

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 21, 2022

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

PLAN COMMISSION

MEMBERS ATTENDING: Dustin Allred, Jane Billman, Andrew Fell, Lew Hopkins, Karen Simms, Chenxi Yu

MEMBERS EXCUSED: Debarah McFarland

STAFF PRESENT: UPTV Camera Operator; Kevin Garcia, Principal Planner | Zoning Administrator; Marcus Ricci, Planner II; Kat Trotter, Planner II; Nick Olsen, Planner I

PUBLIC PRESENT: Dannie Otto

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

Chair Allred called the meeting to order at 7:03 p.m. Roll call was taken, and there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the March 24, 2022 and the April 7, 2022 meetings were presented for approval.

Mr. Fell moved that the Plan Commission approve the minutes from the March 24, 2022 meeting. Ms. Billman seconded the motion. The minutes were approved by unanimous voice vote.

Ms. Billman moved that the Plan Commission approve the minutes from the April 7, 2022 meeting. Ms. Simms seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- Email from Lois Steinberg regarding Plan Case No. 2438-T-22

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2438-T-22 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to allow for limited residential, commercial and public uses in existing buildings located in the R-7 (University Residential) Zoning District.

Chair Allred re-opened Plan Case No. 2442-T-22. Andrew Fell reminded everyone that he would participate in the discussion but abstain from voting on the case.

Kat Trotter, Planner II, presented a supplementary staff report for the case. She began by stating the purpose for the proposed text amendment. She summarized the discussion from the April 7, 2022 Plan Commission meeting. She noted that multiple commercial uses could go into an existing building without a commercial use permit. If two principle structures were proposed on one lot, it would require approval of a special use permit, but two uses could go into one building without a conditional use permit. With that said, for any commercial use being proposed in an existing Greek house, each use would require approval of a special use permit from the Plan Commission and a Certificate of Occupancy issued by the Building Safety Division. She reviewed the options of the Plan Commission and stated staff's recommendation that the Plan Commission forward Plan Case No. 2438-T-22 to the City Council with a recommendation to approve the proposed text amendment to the Zoning Ordinance.

Chair Allred asked if the Plan Commission members had any questions for City staff.

Mr. Fell asked for clarification. The proposed text amendment now does not differentiate between a Greek house and a rooming house. Ms. Trotter replied that was correct. However, there may be a follow-up text amendment to address boarding houses.

Chair Allred reviewed the procedure for a public hearing. He then opened the hearing for public input.

Dannie Otto approached the Plan Commission to speak. He said he believed that the proposed text amendment is headed in the right direction after the previous Plan Commission meeting. There was a consensus that every non-residential use should be reviewed for a special use permit.

Mr. Otto expressed concern about the Table of Uses. He did not feel that there should be a Table of Uses. There are uses on the list that would not fit into an R-7 Zoning District. There are some possible uses that are not listed. To have the Table of Uses implies that the R-7 is like the MOR or other districts. All that is needed is the additional language that states, "The R-7 District allows some business uses within existing structures. The District is intended to encourage the adaptive reuse of older structures. Every commercial use requires a special use permitting process." He feels that the Table of Uses is confusing and will cause issues down the line. He suggested removing the Table of Uses.

Mr. Otto also expressed some confusion about the reference to Planned Unit Developments (PUDs). It is not clear whether this is currently a PUD process or if a property owner would have the right to do a PUD even if they do not meet the minimal lot size requirements. Therefore, he did not think that the PUD reference should be mentioned in the proposed text amendment at all.

Kevin Garcia, Principal Planner and Zoning Administrator, addressed Mr. Otto's concern about the Table of Uses. He explained that the Table of Uses lists uses allowed by right, with approval of a special use permit or with approval of a conditional use permit. If a use is not listed on the Table of Uses, then it is not allowed at all in the City of Urbana. Staff is recommending amending the Table of Uses to indicate which business uses would be allowed in the R-7 Zoning District with approval of a special use permit if the proposed text amendment is approved.

Mr. Otto asked if this was true for every zoning district. Mr. Garcia said that was correct. Mr. Otto responded that the City should think about uses that should be on the list. Ms. Trotter stated that the Table of Uses does not do a great job of explaining what the uses actually are by the title that is given in the list. When staff is posed with uses, they have to fit them into categories in the Table of Uses, which can be challenging. Chair Allred added that it is possible to add uses to the list.

Mr. Garcia stated that the way the Table of Uses was presented in the written staff memo may have confused some people. The memo only shows the proposed changes to the R-7 Zoning District, but the Table of Uses in the Zoning Ordinance shows all of the uses allowed in the City of Urbana. R-7 is just one district in the table. He explained that the table in the memo will not serve as a stand-alone table, but would be incorporated into the Table of Uses in the Zoning Ordinance.

Mr. Garcia addressed the concern about PUDs. He stated that PUDs are already allowed in the R-7 Zoning District. The proposed R-7 text amendment would not affect that. A property owner would have to follow the standard PUD process, which now includes holding a neighborhood meeting prior to the public hearing.

With there being no further public input, Chair Allred declared the public input portion closed and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins asked if someone would still be allowed to tear down a Greek house and build a new dormitory under the proposed text amendment. Mr. Garcia said yes. Mr. Hopkins responded saying that we are trying to improve the sustainability of the Greek houses, and he did not feel that the proposed text amendment accounted for this. He stated that we are opening ourselves to a mess by not appropriately dealing with the major differences between the non-Greek and the Greek buildings. We have very different intentions for these two types of buildings. He believed that the City would be reasonably happy to see some of the R-7 buildings demolished and replaced with duplexes or maybe even four-plexes depending on the size of the lot. However, the City does not want this to happen with the Greek houses. We want to make it more attractive to potential re-users of Greek houses than it currently is. To do this, the main objective is to simplify the process by reducing the costs. By not distinguishing between Lincoln Avenue, West of Lincoln Avenue and East of Lincoln Avenue, we are making the process more complicated. Therefore, he said he was confused by where they are in the process. He recalled having this discussion a year ago in a study session. Chair Allred explained that City staff presented two options at the previous meeting. One of the options differentiated between the R-7 properties along Lincoln Avenue and to the west and the properties east of Lincoln Avenue. The Plan Commission discussed at the previous meeting on April 7, 2022 which option we prefer.

Mr. Fell stated that the proposed text amendment only addresses the reuse of existing buildings and does not deal with what happens if a building is demolished. So, they are addressing R-7 properties

with piecemeal text amendments. He mentioned that eventually someone will want to demolish an existing R-7 building, and the City will not have a process in place to deal with it. An additional problem is differentiating between Greek houses and non-Greek houses. He knows of at least three Greek houses that are no longer Greek houses, so what would they be considered as under the Zoning Ordinance? The intent of the proposed text amendment is to only deal with adding commercial uses to existing buildings.

Ms. Simms wondered what recommendations came out of the study session. Chair Allred stated that one of the main tasks was to engage with the public. Ms. Simms stated that it seems they are still challenged with rooming houses versus Greek houses. She expressed concern about the historical value and preservation of some of the buildings. She did not know if requiring a special use permit for any commercial use in an R-7 existing building would solve the concerns that were expressed during the study session that was held a year ago.

Mr. Hopkins stated that he was reluctant to move forward on a piecemeal basis. The current Zoning Ordinance is already a mess and he feared that the proposed text amendment would create a bigger mess. The Table of Uses needs to be amended.

He went on to say that Greek houses may have two attributes of definition. One is whether they were included in the historical register nomination as a building. This is relevant because one of the reasons we are making this distinction is because some of the buildings ought to be kept due to the quality of the building. If they are not included in the historical nomination, to him that means they are not Greek houses. Current use as a Greek house does not mean it is a Greek house because it is based on the quality of the structure. This is a distinction that the City could make between the Greek houses and any other types of building in the R-7 district. He added that it complicates the process to treat the Greek houses on the east side the same as the Greek houses on or to the west of Lincoln Avenue because it sets up a general list of expectations that are clearly wrong. The City should make a distinction between the two. If they make them two distinctions, then they can deal with the rest of the R-7 buildings. The R-7 buildings would have different permitted uses. If they are not located on Lincoln Avenue, he would assume that any non-Greek houses would only have residential uses allowed because we are not trying to find a way to save the building as a building; we are trying to find a way to save the neighborhood as a residential neighborhood.

Ms. Billman asked how the Royer House fit into the proposed text amendment. Ms. Trotter believed it to be a rooming house that is both a local and a national landmark. Mr. Hopkins stated that it is not a Greek house; however, we are trying to save the building because of the historical quality of the building. He suggested changing “Greek houses” to “historic building quality” as the descriptive of what types of buildings we are trying to save.

Mr. Hopkins stated that there are historic properties, and there are east and west properties. We could try to construct permitted use table entries for each of the cells of the two-by-two matrix. This would provide a good thinking process. Mr. Fell commented that they may need six cells and separating Greek houses and non-Greek houses. Rooming houses have less of an expectation of putting commercial uses in them. They could be absorbed into the zoning district that they are in, which would take care of part of the problem. Mr. Hopkins suggested including the properties that were originally Greek houses and have been converted to other uses such as a rooming house or church with the list of Greek houses based on the historic nomination list, because it is the building

we are concerned about. Then, he said that they could have three categories: 1) real Greek houses, 2) other historic nominations and 3) any other type of houses such as rooming houses. This makes it clearer what they are trying to accomplish. We would need to define the table of uses and include permitted uses as well as special and conditional uses.

Mr. Garcia explained what City staff was intending to do with the proposed text amendment. He said that we understand that there are differences between Greek houses and rooming houses. Staff is trying to come up with relatively clear rules that will help us preserve Greek houses. While the rules would apply to the rooming houses in the R-7 zoning district, it seems to be too much and too complicated to do in one text amendment. He felt like the discussion at this meeting was trying to get into the next step. Mr. Hopkins stated that they needed to do work on the Table of Uses and split the Greek houses from the other R-7 properties.

Ms. Simms asked what part of the discussion made it seem too much for City staff to incorporate into the proposed text amendment. Mr. Garcia said that when discussions are happening, he is thinking in his head how staff would get the different suggestions into the Zoning Ordinance. It would involve more complication because staff would have to write in a lot of references to different lists. He, as the Zoning Administrator, would like a simple ordinance for the R-7 properties that would make it easy for him to administer. Mr. Garcia stated that he likes the idea of distinguishing between properties on the National Register and non-National Register properties for the next step.

There was discussion about the Table of Uses and how it would look. Mr. Garcia explained that Table V-1. Table of Uses as shown in the written staff memo would not appear like this in the Zoning Ordinance. The information would be incorporated into the existing Table V-1. Table of Uses in the Zoning Ordinance. Mr. Hopkins suggested using an "E" for existing. He felt that the Plan Commission should review the list of uses and edit the ones that do not fit.

Mr. Garcia agreed that the Table of Uses needs work. There are uses listed that are not used and uses that are commonly used that are not listed. The table in the Zoning Ordinance shows the level of review required. Ms. Simms recommended that when they make revisions to the Table of Uses, they keep in mind the trendy uses that are coming and not focus on the experience in the past.

Mr. Fell summarized where they are at with the proposed text amendment. He said that both the Plan Commission and City staff realizes that this is a very large issue that encompasses many facets. City staff is proposing to take one bite out of this apple to make it a little smaller so we can deal with it a little easier next time. He said that Mr. Hopkins' point of differentiating between east and west of Lincoln Avenue is a valid one. Mr. Fell recalled in the previous Plan Commission meeting making a statement that a special use permit anywhere was not too big of a hill to climb for someone who wanted to have a business. He stated that he does not want a college student with a dorm room full of comics thinking he can open a store in part of an R-7 property he lives in for three weeks to sell his comics and then leaves without needing a permit. This type of situation could happen over and over. He said that requiring a special use permit means that the entrepreneur has to be serious about his investment and put thought into it, rather than it just being a whim.

He stated that he would also like to take a much larger bite out of the apple, if possible. However, he is also willing to take the bite being proposed and direct staff to work harder on the issues. The rest of the problems in the R-7 district need to be dealt with soon.

Chair Allred stated that the engagement that City staff did with the public was pretty focused on the proposed bite. He stated that it was City staff's plan to propose changes to the R-7 district in multiple steps. Mr. Garcia stated that it had been a while since they started the proposed text amendment, and the intention of this step (which is to help preserve Greek houses in the R-7 district) is the whole reason why they even started the process.

Discussion ensued on the added residential uses that would be allowed with approval of the proposed text amendment. Ms. Trotter assured the Plan Commission that there would be no zoning changes and no changes made to the development regulations of the R-7 zoning district. There are no density regulations; however, a developer is not going to redevelop an existing building to have more residents than it once had as a sorority or fraternity.

Mr. Hopkins raised the question of whether the Plan Commission would have discretion on signage under special use permits. Ms. Trotter replied no. One could apply for a sign permit for a commercial use in the R-7 under the language that was included, which is the same for the MOR, Mixed Office Residential, Zoning District. Mr. Hopkins stated that the signs that would be permitted could be pretty big and would make sense for properties along Lincoln Avenue but they would not make sense for an R-7 property located on Ohio. It would be nice to have some discretion over these. Mr. Garcia pointed out that the Plan Commission could negotiate some details in a special use permit.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2438-T-22 to the City Council with a recommendation for approval. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Ms. Simms	-	Yes	Mr. Allred	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Abstain
Mr. Hopkins	-	Yes			

The motion passed by a vote of 4 yeses, 1 abstain and 0 nos.

Ms. Trotter noted that this case would be forwarded to Committee of the Whole on May 2, 2022.

Plan Case No. 2425-T-21 – A request by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with changes to Article II (Definitions), Article V (Use Regulations), and Article VI (Development Regulations), and other relevant sections, to facilitate solar energy system installation.

