

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: **January 8, 2009**

TIME: **7:30 P.M.**

PLACE: **Urbana City Building
400 South Vine Street
Urbana, IL 61801**

MEMBERS PRESENT: Tyler Fitch, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Jane Burris, Ben Grosser, Lew Hopkins

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Shirley Stillinger, Susan Taylor

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

The Chair called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. White moved to approve the minutes of the December 4, 2008 meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

 Crystal Lake Neighborhood Plan Approved and Final Copy

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2074-T-08: A request by the Zoning Administrator to adopt design guidelines for the Lincoln-Busey Corridor, amend the Urbana Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.

Chair Pollock reopened this case. He summarized the amendments that were made to the staff recommendation at the previous meeting. Since all except one of the amendments approved by the majority of the Plan Commission during the previous meeting have already been incorporated into the proposed ordinance, they would not reopen the case with motions and amendments on the floor.

Rebecca Bird, Planner I, talked about one of the amendments in particular regarding the changes made to the membership. City Legal staff feels that trying to write the changes would be very complex and trying to interpret it in the future would be very difficult. With each new design overlay district that the City adopts, City staff will have to amend the Zoning Ordinance anyway. So, staff might as well amend the membership numbers at that point. Legal staff felt that the wording should be left as originally structured for the one design overlay district. Therefore, the only recommended change made to the language regarding membership is to change the number of board members to seven rather than having eight.

Ms. Bird reviewed the other changes made to reflect changes recommended at the last Plan Commission meeting. She recommended that the Plan Commission vote on each of the three parts of the case separately or if they wish to vote on it as one case, then to mention the three parts in the motion.

Robert Myers, Planning Manager, clarified the intent of Section XI-15.B.5. He stated that the design review would be an overlay district, and so the Board would deal with design. However, there is still the underlying zoning district, which deals with particular uses. Although the proposed Design Review Board would not be approving uses, the intent is to clarify that the Design Review Board could deny a project design even if it meant that a permitted use would not be approved.

Ms. Upah-Bant asked for an example of this. Mr. Myers presented the following example: There is a property zoned for multi-family residential, but there is a single-family home currently on the property. An application is submitted to replace the single-family house with an apartment building. The apartment building may meet all of the requirements of the underlying zoning district, but if the Design Review Board finds the design of the apartment building to be incompatible with the design guidelines then the project could be denied.

Ms. Stake inquired as to where City staff thought there may be additional design overlay districts in the future. Mr. Myers replied that there has been talk about having design review for the East Urbana neighborhood close to City Hall.

Ms. Stake questioned why City staff feels that adding members to the Design Review Board as design overlay districts are created would be complicated. Mr. Myers stated that this could only be done having a board for each district as they are created, or having one board and switching out members depending on which neighborhood the application came from. Either scenario is complicated for a number of reasons.

The question becomes whether one board could deal with multiple districts. The Historic Preservation Commission deals with multiple districts and landmarks in different neighborhoods. They do not switch out members from one district to the next based on what application comes before them. The Plan Commission reviews cases city-wide, and the City does not need to switch members based on what neighborhood an application comes from.

Ms. Bird noted that the proposed ordinance was written to serve city-wide. There's no reason to create yet another board for such a very small area. City staff researched the Lincoln-Busey area and found, had these rules been in place over the past year, no projects that would have come before the proposed board. If you have a board that meets only once every three years, the board members do not really know what their role is, and it is hard for City staff to give training if the board never meets.

Ms. Stake commented that as the ordinance is currently written, there would not be fair representation of the residents who live in the neighborhood. They would not be letting the people who live in the district have any say in the design of a project. Neighborhood residents know how to solve design problems better than anyone, including City staff. Chair Pollock pointed out that there is a requirement in the proposed ordinance that one of the members on the Design Review Board be a resident of the design review area.

Ms. Upah-Bant asked if a design review district would be created in the Historic East Urbana Neighborhood, then would staff suggest increasing the number of members on the board? Ms. Bird stated that the City would modify the membership of the Design Review Board at that time. It would be easier to deal with this particular issue when another design review overlay district is adopted.

Ms. Stake asked how do we know that City staff will follow through on this? She would rather see it in writing. Chair Pollock replied that any future design overlay districts will have to come before the Plan Commission and the City Council for review. The issue of representation will have to come back before them.

