

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: July 8, 2021

TIME: 7:00 P.M.

PLACE: City Council Chambers

MEMBERS ATTENDING Dustin Allred, Jane Billman, Andrew Fell, Lew Hopkins, Debarah McFarland, Jonah Weisskopf

MEMBER EXCUSED: Chenxi Yu

STAFF PRESENT: UPTV Camera Operator, Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; Kat Trotter, Planner I

OTHERS ATTENDING Chris Billing (Remote), Deb Reardanz

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

Chair Allred called the meeting to order at 7:01 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 May 20, 2021 regular Plan Commission meeting were presented for approval. Mr. Hopkins noted a change on Page 2, 2nd paragraph from the bottom, 5th sentence. It should say, Mr. Hopkins, not Ms. Hopkins. Mr. Fell moved that the Plan Commission approve the minutes as corrected. Mr. Hopkins seconded the motion.

Roll call on the motion was as follows:

Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Ms. McFarland	-	Yes	Mr. Weisskopf	-	Yes

The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- Staff Report – Solar Energy System Study Session

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case Nos. 2422-PUD-21 and 2423-PUD-21 – A request by Clark-Lindsey Village, Inc. and RLPS Architects for preliminary and final approvals of a residential Planned Unit Development at 101 West Windsor Road in the R-3 (Single and Two-Family Residential Zoning District).

Chair Allred opened the public hearing for both cases simultaneously since they relate to the same property. Kat Trotter, Planner I, presented the staff report to the Plan Commission. She began by noting the location, zoning and existing land uses of the subject property as well as for the adjacent properties to the north, south, east and west. She explained the purpose of the requests, which is to allow the expansion of the wellness center, partial demolition of the nursing care facility (with upgrades to one wing), a new grounds building, and additional parking. She showed maps stating the future land use designation and stated that it conforms to the 2005 Comprehensive Plan. She noted the phases of the expansion and improvements and talked about the requested waivers. She reviewed how the proposed Planned Unit Development (PUD) related to the criteria for a Planned Unit Development outlined in Section XIII of the Urbana Zoning Ordinance. She reviewed the options of the Plan Commission and presented staff's recommendation for approval with the following conditions:

1. That construction be in general conformance with the submitted Site Plan and Elevations; and
2. That the wellness center offers memberships to community members ages 50 and over; and
3. That the proposed auditorium space be available for community events.

She said that the applicant and two of the applicant's architects were available to answer any questions.

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

Mr. Hopkins disclosed that he and his wife have a signed contract with Clark-Lindsey Village for prospective residency. Also, his mother-in-law lived there for 15 years. He did not believe that either of these would constitute a meaningful conflict of interest; however, he wanted to mention them for the record. Kevin Garcia, Principal Planner, concurred that they do not qualify as conflicts of interest.

Mr. Fell inquired about Condition #2. Was this being suggested by the applicant, and if not, how did the applicant feel about it. Ms. Trotter replied that opening the wellness center membership up to the community was brought up between City staff and the applicant during earlier conversations.

In exchange of zoning flexibility, the City asks for a public amenity to be provided, so Clark-Lindsey Village offered to make memberships available to members of the community.

Ms. Billman disclosed that her in-laws live at Clark-Lindsey Village. She felt that it might be hard to find someone who does not have a connection with the applicant.

With there being no further questions for City, Chair Allred opened the hearing for public input and invited the applicant to speak.

Chair Allred asked if it was permitted for the applicants to participate in the public hearing remotely. Mr. Garcia explained that the applicants and commission members could participate remotely if they are out-of-town; however, other members of the public were expected to attend in person.

Deb Reardanz, CEO of Clark-Lindsey Village, Inc., approached the Plan Commission to speak on behalf of their requests for approval of a preliminary and final PUDs. She thanked the Plan Commission for considering the requests and thanked Ms. Trotter for a great presentation of what Clark-Lindsey Village wants to do. She stated that there is a need to serve older adults. Older adults bring a lot of value to our community. Clark-Lindsey Village wants to provide modern amenities in a place for older adults to reside.

Ms. Reardanz stated that the wellness center was already constructed and currently offers memberships to the community. They look forward to having more space to host a variety of activities and events.

Ms. Reardanz mentioned that Chris Billing was available by audio to answer any technical and development questions.

Mr. Hopkins asked about the parking lot layout in Phase 4. He stated that it was not clear that the layout (the loop) would be separate from the south access. There was still emergency access for the existing independent living housing through the current main doors. It appeared that the route to do this was convoluted, especially the tight turn off the main entrance.

Chris Billing, of Berns, Clancy and Associates and Site Civil Engineer for the proposed development, addressed Mr. Hopkins concerns. He mentioned that they had done a vehicle tracking analysis for the fire department and submitted 10-15 exhibits depicting how firetrucks would be routed through the north parking lot and from the Race Street entrance to access different locations within Clark-Lindsey Village. Emergency services have reviewed the plans and have not indicated that there would be any foreseeable problems. As they go along with the development, they do not mind doing some refinements and little tweaks.

Mr. Hopkins commented that the 90-degree turns and double-loaded parking may create issues for visitors and residents of limited mobility being dropped off in the parking area, not just for emergency services. Mr. Billing noted that there would be sufficient wayfinding signage put in place to direct drivers. They were trying to maximize the number of parking spaces in areas where visitors and residents would want to have access to the buildings. They could refine the basic concept as they move forward.

There was no further public input. Chair Allred closed the public input portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell moved that the Plan Commission forward Case Nos. 2422-PUD-21 and 2423-PUD-21 to the Urbana City Council with a recommendation for approval with the following conditions:

1. That construction be in general conformance with the submitted Site Plan and Elevations; and
2. That the wellness center offers memberships to community members ages 50 and over; and
3. That the proposed auditorium space be available for community events.

Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Ms. McFarland	-	Yes	Mr. Weisskopf	-	Yes
Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Hopkins	-	Yes

The motion passed by unanimous vote.

Ms. Trotter noted that Plan Case Nos. 2422-PUD-21 and 2423-PUD-21 would be forwarded to the Committee of the Whole on Monday, August 2, 2021 and to City Council on Monday, August 9, 2021.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Garcia reported on the following:

- Nice to see everyone meeting in person again after the long pandemic.
- Congratulations to Dustin Allred on being appointed the Chair of the Plan Commission!
- There are currently two member vacancies on the Plan Commission.

11. STUDY SESSION

R-7, University Residential, Zoning District Text Amendment

Kat Trotter, Planner I, gave the staff report for this topic by presenting the following:

- Map of parcels zoned R-7 in the City of Urbana
- Intent of the R-7 Zoning District
- Housing trends for University students
- Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-7 Zoning District
- Amending zoning regulations to better allow existing R-7 buildings to be viably redeveloped and reused

- Development regulations in the R-7 Zoning District
- Comparison of development regulations with other residential zoning districts
- Parking requirements for the R-7 Zoning District
- Pictures of R-7-zoned structures in the City of Urbana
- Next steps

Mr. Fell asked for confirmation that the intent is to allow conversion of an existing building into a multi-family apartment rather than allowing the demolition of the existing building and a new apartment building being constructed. Ms. Trotter confirmed this was correct.

Mr. Fell stated that this is not economically feasible. Unless there is an applicant with deep pockets who does not expect to be paid back for a long time, conversion of an existing building will not happen. It is an issue of the expense it would take to bring an outdated building into compliance with the building code requirements. Another issue is that even if new construction would be allowed, the Floor Area Ratio (FAR) would not allow a new apartment building to be constructed in its place.

Kevin Garcia, Principal Planner, mentioned that another idea would be to allow construction of additions to expand the existing buildings. This could keep the character of the neighborhood intact. Mr. Fell said this would still not help because it costs too much money to convert these building to apartment units that meet the building code requirements.

Mr. Weisskopf noted that the Europa House was an exception where it would take only cosmetic changes to convert a rooming house to a multi-family building because the multi-family layout was already in place. He said that the Chateau Normand was another exception because the owner was able to purchase the building for a very low price. He stated that he had spent years trying to lease 804 and 805 West Oregon. Fourteen-bedroom rooming houses built 100 years ago present fire safety concerns. The neighborhood is eager to use historic designation as a means to keep these buildings from being demolished. Also, everyone wants to be sustainable until they want parking for their cars. Although some buildings are beautiful and worth preserving, others are not.

Although Mr. Hopkins agreed with Mr. Fell and Mr. Weisskopf, he felt the need to find a solution. When looking at the list of the R-7 properties, they are widely diverse in design and structure and similar only in their actual use. The idea to assign them to one category and to find a solution for that category is the wrong approach. The City should look at them as individual instances, which is what has been done so far. Rather than considering a text amendment that would affect all of the R-7-zoned properties, some of the properties should be considered for rezoning: some could remain zoned R-7 while others could be rezoned to R-3 (Single and Two-Family Residential) or R-5 (Medium High Density Multiple Family Residential).

Mr. Allred agreed that the R-7 properties should not be lumped together in a text amendment. However, rezoning some of the properties would not help preserve the existing buildings. Rezoning would make the reuse of the parcels more feasible from a development perspective but at the expense of demolishing the existing structures. There are some conflicting interests at play.

Mr. Hopkins stated that the City could maintain the R-7 zoning for the parcels with buildings with character that we want to preserve. Ms. Trotter stated that City staff could initiate a rezoning; it occurs occasionally

Mr. Allred asked if there was any indication from the survey results on which direction to go. Ms. Trotter explained that the survey was less broad in that it asked if the owners had performed any work on their properties. City staff had not heard anything about new commercial or residential uses coming into existing buildings. She believed this was because many of the R-7 property owners were restricted by the current R-7 zoning, and were waiting to see what happens as a result of the potential text amendment. Mr. Weisskopf stated that a text amendment to the R-7 Zoning District would be better than doing nothing. He talked about 606 West Ohio and how it might be worth preserving.

Mr. Allred inquired about the “special development provision”. Mr. Garcia explained that City staff could add language in the Zoning Ordinance that multi-family residential uses would only be allowed in existing buildings. Another option is that the existing parking would be allowed if an existing building was converted to a multi-family residential use with the same or less occupancy.

Mr. Fell wondered what rooming houses were zoned before the R-7 zoning district was created in 1983. The City took all of the rooming houses and put them in the newly created R-7 zoning district at that time. He asked if it makes more sense to rezone rooming houses back to their previous zoning district as conditional or special use permits and get rid of all of the spot R-7 zoned properties? They would then be legally non-conforming uses. Mr. Hopkins responded that we want to communicate to current and potential owners that the City is ready to invite and encourage redevelopment ideas for the existing buildings in the R-7 zoning district. He felt this was more complex than simply modifying the R-7 uses. Chair Allred stated that it depends on whether the changes would make it easier and more feasible to redevelop those properties.

Mr. Hopkins stated he imagined inviting R-7 property owners to a focus group. Mr. Garcia stated that the purpose for the surveys was to gauge the property owners’ interest in participating in discussions with the City. There are several different types of property owners in the R-7 zoned areas. Fraternity and sorority owners probably have not had many problems with the R-7 zoning district because their use is permitted by right in the district. Then, there are the owners of the rooming houses that might have a whole different opinion about the R-7 district because they cannot do much with them. Mr. Hopkins commented that owners of fraternities and sororities still might be interested in participating if they should ever want to sell, so that their properties can be used for something else. Mr. Garcia agreed, because there doesn’t seem to be as much of a demand for fraternities and sororities. If they should decide to sell, a purchaser would not be allowed to turn the buildings into apartment buildings, so what would they do with them?

Ms. Billman wondered what the Historic Preservation Commission had to say about making changes to the R-7 zoning district. Mr. Garcia stated that City staff has not discussed it with the Historic Preservation Commission yet because it is a broader zoning question. He said that they could ask the Historic Preservation Commission members what they think; he was sure they would be interested in preserving some of the Greek housing.

Chair Allred suggested that City staff should invite the R-7 property owners to discuss changes with them. Mr. Garcia said that City staff could arrange this.

Mr. Weisskopf left the meeting.

Solar Energy Text Amendment

Marcus Ricci, Planner II, gave the staff presentation for this topic. He talked about the following:

- Purpose for the proposed changes to the Zoning Ordinance would be to add language to allow principal use solar arrays and to modify existing language that regulates accessory use solar arrays;
- Principal Use versus Accessory Use Solar Arrays - If a solar array is designed to generate energy for the grid, then it would be a principal use solar array. Solar arrays designed to generate energy for a specific user would be accessory use solar arrays;
- Array Mounting Types - Current Zoning Ordinance regulations focus on ground-mounted arrays because most roof-mounted arrays are directly wired to the building's user. In the proposed text amendment, if a roof-mounted array was installed to generate energy for the grid, then City staff would recommend that it be considered a second principal use on that property;
- Off-Site Accessory Solar Arrays – If a property owner does not have room on their own property to install a solar array, then they could install one elsewhere and wire that solar array to their property. City staff recommends that this would be considered as an accessory use solar array. If a solar array is designed to meet more than the energy needs of a principal use, the solar array would be treated as a second principal use on the generating parcel.

Mr. Hopkins expressed concern about the way the text amendment was being framed. He stated that he has a solar array on the roof of his house, which has a connection to his electrical box. However, most of the energy goes to the grid. With real-time solar generation, most of it goes to the grid. He gets compensated annually on the energy that goes to the grid. Mr. Ricci explained that the proposed text amendment was about the intent of the system to provide energy for the use on-site. Mr. Hopkins replied that the distinction between a principal use or an accessory use should be based on whether a solar array is being installed only to supply the grid. Most people who install solar arrays are going to be supplying a portion of the energy to the grid. So, if something is built only to serve the grid, then it would be considered a principal use. Otherwise, it is an accessory use or mechanical equipment (mechanicals). He did not see any reason for a roof-mounted solar array to be considered other than as a mechanical. Solar arrays should be treated no differently than an air conditioning unit mounted on a roof. Mr. Ricci explained that the reason City staff was trying to get away from considering solar arrays as mechanicals was because the Zoning Ordinance requires non-residential mechanicals to be screened from all public right-of-ways and residential districts. Mr. Hopkins recommended making changes to the section that requires screening for mechanicals rather than changing the language for solar arrays.

Mr. Hopkins went on to ask why the City cares if there were solar arrays mounted to the roof of a building on a property. It should not matter if roof-mounted solar arrays are for that building's use or if the energy was to supply the grid. However, we should care about ground-mounted solar arrays because they cover the ground. We should start by figuring out how solar arrays are different from other accessory structures. We should then either figure out how to make rules for solar arrays consistent with the rules for those other accessory structures or realize that in order to enable them, we need to make special rules for solar arrays.

Mr. Ricci reviewed the responses to questions that City staff had asked the Plan Commission in 2018. The discussion points were as follows:

- Size – In 2018, a majority of the Plan Commission members were in favor of treating all principal use solar arrays as a special use. The proposed text amendment would require all principal use solar arrays to obtain a Special Use Permit without regard to size, would regulate

all principal use solar arrays as principal structures in that zoning district, and would require principal use solar arrays to be screened from residential uses and zoning districts.

- Solar Array Regulations – In 2018, the Plan Commission agreed that solar arrays would meet accessory use and accessory structure development regulations for that zoning district. City staff now proposes that the proposed text amendment regulate accessory use solar arrays the same as other accessory structures in that same zoning district.
- Ground-Mounted Accessory Solar Arrays Excluded from Gross Floor Area Calculations – In 2018, the Plan Commission agreed that accessory solar arrays should be excluded from gross floor area calculations. City staff again proposes that the text amendment exclude accessory solar arrays from gross floor area calculations and treat them as open space subject to a specified limit.
- Principal Use Solar Arrays Only Permitted in AG – In 2018, the Plan Commission felt that, if treated as a Special use Permit regardless of their size, solar arrays should be allowed in all zoning districts except for the R-1, R-2 and R-3 Zoning Districts. City staff now proposes that the City permit principal use solar arrays by right in the AG district; permit them by Special Use Permit in R-4 and higher residential districts, all business districts, all industrial districts, and CRE district; and prohibit them in R-1, R-2 and R-3 residential districts.
- Solar Arrays Comply With Other Zoning Regulations – In 2018, the Plan Commission agreed that accessory solar arrays should meet accessory use and accessory structure development regulations. Staff now proposes that accessory use solar arrays be permitted by right in all zoning districts, provided they meet all other development regulations for accessory uses and accessory structures in that district.

Mr. Ricci stated that staff also recommended adding a new Section V-7 “Solar Energy Systems” into Article V. Use Regulations. This section would address issues such as system types, use standards, zoning districts and development regulations.

Mr. Hopkins asked if City Council had reviewed and made comments about the proposed City staff recommendation. Mr. Ricci said that City Council had not weighed in or commented on the proposed text amendment as of yet.

Mr. Hopkins stated that he did not see any reason for principal use and accessory use to be determined by where the energy is going because it does not change the form of the structure. Normally, a principal use is the use on a lot when it is the only use, or the principal use that has other accessory uses on a lot. Kevin Garcia, Principal Planner, stated that the Zoning Ordinance defines “principal use” as “the primary use on a lot or of a structure”. Accessory use is defined as “a use that is incidental to a principal use”. He felt that City staff could determine whether a solar array was a principal use or an accessory use based on these definitions in the Zoning Ordinance.

Mr. Hopkins stated that for him the defining characteristic to regulate is ground-mounted solar arrays versus roof-mounted solar arrays. If the solar arrays are roof-mounted, then we should treat them the same as other mechanicals. Ground-mounted solar arrays would be accessory buildings/structures. This leads to the question of which zoning categories they should be allowed and what makes a solar array big enough to require a Special Use Permit.

Mr. Hopkins asked why the City would not allow solar arrays by right in an industrial zoning district. Mr. Garcia stated that the City built out the infrastructure to serve industrial uses. City staff felt that a field of solar panels would not make the best use of the City’s investment. Mr. Hopkins agreed.

Mr. Hopkins stated that he would not want ground-mounted solar arrays in any residential districts, not even as accessory uses. He would not want them allowed in B-3 or B-3U either. Mr. Ricci asked if they should be prohibited or should they require Special Use Permits, where the Plan Commission and City Council can review them. There is a lot of land that is zoned B-3 around Riggs Brewery and Walmart that is being farmed.

Mr. Hopkins asked for clarification that the Plan Commission can place conditions on approval of Special Use Permits. So, for instance the land around Riggs Brewery, we could let a developer install solar arrays as long as they do not install it with structures and equipment and financial return based on a 25-year horizon. You want to be able to reverse the A solar array development allowed with approval of a Special Use Permit should be reversible if a better use came along.

Mr. Garcia stated that the City Zoning Ordinance really limits people’s options sometimes. There have been some really good ideas proposed that the Zoning Ordinance would not allow. With solar arrays, he would like to err on the side of permission with limitations as opposed to prohibiting them entirely. Mr. Hopkins stated that we need to focus on what the issues are and record those issues in some way so that we can use it.

Mr. Ricci asked if the Plan Commission was okay with off-site solar arrays. Mr. Hopkins replied that, if the City is not concerned with where the power goes – which is not relevant to zoning – then off-site solar arrays should not be an issue. Mr. Ricci understood the decision to be made is that a solar array can either be a mechanical (roof-mounted) or an accessory structure to the principal structure (ground-mounted), whether or not the solar array is wired for use on the property. The Plan Commission agreed.

Mr. Ricci gave the following example: There is a 20-acre lot. The house takes up one acre. Half an acre of solar panels were used to provide energy for the house while 18-1/2 acres of solar panels provided energy for the grid. This would be a principal use solar array. Everyone agreed. Mr. Hopkins added that they are not defining anything about solar as a principal use. The City will know if it is a principal use when they see it, based on the Zoning Ordinance’s existing definition of “principal use”. Mr. Garcia stated that they could add definitions for “solar array principal use” and “solar array accessory use” and have the definitions point towards the existing definitions for “principal use” and “accessory use”. Mr. Ricci explained that the City has been working towards a SolSmart Gold designation, which tells developers and the rest of the world that the City promotes solar. We get points for different criteria that the City meets. One of the points is that we would define “principal use solar array” and “accessory use solar array” so that any lay person can tell whether their development would be considered principal or accessory.

Mr. Ricci hoped to bring the text amendment to the Plan Commission at the August 5, 2021, regular meeting.

12. CLOSED SESSION

Ms. Billman moved that the Plan Commission continue the Closed Session item to the next regular meeting. Mr. Fell seconded the motion.

Roll call on the motion was as follows:

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

Ms. McFarland - Yes

The motion passed by unanimous vote.

13. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Kevin Garcia, Secretary
Urbana Plan Commission