Chair Allred re-opened Plan Case No. 2425-T-21. Marcus Ricci, Planner II, presented the staff report for the proposed text amendment. He began by explaining the purpose for the text amendment, which is to add definitions and establish use provisions for principal use and accessory use solar arrays and described the demonstrated need for solar array regulations in the City of

Urbana. He recommended that the Plan Commission members read the letter from Brian Ross of the Great Plains Institute (Exhibit A), the Solar and the Zoning Code and the Solsmart Zoning Best Practices (Exhibit B). He gave a review of the history of the proposed text amendment and reviewed in detail the proposed changes to the Zoning Ordinance to establish solar array regulations. He showed a map indicating where solar arrays would be allowed by right and with approval of special use permits if the proposed text amendment were approved.

Chair Allred asked about the minimum 7-foot, 6-inch clearance for solar panels to be able to count toward the open space calculation. Mr. Ricci said it is measured from the lowest part of the solar panel. Mr. Fell mentioned that 7-foot, 6-inches is the minimum height for habitable spaces in the Building Code, so it was probably used as the standard in other regulations.

Mr. Hopkins asked if building-mounted solar arrays would be treated as a mechanical and would not require screening in a residential district. Mr. Ricci said that was correct. Mr. Hopkins asked if it was correct that mechanicals on industrial roofs do require screening. Mr. Ricci replied no, that screening is not required in the Zoning Ordinance for building-mounted mechanicals.

Mr. Ricci continued with his presentation by reviewing how the goals and objectives of the 2005 Comprehensive Plan relate to the proposed text amendment. He read the options of the Plan Commission and presented City staff's recommendation that the Plan Commission forward a recommendation to City Council to approve the proposed text amendment.

Chair Allred asked if any Plan Commission members had questions for City staff. There were none. Chair Allred then opened the hearing for public input. With there being no one left in the audience, he closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motion(s).

Mr. Hopkins suggested that when staff shows the map of where solar array farms may be sited, staff should remind people that all solar arrays require a special use permit so people won't panic about having solar array farms in residential areas.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2425-T-21 to the City Council with a recommendation for approval. Mr. Fell seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Mr. Allred	-	Yes	Ms. Billman	-	Yes
Ms. Simms	-	Yes			

The motion passed by unanimous vote. Ms. Trotter noted that this case would be forwarded to City Council on May 9, 2022.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Case No. CCZBA-040-AT-22 – An amendment to the Champaign County Zoning Ordinance to allow private or commercial transmission and receiving towers over 100 feet in height as a second principal use on lots with an electrical substation in the AG-1 and AG-2 districts.

Chair Allred opened Case No. CCZBA-040-AT-22. Nick Olsen, Planner I, presented the case to the Plan Commission. He stated the purpose for the proposed County text amendment. He discussed the County zoning and noted that the County Zoning Ordinance already allows for construction of private or commercial transmission and receiving towers over 100 feet tall in the AG-1 and AG-2 districts as a sole principal use. He reviewed the proposed language change to the County Zoning Ordinance. He showed a map indicating where the AG-1 and AG-2 County districts were located within Urbana's extraterritorial jurisdiction area. He talked about City zoning and pointed out that the City Zoning Ordinance already allows for the construction of telecommunication towers greater than 100 feet tall in Agricultural districts by special use permit and as a second principal use as the County is proposing to do. However, there are some additional conditions with regards to setback requirements, such as: 1) Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless there are unusual geographic or public health, safety, and welfare or other public policy considerations; and 2) Applicants wishing to locate towers in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available. He stated that because towers sharing a lot with a substation would be there to monitor the substation, the conditions for demonstrating no suitable alternate location should be met, and that concerns over setback requirements could be expressed during the special use permit process. He stated that the City does not anticipate a negative effect on the City's ability to plan or manage growth or development, and no lots within the Urbana ETJ would be immediately affected. He read the options of the Plan Commission and presented City staff's recommendation that the Plan Commission forward the case to the City Council with a recommendation to not protest the proposed amendment. He noted that this case would be forwarded to City Council on May 9, 2022.

Chair Allred asked if the Plan Commission members had questions for City staff.

Mr. Fell asked why this is considered a second principal use and not an accessory use. Mr. Hopkins stated that his understanding is that an internet provider wants to use the tower as a second principal use to provide internet access. (Note: Staff subsequently confirmed with the County Zoning Administrator that any tower over 100 feet tall is considered a principal use.) Mr. Olsen pointed out that while Ameren is exempt from County Zoning, there are other operators of substations that would not be.

Ms. Billman moved that the Plan Commission forward Case No. CCZBA-040-AT-22 to the City Council with a recommendation to not protest the amendment. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Allred	-	Yes
Mr. Fell	-	Yes	Ms. Simms	-	Yes
Mr. Hopkins	-	Yes			

The motion passed by unanimous vote.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. CLOSED SESSION

To Consider Security Procedures, Pursuant to 5 ILCS 120/2(c)(8)

Chair Allred continued this item to the next in-person meeting of the Plan Commission.

13. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Urbana Plan Commission