13 design criteria were quite clear, and he did not have a problem following them. He thought the 13 design criteria were being replaced with references to the Urbana Zoning Ordinance. He stated that most of them are pointing elsewhere, which makes it hard to judge whether they are good criteria.

Mr. Ross commented on the fact that the design guidelines were not yet available. They are half of the changes being proposed. He understood that it took time, but it makes him uneasy that there are not any at all.

On Page 6, regarding engineering and drainage, he felt it was written from the perspective that there would still be City staff on the Development Review Board. When talking about

overburdening of existing streets, utilities, sewers and public facilities, he believed that any of the recommended members of the Development Review Board would have a hard time making a judgment about these things.

Lisa Treull, of 714 West Iowa Street, thanked staff for the wonderful job that they had done. However, she did not feel that the proposed text amendment would be enough to really preserve and save the character of the neighborhood in the MOR Zoning District. She hoped that she was wrong and in 20 years, there was not a wall of apartment buildings going down Green Street.

She was also concerned that there did not seem to be anything about the demolition of smaller homes for parking lots included in the proposed text amendment. She understood that the parking issue is a very complex issue, and the Presbyterian Church has huge parking needs. She only hoped that, if the City does not address some of the things that had been mentioned such as design criteria, parking issues, square footage, and the possibility of looking at down zoning, the City did not end up with a combination of parking lots and box apartment buildings in the MOR Zoning District.

Ms. Treull felt that the City needed to find out why the intent of the MOR Zoning District has not worked so far? Why has not the City of Urbana been able to attract the boutique-style type of businesses to Green Street and Elm Street? Why has not the City been able to encourage adaptive reuse of the existing buildings? For those people who are saying that it would be cost prohibitive to redevelop with underground parking, she remarked that she wants underground parking, because she does not want to see parking when going down Green Street. If the City of Urbana cannot offer incentives to redevelop the MOR Zoning District in the way that is desired, then let's offer disincentives to make demolishing interesting structures to build box apartment buildings. Most importantly, why do we make single-family homes so attractive to investment properties? It poses a threat to this residential neighborhood. Why have these stately older homes been allowed to dilapidate beyond repair, thus justifying the economic hardship for rehab?

She felt that there were some bigger issues beyond this ordinance change. If we really do care about the City, then she believed that we need to answer these questions and it warrants further studies. Ms. Stake agreed that the City had not done a very good job at making property owners repair the existing buildings. There should be some incentives in the City to encourage homeowners to maintain their homes. Also, she has seen a small single-family home with underground parking, but of course, they only needed one car. Ms. Treull noted that San Francisco was famous for having underground parking for single-family residences.

Linda Lorenz, of 409 West High Street, agreed with many of Ms. Treull's comments. When discussing demolition of these homes, there was nothing about the fact that property owners let the homes dilapidate. They intentionally neglect them, so that the buildings can be torn down and the property owners can build boxes.

She mentioned that she was having trouble understanding the relationship between the design criteria and parking and ugly lots with cars all over the place and the effect it has on the next couple of streets over. There was something that did not fit in with the increase in density in

these areas with what is going to happen to High Street, and has already happened to portions of Elm Street. The City keeps allowing variances and keep nipping at this until there will not be anything left. There has to be a stand taken, because the people who live in the neighborhood love living in this neighborhood, love their older homes, and love being able to walk to the University of Illinois campus. She did not understand why the City was not protecting this neighborhood.

George Gore, of 702 West Washington Street, mentioned that he was a member of an organization that owns a house at 505 West Green Street, which is cooperative housing. After hearing all the concerns about parking, he felt the need to say that housing coops offer a way of maintaining the old existing structures, as well as increase the density without the additional cars. In addition, they tend to be more stable in terms of neighbors. Because it is not a rooming house, they all know each other and work together. The house that he current is a member of was in the process of completely replacing the HVAC system, and they have just finished replacing the water heater. It is a 90+-year-old house, and they are upgrading it. There is a national organization that maintains a maintenance budget for them. This may be something that may help out in terms of keeping some of the large, older houses. The national organization was considering another house in this region. The local organization was also looking at buying a house on its own. They add value to the tax base, because they have 16 residents packed into a relatively small space, which is a fair amount of rent. The property value had increased in that regards. The one problem that might apply was that there were very limited number of houses that qualify for a coop. The difference between a coop and a rooming house was that with a rooming house there was no effort to maintain and develop the building. He has requested that the City protects the trees, because they are the distinguishing feature of the City of Urbana.

Mr. Alix asked how many bedrooms were in the Green Street coop? Mr. Gore replied that there were currently 14 bedrooms.

Mr. Alix questioned what kind of parking was provided on the lot? Mr. Gore answered by saying that there were about 7 parking spaces on the property. He added that the organization was a non-profit 501C7 social organization. Mr. Alix inquired if those parking spaces were already there when the home was bought? Mr. Gore commented that he had only been involved with the organization for the last two years, and the parking spaces were already there.

Mr. Alix asked if the organization finds it difficult to attract people to live in the coop due to the lack of available parking? Mr. Gore replied no. In fact, in the house that he currently lives in, less than half actually own vehicles. Mr. Alix questioned if any of the residents have purchased a permit from the City of Urbana? Mr. Gore replied yes, 3-4 residents have permits.

Mr. Hopkins asked what the name of the national organization was? Mr. Gore responded by saying NASCO Properties.