Ms. Upah-Bant expressed her concern about there being no appeal process. Ms. Bird pointed out that the appeal process is listed on Page 152. An appeal would go before the Zoning Board of Appeals. Ms. Stake commented that she would prefer to have two boards review an appeal – the Zoning Board of Appeals and then the City Council. Mr. Myers reviewed the appeal process in the Zoning Ordinance for the Plan Commission members.

Ms. Stake wondered what types of projects do not require a building permit. Ms. Bird said that projects that are not structural in anyway, for example – changing out a window, would not require a building permit.

With no further questions, Chair Pollock opened the hearing up for public comment or questions. There were none. So, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion or motions.

Mr. White moved that the Plan Commission send Plan Case 2074-T-08 to the City Council with a recommendation for denial of all three parts of the case. Ms. Upah-Bant seconded the motion.

Ms. Stake moved to amend the motion to increase the number of members of the proposed Design Review Board to nine, including the members recommended by City staff in addition to a second resident living in the district and a resident who lives within 250 feet of the district. Chair Pollock called for a second to the motion. The motion to amend failed due to lack of a second.

Mr. Fitch moved to amend Section XI-15.C.1.f to change the permissive “should” to “shall” in two places in this same paragraph. Mr. White seconded the motion. Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a vote of 5 to 0.

Chair Pollock commented that there is a reason the proposed case has been back to the Plan Commission five times. He recognized and applauded City staff for the work that has gone into the proposed case. He feels that City staff has done as much with the proposed ordinance as can be done. As he looks at the proposed case he thought about neighborhood conservation districts. In many ways, it is bulky, bureaucratic, onerous, possibly unwieldy, and for the most part unnecessary. From his understanding, the proposed ordinance does not accomplish what most people would like to do, which is to protect single-family residences. He feels the best way to do this is through zoning and not through design review. Therefore, he supports the motion to deny.

Mr. White recalled a comment he had made at the time the neighborhood conservation district ordinance was being reviewed for approval. Sometimes when you are in graduate school, there is a graduate student with a thesis that is a mess. There are times when it really is the advisor’s fault for assigning that topic.

Ms. Stake stated that she supports the proposed ordinance. She feels it is important to have design guidelines to make sure that there are not any outrageous projects developed in our neighborhoods.

Roll call on the main motion along with the amendment was as follows:

Mr. Fitch	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	No	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion passed by a vote of 3 to 2.

Ms. Bird pointed out that this case would go before the City Council on January 20, 2009.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08: A request by Carl and Beverly Andres for an annexation agreement for a 0.41-acre tract located at 1707 East Airport Road, including rezoning from Champaign County AG, Agriculture District, to City R-2, Single-Family Residential Zoning District, upon annexation.

Robert Myers, Planning Manager, presented these two cases together to the Plan Commission. He explained the purpose for the proposed annexation agreement and rezoning, which is due to the failed septic tank that the petitioners experienced last summer. He briefly described the proposed site and the surrounding properties and talked about the proposed rezoning. He presented City staff’s recommendation, which was as follows:

In Plan Case 2008-A-02/2089-M-08 staff recommends approval of the proposed annexation agreement as presented in the written staff report.

Ms. Upah-Bant inquired as to why City staff recommends converting the property to R-2, Single-Family Residential, rather than R-1, Single-Family Residential Zoning District. Mr. Myers explained that he believed it was due to the lot size and width. City staff wanted to ensure that the proposed property would conform to the zoning requirements.

Ms. Stake mentioned that the written staff report states the proposed property is “generally” consistent, it “should” not and “should” be and it “appears” to meet the LaSalle National Bank criteria. Why not just say it “is” consistent? “Generally” means what? Mr. Myers replied that it means that the proposed property complies with criteria, but there may be in some small ways that it does not absolutely, positively comply.

Ms. Stake moved that the Plan Commission forward Annexation Case No. 2008-A-02 and Plan Case No. 2089-M-08 to the City Council with a recommendation for approval. Mr. White seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.

Mr. Myers noted that these two cases would go before the City Council on January 20, 2009.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- ✚ Zoning Ordinance Omnibus Text Amendment was adopted by the City Council. City staff is in the process of making copies and will be distributing them soon.
- ✚ Mervis Industries Special Use Permit will be presented for review to the Plan Commission on January 22, 2009.
- ✚ Lighting Standards Text Amendment will be presented for review to the Plan Commission on January 22, 2009.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission