

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** August 6, 2009

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

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

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**MEMBERS PRESENT:** Andrew Fell, Tyler Fitch, Ben Grosser, Lew Hopkins, Dannie Otto, Bernadine Stake

**MEMBERS EXCUSED:** Jane Burris, Michael Pollock, Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** There were none.

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

Ben Grosser called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present. Ms. Stake moved that Ben Grosser serve as Acting Chair in the absence of Michael Pollock. Mr. Fitch seconded the motion. The motion was passed by unanimous voice vote.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

Mr. Fitch moved to approve the minutes of the July 9, 2009 regular meeting as presented. Mr. Hopkins seconded the motion. The minutes were approved as presented by unanimous voice vote.

**4. WRITTEN COMMUNICATIONS**

- ✚ Resolution No. 2008-02-002R Approving the City of Urbana to participate in the development of a Multi-Jurisdictional Hazard Mitigation Plan

- ✚ Planning Commissioners Journal – Number 75 Summer 2009
- ✚ Inserts of Approved Text Amendments to the Urbana Zoning Ordinance

Acting Chair Grosser welcomed Andrew Fell as the newest Plan Commission member.

## 5. CONTINUED PUBLIC HEARINGS

### **Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.**

Robert Myers, Planning Manager, stated that he is still researching sign illumination measurements. He has scheduled to take measurements the following evening. As he will be unavailable for the next Plan Commission meeting on August 20, he asked that they forward this case to the September 10, 2009 Plan Commission meeting. He realizes that this means the case would be continued for another month, but in this case the City is applicant so a delay would not pose a problem.

Mr. Grosser asked which signs Mr. Myers is planning to measure. Mr. Myers stated that he will take measurements at the Burger King sign on Philo Road and the Assembly Hall sign on Florida Ave. Even though the Assembly Hall sign is not located in the City of Urbana, people frequently report that it is too bright, and it would be good to provide a frame of reference.

Mr. Grosser asked whether the Burger King sign has an automatic dimmer. Mr. Myers replied yes.

Ms. Stake moved that the Plan Commission forward Plan Case No. 2110-T-09 to the September 10, 2009 meeting. Mr. Otto seconded the motion. The motion was passed by unanimous voice vote.

## 6. OLD BUSINESS

There was none.

## 7. NEW PUBLIC HEARINGS

### **Plan Case No. 2114-CP-09: An application by the Urbana Zoning Administrator to adopt the Champaign County Multi-Jurisdictional Natural Hazard Mitigation Plan and amend the 2005 Urbana Comprehensive Plan (as amended) by adopting the Hazard Mitigation Plan as an element.**

Robert Myers, Planning Manager, presented this case to the Plan Commission. The City currently has a Hazard Mitigation Plan (HMP) that was adopted in 2005. City staff would like to adopt the proposed County Hazard Mitigation Plan as an update to the City's existing plan.

He explained what a hazard mitigation plan is. Instead of being a plan on how to respond to a disaster, a hazard mitigation plan is more about how to avoid damage and injury in the first

place. For instance, rather than being a plan for responding to a flood, a hazard mitigation plan prepares us to stay out of the way of a flood.

The Federal Emergency Management Agency (FEMA) offers both an incentive and a requirement for communities to adopt hazard mitigation plans. They offer mitigation grant funds in two different forms: 1) after a Presidential Declaration of Disaster and 2) on an ongoing basis. FEMA, however, also requires that local communities adopt hazard mitigation plans adopted prior to receiving hazard mitigation funds. Currently, the City of Urbana is the only jurisdiction in Champaign County that has a mitigation plan in effect.

Mr. Myers described the process that the County followed in preparing the draft plan. Although this would be an element of Urbana's Comprehensive Plan, this plan has a different format than most. In part this is because FEMA and ILEMA (Illinois Emergency Management Agency) have particular format and procedural requirements. Also, FEMA and ILEMA require that HAZUS software be used preparing a hazard mitigation plan in order to predict property damage under different scenarios.

Mr. Myers named the top ranked hazards for Champaign County: severe storms, floods, severe winter storms, extreme heat, drought, and earthquake. The community will always be in the path of different natural processes. We need to think in terms of when events will occur rather than if they will occur. He believes that the heart of the proposed HMP is the mitigation strategies. The mitigation strategies for the City of Urbana start on Page 6-23 of the plan. He reviewed some of the strategies listed. He talked about the how the proposed HMP fits in with the City's 2005 Comprehensive Plan. Mr. Myers presented City staff's recommendation as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission forward Plan Case No. 2114-CP-09 to the Urbana City Council with the following recommendations:*

- 1. Approve the Champaign County Natural Hazard Mitigation Plan, and*
- 2. Adopt the plan as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Mr. Fitch asked as if the proposed plan would replace the City's existing HMP. Mr. Myers said that the proposed plan would supersede the City's existing hazard mitigation plan.

Mr. Fitch inquired how the public can sign up for text message alerts for weather events. Is there a link on the City's website? How can people sign up? Mr. Myers stated that there is a link and he will send it to everyone. The Fire Department recently made a presentation to the City Council about how people could sign up. Many people at the University of Illinois have already signed up. Mr. Grosser questioned if the list is the same between municipalities. For instance, if he is signed up for the University of Illinois Text Alert System, then would he also be signed up with the City of Urbana's system? Mr. Myers said that there are not two different systems. You only need to sign up once.

Mr. Grosser asked if the City's current HMP has been folded with the Comprehensive Plan document itself. Mr. Myers explained that it is not physically bound as a chapter of the 2005 Comprehensive Plan but was adopted as a separate element of the Comprehensive Plan.

Mr. Grosser wondered how the proposed plan would be amended in the future. Will all 24 jurisdictions have to approve any future changes? Mr. Myers said he was not exactly sure, but he believes that there could be similar county-wide effort for a major update. Having said that, he pointed out that the draft plan itself does not carry any weight. Each jurisdiction (all 24 municipalities, the University of Illinois, Parkland College and Champaign County) is being asked to adopt the proposed plan individually. Once we adopt the proposed plan, it becomes ours to make any changes. Other jurisdictions could also make changes.

Mr. Myers noted that some very minor changes have been made to the draft after this Plan Commission packet item was prepared for distribution. The changes are extremely minor and editorial and have nothing to do with Urbana. For instance, a reference to floodplain in the Village of Foosland was deleted because Foosland doesn't actually include any 100-year floodplain. If the Plan Commission forwards this case on to the City Council, City staff would provide Council with a final draft version reflecting the minor editorial changes.

Mr. Hopkins noticed that on Page 4 of the staff memo, the list of mitigation strategies only contains about half of the table from Chapter 6 in the proposed HMP. Mr. Myers commented that the memo only provides Priority One strategies for Urbana.

Mr. Myers added that the nature of a hazard mitigation plan is a little different in terms of public participation. Although the plan included a public input process, it does not attract the same kinds of crowd that you might expect for a traditional comprehensive plan dealing with the future of neighborhoods, etc. The public process encouraged participation through advertising, hanging posters in libraries, holding a public hearing, and providing an online survey. Although there was some public participation, it was nowhere near the level of participation that the 2005 Comprehensive Plan.

With no further questions for City staff and with no audience, Acting Chair Grosser opened the public hearing up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2114-CP-2009 to the City Council with a recommendation for approval, including the two recommendations suggested by City staff. Ms. Stake seconded the motion.

Mr. Hopkins moved to add a friendly amendment by adding the phrase "as it pertains to the City of Urbana" at the end of the motion. Most of the draft plan does not pertain to the City of Urbana, but some of it does. He would not want to adopt all of it because of this. Adding this phrase would enable the City to better amend it without reference to any other parties. Mr. Myers commented that City staff had discussed this very issue and how to deal with it. If they adopt the entire plan, then some of it pertains to other jurisdictions, and it would be part of the City of Urbana's Comprehensive Plan. We can always say that other communities are outside of our jurisdiction and ignore those portions of the plan. It would be more difficult to adopt just

those sections of the plan pertaining to the City of Urbana because there are scattered sections. Mr. Hopkins remarked that he was trying to come up with a phrase that refers to the content of the proposed plan and not the physical portions of the plan.

Mr. Otto felt that they could just reference the date of the final draft. Whatever other communities do would not alter the City's plan. Mr. Hopkins understands this, but the City of Urbana might want to modify the plan pertaining to our municipality. He does not want to have worry about whether other jurisdictions have to approve our modifications. In other words, he does not want to adopt someone else's plan that we cannot change. Mr. Otto noted that we have already adopted someone else's plan, the 2003 International Code Series, and made modifications to each section (Building Code, Property Maintenance Code, etc.).

Mr. Hopkins stated that although he did not read the proposed plan in its entirety, he is looking at the specific sections for the City of Urbana. He is not sure that he agrees with all of it.

Mr. Otto asked if each community wrote their own mitigation strategies. Mr. Myers responded yes. City staff used Urbana's 2005 hazard mitigation actions as a baseline. City staff -- including Public Works, Fire Department, Police Department and Community Development -- analyzed which ones had been achieved already and which ones still needed to be worked on. Staff came up with some changes and submitted them to be included in the proposed HMP.

Mr. Grosser commented that he also preferred to not adopt an entire plan that has zero relevance as a part of the City's Comprehensive Plan. Therefore, he moved for a friendly amendment to change wording in the second recommendation to read as such, "Adopt portions of the plan that pertain to the City of Urbana as an element of the 2005 Comprehensive Plan as amended." Mr. Fitch and Ms. Stake accepted the friendly amendment as part of the main motion.

Mr. Otto felt the wording would be too vague. Who would determine what is relevant and what is not? He believes that if there is something in the proposed plan that they want to exclude, then they should specify paragraphs or page numbers. Mr. Hopkins pointed out that "relevant" and "pertain to" connote something different. If there is a list on a map that is labeled in the proposed plan as "City of Urbana" then it pertains. If there is a list of actions for the Village of Foosland, then it would not pertain.

Mr. Fitch stated that he understands Mr. Otto's point about generality versus specifics. However, in this case the Plan Commission is an advisory body making a recommendation to the Urbana City Council. He suggested that City staff speak with legal counsel and decide if there is any reason for the City Council to simply take this approach or to get specific and approve certain pages and sections of the proposed plan. Through the Plan Commission's discussion, they have voiced their concerns about adopting a plan with sections that do not pertain to the City of Urbana. They have also established that they cannot amend or implement parts of it irrespective of the other jurisdictions. He stated that he agrees with the language in the friendly amendment.

Mr. Otto asked if it was everyone's understanding that if the City Council adopts this plan that the floodplain requirements would be thereby changed, or would it simply call for the City to

amend the floodplain requirements? Mr. Hopkins said it would be the later. If by “amended” he means the ordinance changed, then it would make it a regulation. By approving the proposed text amendment, they would be amending the 2005 Comprehensive Plan to say that this is what they want to do; which if they haven’t thought about whether this is what they really want to do, it kind of makes a joke of amending the plan. He agrees that the City is not actually doing any of the things in the plan except they are formally amending the Comprehensive Plan. The creditability and relevance of the Comprehensive Plan depends in part on whether it says things that they believe they should do.

Mr. Hopkins stated that the Plan Commission should talk about the substance of the content of the proposed plan that pertains to Urbana and about whether they want to recommend that content as an amendment to the Comprehensive Plan. Mr. Otto felt that Mr. Hopkins was raising some good issues and wondered if it might be best to defer action on this case until a later meeting.

Mr. Fell commented that he understands people’s reservations. He wondered if a solution might be to recommend that the City Council adopt the plan, exclusive of the portions not pertaining to the City of Urbana. This way they would be approving the plan without the parts that the City does not want. Semantically this could solve the problem.

Mr. Myers clarified some concerns about the substance of the proposed HMP. The Boneyard Creek transfer of development rights already exists and has been on the books in the Zoning Ordinance for years. It is limited to transferring development from one portion of a lot in the floodplain on the Boneyard Creek to the remainder of the lot. It is not a transfer of development right over a large area. Mr. Hopkins questioned why it is in the proposed plan if we already have somewhere else. Mr. Myers replied that they want to offer it as a tool that is already available. They would like to be able to actually use it. The City is going to be carrying forward the Boneyard Creek Master Plan over the next few years, and there may be opportunities along the Boneyard Creek to use this tool.