Ms. Stake questioned where they put 7 cars? Do they take up the whole back yard? Mr. Gore stated that there were two parking spaces at the house. There is almost always a space to park on the street. Two people rent spaces further away.



Emily Talen, of 408 West Nevada Street, mentioned that CIVITAS design center had received a small grant from the University of Illinois to setup a downtown location in the City of Urbana to provide design assistance to the local community. She felt the issue with the MOR Zoning District fit in perfectly with the goals of the CIVITAS design center. Their whole reason for being is to promote good design in the community. They want to help and assist in making sure that the design guideline process flows smoothly. There will be a couple of students working with Ms. Tyler and who will be helping in this effort. She remarked that they are working as hard and as fast as they can; however, this is not an overnight process. Neither is it a rather long, drawn out process, because there are so many communities wrestling with the exact same issues. It was a matter of pulling together the information and putting it before the community.

Mr. Alix inquired whether it was appropriate or not for design guidelines to include more architectural styles as opposed to something more general like architectural details? Ms. Talen noted that generally style was handled with things like massing, scale, relationship to the street, window to hard surface ratios, etc. She would not recommend that the City get into stylistic preference. There are ways to get at that without dictating style.

Ms. Tyler talked about the issue of property maintenance. She noted that it was an area that was dealt with in the Community Development Services Department. Staff has a Property Maintenance Code, which staff tries to uphold. The City was trying to do a better job at doing so by reorganizing somewhat and have new staff. One of the inspectors was wholly dedicated to existing housing. The Housing Inspector inspects complaints by tenants, inspects all Certified Housing at the University of Illinois, inspects properties owned by Carle Foundation, and inspects sororities and fraternities. He has started a new round of systematic inspections for rental housing of three units and up. He works closely with the City Attorney. If there is a problem with a property and they get no response, then it quickly goes to court, which many times can be prolonged. The Housing Inspector also deals with properties that are vacant.

In looking at how property maintenance was maintained, there were different degrees. The City of Urbana has not dictated when people need to paint for example. We are not that type of community. One reason being that there are many elderly property owners, who are not able to keep up with the maintenance on their homes. The downside to this is that there are properties that are really blighting the whole area. The City was beginning to take a stronger look at those incidences. It was true that the City had some property owners, who have investment properties, which are not keeping up with the properties as much as they could be doing. This was a big issue.

Mr. Kowalski responded to some questions about the review criteria. In the existing ordinance, there were 13 review criteria. In the proposed amendment to the ordinance, staff narrowed them down to 5 or 6. He mentioned that most of the 13 review criteria are included in the proposed 5 or 6. Many of the original 13 review criteria overlapped, and staff tried to make them easier to grasp. He added that with the new composition of the Development Review Board, staff would be able to present a staff report to the Development Review Board as they do with the other commissions and board. They would include any technical advice needed regarding drainage and utility issues.

He talked about the Purpose of the MOR Zoning District. Staff tried to shorten it up a little bit, not for the purpose of trying to take anything away from it, but to make it a little clearer.

He addressed the concern of homes being torn down to make parking lots. He informed the Plan Commission and the public that a principal use parking lot in the MOR Zoning District would be allowed only by a Special Use Permit. If a developer/property owner did have such a proposal, then it would be reviewed by the Plan Commission and by the City Council.

Mr. Pollock inquired if the existing parking lots in the MOR Zoning District had been done through a Special Use Permit? Mr. Kowalski stated that have been built are accessory to existing uses. Mr. Pollock asked if that meant if a developer/property owner owns an apartment building and needs an additional parking area, then they could buy a lot adjacent to their building and they could construct a parking lot without a Special Use Permit? Mr. Kowalski replied yes. Mr. Pollock questioned if the ability for a developer or property owner to do that could be abrogated in the MOR Zoning District if the City Council decided that was an appropriate thing to do? Could the City Council change that regulation so that any parking including accessory uses would be by Special Use Permit? Ms. Tyler answered that by the way the proposed amendment was written, it would go before the Development Review Board. Renovations that are visible from the exterior, like additions and new construction. Actually new construction specifies parking lots, so staff could interpret that to include accessory parking lots and bring it to the Development Review Board. Mr. Pollock clarified that the intent of the redesign of the MOR Zoning District would remove the ability of somebody to build a parking lot as an accessory use without some review.

Mr. Hopkins felt that it would be better for the Plan Commission to go through the Proposed Zoning Ordinance Text Amendment and discuss it rather than to wait until the next meeting, because there was a tremendous amount to talk about. Ms. Tyler mentioned that if there were anything that the Plan Commission had for staff to research, then now would be the time to let them know.

Mr. Hopkins led the Plan Commission through the document, and they stopped to discuss the following:

➤ Section IV-2.1 Purpose of Districts

*The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The adaptive re-use of existing, older structures is encouraged in order to promote their economic viability and to preserve and extend the useful life of such structures. New construction shall be designed and constructed in a manner that best preserves the character of the district.*

Mr. Hopkins questioned if the wording in the last line, which states “...in a manner that best preserves...” implied that there was not a single-overriding objective of preservation? That was not clear to him that was the intent. The wording seemed to him to be problematic. Mr. Pollock

stated that his recollection of the case when the MOR Zoning District was proposed was that if preservation was not the major, then it was one of the very major reasons for the reason for this district being put together. It was preservation of the older housing stock in a way that would not curtail all new development and would reuse those structures as the City could find a way to encourage it. Ms. Tyler added that it was talking about new construction. Maybe it would be better to read as such, *“New construction shall be designed and constructed in a manner that promotes compatibility with the character of the district.”*

➤ Section V-8.B Additional Use Regulations in the MOR District

*No changes in existing land uses or proposed new land uses and/or structures may be implemented except after review and approval by the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.*

➤ Section XI-12.A.2 Development Review Board – Creation and Purpose

*The Development Review Board is created for the purpose of reviewing and approving or disapproving all development plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR District.*

Mr. Hopkins did not feel that the wording said what they wanted it to say. He believed that the wording in Section XI-12.A.2 said what was intended to be the same thing, only more clearly.

➤ Section XI-12.A.4 and 5 Development Review Board – Creation and Purpose

*4. The Development Review Board shall be responsible for reviewing and issuing conditional use permits in the MOR District in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section VII-1, VII-2, and VII-3; and for reviewing and issuing minor variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.*

*5. The Development Review Board shall be responsible for reviewing and issuing recommendations on special use permits in the MOR District in place of the Plan Commission subject to the provisions and review criteria set forth in Section VII-1, VII-6, VII-7; and for reviewing and issuing recommendations on major variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.*

Mr. Hopkins understood the idea of simultaneous submission to simplify things and of fewer review bodies, but he felt this would raise the question of fairness and consistency of treatment if in part of the City, someone could get a Special Use Permit under criteria that applies to everyone, but under a different board, essentially localized to a certain set of interests rather than a city-wide set of interests. He believed that they should think very carefully about options of

giving that authority to a Development Review Board. Mr. Pollock noted that he shared this concern.

Mr. Alix mentioned that he had similar concerns as well. He felt that this would create an inconsistency between the MOR Zoning District and the rest of the City, which was not limited to the issue of Special Use Permits. He was concerned that the City would be creating this enclave that has its own Plan Commission and Zoning Board of Appeals and would be the only place in the City where design criteria would be enforced. There were other neighborhoods in the City that have architectural or neighborhood character that were worth preserving.

He felt that the City needed to be careful about creating inconsistencies and creating more confusion by having different jurisdiction issues based on which side of the street a person lives on governs which board that person would go to for a Special Use Permit. He was not sure that would be an improvement. Ms. Upah-Bant agreed.

Mr. Alix suggested that the City maybe consider, in addition to the idea of simultaneous submission, some required communication between the various boards. For example, a right of protest that could be raised by the Development Review Board, or something along those lines that would offer some influence over the decision at the City Council level without fully removing that from the purview of the Plan Commission. Mr. Pollock commented that was an option that could be looked at; however, the City needs to be careful that we do not create more of a morass and slow things down further. Mr. Alix agreed, and he applauded the City staff for the idea, which was intended to provide consistency in terms of the way the neighborhood develops.

Ms. Stake preferred that the Development Review Board be advisory to the City Council, and that the City Council would make the final decision. She did not believe that a quorum of 3 people should be making those decisions. The City Council is the body that is responsible to the people. They have been elected, whereas the Development Review Board would be appointed the same as the Plan Commission.

➤ Section XI-12.B.3 Development Review Board – Powers and Duties

*The Development Review Board shall recommend prospective Development Review Board members to the Mayor in order to fill vacancies on the Board.*

Mr. Hopkins read this literally to mean that it would be an action of the Development Review Board to nominate, vote on and recommend to the Mayor nominees to the Board. He would find this a surprising operation.

➤ Section XII-12.C Development Review Board – Membership

Mr. Hopkins noted that the membership was described as being five distinct members; however, the categories of membership are not mutually exclusive. First of all, instead of saying “a representative”, it should say “a member” for both Section XII-12.C.1.a and b, because a representative could mean anybody.

If these are not mutually exclusive, do we mean to imply that neither the Plan Commission member nor the Historic Preservation Commission member could be a licensed architect? Do we mean to imply that a licensed architect could not be either of the Commission members? Ms. Tyler replied that there was not any inference there at all.

Mr. Hopkins stated that it then gets interesting trying to construct this board and what its membership would be. Because if it was intended to be representative by this distribution, then would the owner in the MOR Zoning District, by definition, not a single-family residence owner, because there would also be a resident on the Board as well. Therefore, the property owner would be intended to represent the non-residential investment owners in the MOR District in order to get representation. Or could there be two citizens living within the MOR District serve on the Board? There was a whole set of questions here about how the Development Review Board would actually be constructed based on the proposed criteria and whether we need to set a set of criteria that would prevent dominance of the Board by one group. If that was what the intent was, he was not sure the proposed criteria would accomplish that.

Ms. Tyler commented that the presumption was that the Mayor would appoint a non-resident property owner. The citizen could be someone living in a rental property as well. Mr. Pollock stated that this was an interesting conundrum, and he felt that these were good questions, because they needed to pin this down before submitting the proposed text amendment to the City Council. Ms. Tyler explained that the reason why staff did not specify that was because there may be some discretion by the Mayor and the City Council for representation.

Mr. Hopkins remarked that there two ways to leave it free. One way was to list a set of categorical persons. The second is to set a set of criteria for the Board. It might be more instructive to the Mayor in making the intended kinds of appointments than this particular list.

Mr. Alix noted that there would not be any representation of business owners in the MOR Zoning District on the Development Review Board. He agreed with Mr. Hopkins. He explained that a statement of intent might be more useful than a punch list to basically indicate that the Mayor should appoint members so as to represent each of the major categories of uses envisioned for the District; those being single-family residential, multiple family residential, business, and others as appropriate. Whether the statement was in conjunction with or in lieu of the proposed list, it might give the Mayor more guidance as to why these people are on the list and why he is suppose to appoint the people he was suppose to appoint.

Ms. Stake believed that since there were so many different people involved in the MOR Zoning District, there should be nine members rather than five. That way we could have more people on the Development Review Board to represent the different interests.

Ms. Goscha noticed that the one component missing was a developer. She felt that developers should be represented, because they do show a totally different perspective in this area, and their voices need to be heard.

Mr. Hopkins mentioned that another issue on the makeup of the Development Review Board was that there were several years between cases in the past. A hypothetical situation might be as follows: Imagine creating a Development Review Board that has one case early in its appointment, then has no activity for five years. As five members or more are required to meet within fifteen days with a quorum of at least three members, supported by a staff person with secretarial duties (staff planner) (who was probably new), he was imaging potential difficulties in the fifteen day deadline. This suggests to him that there are other things to think about of how this could function. Maybe they were constructing something for such an irregular pattern of cases, that they may have built something that was not actually sustainable.

Ms. Stake suggested having more members. It would at least help some. Mr. Hopkins stated that would be one way to do it by having nine members with a quorum of five. Staff might be more likely to put together a meeting.

Mr. Alix hoped that if the City were to identify other neighborhoods or zoning districts that were deemed worthy of protection comparable to that being proposed for the MOR Zoning District that the review process described here would be used as a template for those other districts and neighborhoods. That raised the question of whether the City of Urbana in twenty-five years from now, might have six or seven Development Review Boards for different neighborhoods or whether there was a way that this could be done in more of an administrative manner that would be more scalable. Mr. Pollock stated that therein lies the problem, which was finding a balance between what we currently have and something that would function better.

Ms. Tyler stated that many communities have design review boards for everything. That would be a huge jump for the City of Urbana. In the Downtown to Campus Plan and in the Zoning Ordinance, it states that this is a special area that is worthy of special review. If there were other areas that were found to be special in the same way, then the same structure could work. Mr. Alix meant to say that instead of creating the Development Review Board on a zoning district basis, maybe the City should look at creating perhaps more of a citywide Development Review Board, even if its initial duties were limited to the MOR Zoning District. The City might want to decide to design this with a broader brush that would work citywide. It might pave the way for giving the City more flexibility in the future to adopt design review in other sensitive districts and at the same time, set the Board up to have more business so they would meet more frequently and suffer fewer of the inactivity problems that Mr. Hopkins had brought up.

Ms. Tyler believed that this could be a generic template. She mentioned that the City has several boards and commissions. There is a Building Code of Appeals that she believed had never met; however, the membership and procedures are kept up. Should they need to meet, she felt that it would not be a problem. Having a small membership helps in that case for these boards. The more members, then the harder it is to get a quorum. She felt that procedurally, staff would be up to the task of a commission that meets less frequently. It was important to have everything codified.

Ms. Stake inquired about what review boards were Ms. Tyler aware of or familiar with? And in what cities? What was their relation to the Plan Commission? Ms. Tyler replied that most of her experience in California was very prevalent. They were really on top of what their Plan

Commission did. Review boards provided another level of review. Planning practices in other locations can be quite different from how we practice it here in the City of Urbana. It was just a different approach to look at the same projects, and it would probably be advisory to the town board or City Council.

Mr. Kowalski thought it was more common to have a design review board that has an overlay district for an area and not a specific zoning district. His experience in Louisville, Kentucky was that there was a design board for the Barge Town Road Corridor. So, if something was proposed on that corridor and was permitted by right, then only the Design Review Board was involved to see how it was designed and how it would be constructed. If something was permitted with a Special Use Permit, then the Design Review Board did their review, the Plan Commission did their review, and the City Council did their review. He felt that the City of Urbana was a little unique that they were tailoring a Development Review Board for a specific district and not necessarily an area.

➤ Section XI-12.E.3 Development Review Board - Meetings

*In the event of a Development Review Board member's abstention, which shall only be for purposes of an asserted conflict of interest, then such vote shall be recorded as an abstention, but the Chair of the Development Review Board shall rule that such vote goes with the majority of those votes actually cast.*

Mr. Hopkins suggested using the word "recusal" rather than the word "abstention", because it really means specifically that a member would not be able to vote due to a conflict of interest. There would be a five-member board. If one of the members recuses him or herself, then there could be a 2-2 vote. The proposed mechanism of resolution does not resolve this situation. Ms. Tyler noted that staff was going to get more legal guidance on this. Mr. Alix suggested a good solution might be that if the City was going to define what roles were going to be on the Development Review Board, then it might be appropriate to require the Mayor to appoint a temporary replacement to fill the appropriate role. He did not feel that it would be fair if because the architect, for example, had a conflict with interest, that there would not be any input from any architect. Mr. Pollock commented that the City would need to have an alternate for each one of the positions.

➤ Section XI-12.F.2.k Development Review Board – Application and Development Plan Submittal Requirements

*Development Plans must contain the location of existing vegetation and proposed landscaping.*

Mr. Hopkins questioned what constitutes a development or a change? If a single-family homeowner wanted to change the landscaping on his property, such as planting a tree or changing the shrubbery, then would that have to come before the Development Review Board? Ms. Tyler explained that this was covered under Section XI-12.A.2, which reads as follows: *The Development Review Board is created for the purpose of reviewing and approving or disapproving all development plans for changes to uses in existing structures, for additions for*

*exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR Zoning District.* Mr. Hopkins responded that if in the criteria and the submission requirements it includes landscaping, then he would infer from that planting a tree would be considered a change, and the change would have to be stuck to after they are approved. He did not think that the City would want to mean that.

Mr. White asked if existing vegetation included dandelion grass, hostas, etc.? It should probably read to say shade trees that are 3” or 5” or greater. He mentioned that he also did not know what was considered a “mature tree”. Ms. Tyler reminded the Plan Commission that the Special Use Permits that they recommend for approval could have landscaping. Developers and/or property owners need to show their intent to landscape by providing a landscape plan. However, as the plants and trees grow, it would not revoke the Special Use Permit.

- Section XI-12.F.3 Development Review Board – Application and Development Plan Submittal Requirements

*Site Plans shall be submitted at a graphic scale of no less than one inch per one-hundred feet.*

Mr. Hopkins did not feel that the scale of one inch per one-hundred feet would be adequate.

- Section XI-12.G.5 Development Review Board – Development Review Board Review Procedures

*Development plan approval is also required for all requests for conditional uses and special uses in the MOR District. Review of conditional uses and special uses by the Development Review Board shall be coordinated to allow for simultaneous review with the development plan, if so desired by the applicant. The approved development plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved development plan.*

Mr. Hopkins inquired what the last line of that really means? He believed that the Special Use Permit precedent was a good one. Once they have design guidelines, which there are not currently any for a Special Use Permit, that the Development Review Board could apply to the site plan including the placement of trash, etc., then “strict conformance” becomes worthy of interpretation.

- Section XI-12.H.1 Development Review Board – Development Plan Review Criteria – Land Use and Development Regulations

*Proposed development plans shall demonstrate compliance with the land use and development requirements of the Urbana Zoning Ordinance.*



Mr. Hopkins understood that the Development Review Board would review a change of use whether or not there was a change in structure. If there was a change of use, then it was less clear to him what the Development Review Board would be reviewing. What constitutes a change of use? When does a conversion among categories of dwelling unit type, many of which are allowed in this district, require a change of use requiring a New Occupancy Permit? Ms. Tyler answered that it could be a change in the Table of Uses or a change in ownership. Mr. Hopkins replied that his impression was that in practice that the City does not actually administratively monitor change in use. When there is a change in ownership and when there is a certain visibly questioned changes in use, then the City may get interested. In many cases, the City did not even keep track, and yet the proposed amendment was defining the Development Review Board as having responsibility to review any change in use. Was changing from a single-family dwelling to a single-family group extended considered a change in use? Ms. Tyler stated that from a Building Code perspective it probably was, and it would need a Certificate of Occupancy. Then, the Building Inspector would notice that it was within the MOR Zoning District, and it would need to go before the Development Review Board.

Mr. Hopkins asked what the Development Review Board would do with it? Maybe a change of use should not go before the Development Review Board or if they do, then they go with a different set of information.

Mr. Alix mentioned the case where a church wanted to use a house as an office. He asked if a similar future case would need to provide a site plan and architectural drawings of the house for the Development Review Board, when the Development Review Board could just go look at the house? If the petitioner, in the hypothetical case, were not making any changes to the house, then they would just be asking for a Special Use Permit to request permission to use the existing house as something other than for residential use. He did not know if it would be worth the effort of the Development Review Board to enlist the services of an architect to determine whether the existing house was appropriate with the character of the neighborhood. Ms. Tyler commented that this was inherited language, and that maybe it should be changed or modified, but when you look at the creation and purpose, it talks about for additions and for exterior remodeling of existing structures. So, if the change in use and interior remodeling does it, then there may not be much for the Development Review Board to review. There must be a reason why it says that the Development Review Board would review development plans when there are additions for exterior remodeling of existing structures. If it was something that changed the appearance of the outside would really the operative change. Mr. Alix noted that Section XI-12.G.5 was in direct conflict with that. Mr. Hopkins stated that it was the same for the initial statement of the Responsibilities of the Development Review Board.

Ms. Tyler stated that in Section XI-12.G.5 was where the City was trying to endow the Development Review Board with the ability to grant Conditional Use Permits and Special Use Permits at the same time. It may be that Development Review Board approval was meant here, rather than Development Plan approval. Staff will look into this. There seemed that the previous intent was that the Development Review Board was to look at projects when they had a change that was visible from the exterior, but the proposed amendment says a change in use. There can be a change of use that would be invisible to the outside of the structure.

Mr. Hopkins commented that two of the most obvious things that change of use would affect are parking and traffic. If that was the issue, then he felt that they needed to be more specific in the wording in the proposed amendment. Mr. Kowalski added that there were others as well that may not always relate to the physical look of the building or the parking lot and how many spaces, but what the business was to be and how it would be used. If it was going to have outdoor seating and may require the need for a little more buffering to the adjacent property, because there may be some noise issue, then that would be a use of the property issue as well, and it would need to be looked at. It might not be something that would be represented on a site plan, but it could be something that the Development Review Board looked at.

Mr. Hopkins stated several of the design criteria are already being done administratively for everywhere else in the City. He did not understand why these responsibilities were being delegated to the Development Review Board. It seemed problematic to him both in delegating the expertise and in fairness and consistency. Ms. Tyler believed that staff was thinking in terms of the findings that the Development Review Board would need to make. Even though it seems that it goes without saying, it was always a good idea to make as a finding that there was demonstrative compliance with the regulations. Mr. Hopkins felt that since staff does that for everywhere else in the City, then it should be the staff's responsibility to make that finding in the MOR Zoning District as well. Ms. Tyler explained that staff would make recommendations in the same way they do for the Plan Commission and include their findings. Mr. Hopkins believed it to be different. The Development Review Board could be considering cases that would never come to the Plan Commission, because it was a use by right. There would be no Special Use Permit or Conditional Use Permit. At the moment, in those cases, conformance with the Zoning Ordinance is determined administratively. In this case, it would seem inappropriate to him to delegate in a part of the City that administrative function that works reasonably well to a Development Review Board.

Mr. Alix felt it raised a number of issues of consistency. If the City was essentially abrogating the role of the Zoning Administrator and issuing zoning interpretations, then the City could end up with a circumstance where there are clearly a lot of zoning interpretations that were issued that related to things that are not directly specified in the Zoning Ordinance. He was not sure if it was appropriate to have multiple parties constructing zoning interpretations in different zoning districts. Ms. Tyler replied that was not the intent at all. Staff would still do a staff review, whether it would be the Zoning Board that grants a final approval or the Plan Commission that does a recommendation, on whether staff believes it complies. It would then be confirmed by either the approving or recommending body. They did not mean to rely on the Development Review Board to do that analysis.

Mr. Alix inquired if a Conditional Use Permit would be done by the Development Review Board with the right to appeal to the Zoning Board of Appeals? Ms. Tyler replied yes. The thought was that all the final decisions of the Development Review Board would be appeal able to the Zoning Board of Appeals according to the proposed amendment. Mr. Alix asked if currently an appeal of a Special Use Permit would go to the Circuit Clerk? Ms. Tyler said yes. The City would like to have one level of City appeal.

Mr. Alix read into this an implied delegation of decision-making that would normally be done administratively to the Development Review Board. If that was not the intent, then it should be worded more clearly. Mr. Kowalski responded by saying that the first criterion was proposed the way it was because there were three or four of the existing designs criteria that simply site a similar requirement of the Zoning Ordinance. Mr. Alix pointed out that compliance was not an absolute, and it depended upon who was making the judgment of compliance. The first criterion does not make it clear whether the Development Review Board should apply this criterion by asking the Zoning Administrator to pass judgment on the plan or by taking it upon themselves to decide whether or not it met the Zoning Ordinance. Ms. Tyler remarked that staff was just thinking of the normal way of doing things. There was staff review, and hopefully it would be confirmed. Mr. Hopkins mentioned that if there were no Conditional Use Permit and no Special Use Permit, then this would not be the normal way of doing things. Currently anywhere but in the MOR Zoning District, the determination of compliance with the Zoning Ordinance, it was determined administratively. That should be true in the MOR Zoning District as well. The implication of the way this was written was that in the MOR Zoning District in contrast to everywhere else in the City, that a petitioner would have the opportunity to take the judgment of compliance with ordinances that apply to the whole city before the Development Review Board. Ms. Tyler stated that staff would take a look at the language in the proposed amendment. Mr. Alix suggested that it might not be appropriate for the Development Review Board to be assigned responsibilities for things that are already handled administratively.

- Section XI-12.H.7 Development Review Board – Development Plan Review Criteria – Design Guidelines

*The Development Review Board shall consider the architectural style, appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.*

Mr. Hopkins recommended deleting the words “architectural style” from the paragraph.

- Section XI-12.I.1 Development Review Board – Adjustments to Existing Codes and Regulations

*In order to encourage the compatible re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12. The Development Review Board may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City’s requirements in using existing structures, and to preserve the overall character of the MOR District. Construction of new buildings shall conform to all requirements of the*

*Urbana Zoning Ordinance and Urbana City Code unless a variance is granted by the Development Review Board or Urbana City Council in accordance with Section XI-3.C.*

- Section XI-12.I.2 Development Review Board –Adjustments to Existing Codes and Regulations

*In accordance with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:*

- a. Section VIII-2, Design and Specifications of Off-Street Parking;*
- b. Section VIII-3, Location of Parking Facilities;*
- c. Section VIII-4, Amount of Parking Required; except that no adjustment in excess of 25% of the full parking requirements may be approved by the Development Review Board and no adjustment of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;*
- d. Section VIII-5, Off-Street Loading Regulations;*
- e. Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the development plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and*
- f. Chapter 7 of the City Code, Fences.*

Mr. Hopkins interpreted Section XI-12.I.1 to mean that the Development Review Board could consider and authorize adjustments only for the modification of existing structures and not related to new structures. Mr. Kowalski replied that was true. Mr. Hopkins then interpreted Section XI-12.I.2 to apply only to existing structures. He felt this could be clearer.

Mr. Alix commented on the adaptive reuse. He could not see anything in the proposed amendment that encouraged adaptive reuse. Things he considered to encourage adaptive reuse were relaxed parking requirements, code modifications or code relief, tax abatements, availability to rehabilitation grants or loan guarantees for rehabilitating existing buildings. The fact that very little adaptive reuse had taken place in this zoning district since its inception for reasons including the fact that the parking requirements alone make it very difficult to reuse single-family homes as offices or small businesses. The only claim that was made was that the MOR Zoning District offers flexibility for adaptive reuse; however, the only examples of flexibility he could find were things that were pretty commonplace elsewhere in the City by way of variances and so forth. He was not sure that it was disingenuous to say that this promotes adaptive reuse in any way that adaptive reuse was not already promoted elsewhere in the City. Since the Ordinance does not really do anything to encourage adaptive reuse, then the City should down play it in the text. Ms. Tyler stated that it was suppose to give the Development Review Board the ability to make adjustments when it was non-residential and an adaptive reuse to really reduce the requirements of parking and loading.

Mr. Alix asked if he were a developer or a business owner and brought in a plan to do adaptive reuse in a house across the street of the MOR Zoning District, then the City would provide avenues to do that with the Zoning Board of Appeals and City staff to get an administrative decision depending upon the magnitude of the adjustments? Ms. Tyler answered that he would be able to go to the Zoning Board of Appeals and request a variance. Currently in the MOR Zoning District, he would only go to the Development Review Board, and they would be able to make those adjustments. That flexibility was in the text amendment, it just had not been used very much or maybe it had not be advertised very much. The other things that Mr. Alix mentioned such as tax abatements, tax reliefs, loan guarantees, etc. would not be in the Zoning Ordinance, but they might be present elsewhere. It would be great to think of other zoning ideas to encourage this, but the Adjustments to Existing Codes and Regulations was the MOR's attempt to encourage that. Mr. Alix now understood where the claim for support for adaptive reuse comes from. He felt that the City had been quite responsive to property owners throughout the City who had done responsible reuse of properties. However, he felt that adaptive reuse was over-emphasized in the Intent statement and in the memo for the amount of encouragement that was actually provided in the text of the ordinance.

Ms. Stake asked if there was a definition in the Zoning Ordinance for the wording "minimum adjustment or modifications" for off-street parking? Mr. Kowalski replied that Section VIII-2 of the Zoning Ordinance deals with how a parking lot could be designed, what type of materials would be needed for the pavement, aisle widths and access widths. Ms. Stake asked if it made a distinction between what was minimum and what was not? Ms. Tyler stated that it was not defined, but she believed that it was the same use of "minimum" as found in variances. A petitioner would not ask for more than they would minimally need. She said that it needed to be clarified.

Mr. Hopkins felt that one thing the City needed to keep in mind was that ordinances get passed by coalitions. The City Council may favor them for different reasons. This ordinance actually has two coalitions backing it. The coalitions are made up of two groups that actually disagree on the fundamental intent. One group is interested in easing the process of reuse by easing the process of code compliance. The other group is interested in preserving residential. They have come together to create this ordinance and the Development Review Board. What we have done by redesigning the Development Review Board was change it from a set of five City staff, including the code compliance people. The intent being so that staff could meet with the developer and as a group work out a way to make it plausible to adapt and redesign a building by making concessions on things like code compliance for fire safety, code compliance for electrical, etc. We have now eliminated that group and that function and turned it into a citizen and design based external development review board to protect the external quality of what we have done. This is not surprising for two reasons. One reason is that we don't seem to have succeeded making the other one accomplish its other intent. The current political backing for our rediscovering this is from the other part of the coalition that passed this. What Mr. Alix was recognizing was that there was this one little piece that met the other intent other than best preserve. We are fundamentally taking it out. Staff should not do that without realizing it.

Ms. Stake asked if this group would not have all of that expertise available to them to make recommendations? Mr. Alix stated that they would not be making the same recommendation. If anything, we are probably making it more difficult for someone who wants to reuse one of the existing older homes as a business to get a Special Use Permit to do it, because the ordinance was written in such a way that the power was outside of those who want to keep it a residential neighborhood.

Ms. Stake assumed that the City would still be responsible for all the expertise in all the different areas. Mr. Pollock commented that the expertise would still be available, and he was hoping that it would be used, because it was clear that when the MOR Zoning District was passed, that adaptive reuse was the number one item in terms for motivation for doing it. It was to reuse the existing buildings to keep them from being torn down, and in that way to maintain the integrity and the residential nature of the neighborhood. In changing the makeup of the board, we have perhaps compromised some of the possibilities about how to make it easier for people to reuse those things. He did not feel the right way to go about it was to say that adaptive reuse was necessarily over-emphasized, because there was not enough in the proposed text amendment that would actually support it. He thought the case was how do you more things to support adaptive reuse? Even if it was outside the realm of what the Plan Commission was addressing in this case and what the charge was to staff, the Plan Commission and to the City Council, the Plan Commission could make recommendations outside the perimeters. He was going to try to think of ways to encourage reuse not only by looking at code issues and parking issues, but also looking at what incentives were available to try to help people to consider and agree to that type of adaptive reuse. Clearly, adaptive reuse has not been successful in how this ordinance has played out. If adaptive reuse was still one of the primary focuses of the MOR Zoning District, then the City needs to find ways to help this be successful.

Ms. Tyler commented that there was a lot of thought put into the original ordinance. She felt it was a very fine ordinance, and in many ways it worked well. By creating zoning opportunities does not in itself create a market. So people asking why the City had not done more boutiques? Well, the City was not in the business of establishing boutiques. However, the City would like to help people do that and not create obstacles. Mr. Pollock agreed that the City was not in the business of opening businesses in the MOR Zoning District; however, if the City wants adaptive reuse in this district, then the City needs to be in the business of making it easier for people to do that. Mr. Alix added that under the ordinance as written it would be more difficult to get permission to adaptively reuse a building. Mr. Pollock thought that may be possible, and that may be something that the City needed to think about as they worked their way through this.

Mr. White inquired if there currently was a project on hold? Mr. Kowalski replied no. There had not been anything submitted. Mr. White stated that there seemed to be a fair amount of work to be done on this. The design guidelines would not be finished in the next two weeks. He wondered if the Plan Commission should consider reviewing this in a month. Mr. Pollock stated that they run into the problem that they had been charged with looking at the issues in front of them and make recommendations to the City Council. The moratorium on development for the MOR Zoning District will expire soon. Staff had made provisions for getting through that period after the moratorium expires without the design criteria, but he did not feel that it would be good to put the final decision on the proposed text amendment off for that length of time. Mr.

Kowalski added that staff had allowed enough time for the Plan Commission to have two meetings to get a recommendation to the City Council before the moratorium expires on November 21, 2003. Mr. Pollock suggested that at this point, the Plan Commission consider what they had gone over at this meeting and wait for more public comment. Staff will clearly have a lot to talk about it. Ms. Tyler felt that this meeting had really been helpful in terms of what staff needed to do with word smithing. Staff should be okay to come back for something in the next meeting.

Ms. Tyler stated that the Plan Commission had talked about give and take and encouraging or dissuading development whether it was new development or adaptive reuse. She heard commissioners say that they were concerned about allowing the Development Review Board to do Special Use Permits and Conditional Use Permits. So, she posed the question as to what the Plan Commission thought about administrative review for adaptive reuse using the same conditions? Staff steered away from this idea in the proposed text amendment on the thought that design guidelines were so important that they wanted this special board with its expertise to look at reuse, but if the proposed text amendment was going to be discouraging the actual procedure, perhaps the City wants to look at retaining making it even easier to do adaptive reuse and do some administrative variances by giving back the Plan Commission back their Special Use Permit review. This could be another angle that staff could pursue and do some legal research. If the City really wants to preserve these structures, then let us make it easier. It is not easy for a petitioner to come before the Plan Commission or the Development Review Board, because they have to create all of these documents and wait. Sometimes it is a fearful process for petitioners.

Mr. Pollock responded by saying that was a creative way to think about this. It may give the City the ability to use the new Development Review Board for design review and still make it easier than it was under the old Development Review Board to look at those types of adaptive reuse issues. It would make it easier for people to consider coming in and doing that type of development. In fact, he would trust staff to look at code issues and approve what was safe. Perhaps through negotiation, agreement, and discussion of this with a potential developer, staff might make it a lot easier and a lot more attractive for people who may want to consider reusing some of these buildings. In that sense, the City could have it both ways. It was something to think about.

Ms. Tyler clarified that when she said “adaptive reuse”, she was thinking about commercial uses. Adaptive reuse could also mean residential. Mr. Alix stated that this went back to what he was saying at the previous meeting. He was trying to get a feeling for what it was that the City was really trying to preserve, whether it was structures or lifestyle or use. The first sentence of the new Purpose states as follows: *The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small scale business land uses...* He felt that what Mr. Hopkins said about people with different goals, kind of compromising on a single ordinance, might have been accurate. It was skewed by the fact that the only development that we have only seen in this area has been high density residential. Typically, people would be saying that they do not want a business next to their homes; instead they are saying that they do not want apartment buildings next to their homes, but it would be okay to have businesses next to their homes. We have not had enough of the latter to get any guidance from the history of the

district on this. Mr. Pollock agreed that they were hearing from people that a small boutique business would be fine as long as it was in a building that fits in with the neighborhood, was not intrusive, and was not built up to their property lines and was three stories high. Mr. Alix commented that that really argues in favor of the Development Review Board being limited to architecture and relieving code and uses and variances.

Chair Pollock mentioned that the case would remain open. The Plan Commission would reconvene in two weeks and would continue to take public comment.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Kowalski reported on the following:

- **Comprehensive Plan Update** – The Neighborhood Open Houses are now underway. Staff sent out a postcard to everyone in the 61801, 61802 and 61803 zip codes. He mentioned that the first one was held the previous night for the North Urbana Area. It was pretty successful with about 70 people in attendance. He mentioned that all the proposed Future Land Use concept maps would be on display at these workshops. However, staff was going out to the different neighborhoods to try and put a little more focus on those neighborhoods, so they do not have so many different discussions going on. All of the maps were available to view through the City's website. There are also comment forms available online. The next scheduled Neighborhood Open House was scheduled for Thursday, October 16, 2003 at the King School and starts at 7:00 p.m.

Ms. Stake did not feel that it was near as good as it was two years ago. She thought the Open House was terrible. The maps were hard to read and there was not any discussion.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Pollock adjourned the meeting at 10:40 p.m.



October 9, 2003

Respectfully submitted,

---

Rob Kowalski, Secretary  
Urbana Plan Commission