Mr. Myers also clarified that the draft HMP calls for the City to periodically review and update the building codes pertaining to wind resistance and seismic standards. This is something we already do periodically anyway. Last year, the City Council adopted the 2003 International Building Code. Prior to that we were using the 1997 Code. Through that we adopted a higher wind resistance and seismic requirements already. One example is the clock tower at the courthouse. It took awhile to raise the money to reconstruct the clock tower, and when the plans were initially submitted to the City there was one seismic code. By the time the money was raised the City had adopted a revised seismic. The County’s architects had to change their clock tower reconstruction plans to meet the new requirements. The tower was taken down all the way to the ground and rebuilt in compliance with current seismic codes.

Mr. Grosser clarified that some of the things in the Urbana portion of the proposed HMP are included so that the City has them as tools available for what is useful for having a mitigation plan in the first place, such as getting mitigation funds from FEMA, etc. Mr. Myers said that this is correct. It is important for the City to have a plan in order to avoid hazards, but there is also

the need to comply with FEMA requirements and be eligible for grant funds. The mitigation actions for Urbana are not radical in any way. They are actually quite practical.

The one mitigation action which could raise the most concern would be raising the flood elevation requirements by one foot. City staff has been talking about the need for this for a long time. Mr. Myers asked Mr. Fell, as an architect, if he could offer any perspective on this action. Mr. Fell felt that this stipulation could cause a few problems but could be solvable in terms of development. The flood elevation requirements do not come into play that often in Urbana because not too many new buildings are constructed in the floodplain. Mr. Myers commented that the 100-year floodplain in Urbana was limited to Boneyard Creek and the Saline Branch.

Mr. Hopkins stated that these were the two issues that concerned him most (transfer development rights and raising the floodplain by one foot). After hearing what Mr. Myers said about these two, he is now prepared to go forward with this case rather than deferring a decision to another meeting.

Mr. Grosser commented that he would vote in favor of the proposed text amendment. He believes that the language in the motion as amended is now clear. The proposed plan has sections for the City of Urbana as well as for other jurisdictions. It will not cause any great harm and may even offer some protection. He appreciates staff's effort. It sounds like they went to every possible length to involve the public in the process. He restated the motion for clarification. It reads as follows:

*The Plan Commission forward Plan Case No. 2114-CP-2009 to the Urbana City Council with a recommendation for approval with the following recommendations:*

- 1. Approve the Champaign County Natural Hazard Mitigation Plan, and*
- 2. Adopt those portions of the plan that pertain to the City of Urbana as an element of the 2005 Urbana Comprehensive Plan, as amended.*

Roll call on the motion was as follows:

Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Ms. Stake	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before City Council on August 17, 2009.

## **8. NEW BUSINESS**

There was none.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Myers gave a staff report on the following:

- ✚ Planning Division work items
  - ✚ Text amendment for wind turbines within the City and within the Extra-Territorial Jurisdiction (ETJ)
  - ✚ Urbana-Champaign Sanitary District (UCSD) Special Use Permit to allow changes to their facilities
  - ✚ Text amendment for light and heavy industrial zoning districts
  - ✚ Text amendment for loading docks, pedestrian connections across parking lots
  - ✚ Urbana Subdivision and Land Development Code Revision
  - ✚ Stimulus fund grant applications
    - ✚ Climate Showcase Communities Grant – Stimulus Money for Kerr Avenue Subdivision
    - ✚ Big Broadband Stimulus Grant – Rings of Hi-Capacity Fiber Optic Communication Cables and extending internet and other communication services to low-income neighborhoods
    - ✚ Core Area Mobility Grant – would upgrade streets, sidewalks and bike lanes in the core areas of both cities and the university campus.

## 11. STUDY SESSION

There was none.

## 12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:33 p.m.

Respectfully submitted,

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Robert Myers, AICP  
Secretary, Urbana Plan Commission