

**MINUTES OF A RESCHEDULED MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DATE:** November 14, 2007

**APPROVED**

**TIME:** 7:30 p.m.

**PLACE:** Urbana City Building  
City Council Chambers  
400 S. Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Paul Armstrong, Herb Corten, Anna Merritt, Joe Schoonover, Nancy Uchtmann, Harvey Welch

**MEMBERS EXCUSED:** Charles Warmbrunn

**STAFF PRESENT:** Robert Myers, Planning Manager; Paul Lindahl, Planner II; Tom Carrino, Economic Development Manager; Teri Andel, Planning Secretary

**OTHERS PRESENT:** David Crow, Robert Walsh

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

The meeting was called to order at 7:50 p.m. Chair Merritt noted that the meeting was delayed due to technical problems. There was no Urbana Public Television staff to cover the meeting. Roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

Staff requested that the Zoning Board of Appeals remove Case No. ZBA-2007-MAJ-09 from the agenda at this time. The petitioner has withdrawn their request for a major variance. The Zoning Board of Appeals agreed.

**3. APPROVAL OF MINUTES**

Chair Merritt mentioned that although she was not present at the September 19, 2007 meeting, she found a typographical error on Page 3 in the fourth paragraph. It should read as such: "*Robert Myers, Planning Manager,*" Mr. Corten moved that the Zoning Board of Appeals approve the minutes of the September 19, 2007 meeting as corrected. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote as corrected.

#### 4. WRITTEN COMMUNICATIONS

There were none.

**NOTE:** Chair Merritt swore in members of the audience who indicated they might want to speak during the public input portion of the hearing.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW PUBLIC HEARINGS

**ZBA Case No. 2007-MAJ-08: Request filed by Trammell Crow Higher Education Development, Inc. to allow a mixed retail/apartment building to have an 11-foot and 11-inch encroachment into the required 22-foot rear yard setback, including a 3-foot and 1-1/2 inch encroachment of a terrace overhang at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District.**

Paul Lindahl, Planner II, presented this case to the Zoning Board of Appeals. He gave a brief introduction and presented background information on the history of the proposed site and the reason for the proposed major variance request. He described the proposed site noting its current land use and zoning designation, as well as the current land use and zoning designation of the adjacent properties. He discussed how the proposed development relates to the goals and objectives of the 2005 Comprehensive Plan. He summarized staff findings and read the options of the Zoning Board of Appeals. He presented staff's recommendation, which is as follows:

*Based on the analysis and findings 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 Zoning Board of Appeals forward major variance Case No. ZBA-2007-MAJ-08 to the Urbana City Council with a recommendation for approval.*

Mr. Lindahl showed an illustration of what the rear configuration would look like. He pointed out the rear property line and mentioned that the petitioner had tried to obtain some additional land behind the property, which is railroad right-of-way. This would have allowed the petitioner to develop the property as originally requested. Without the purchase of the additional land, the petitioner needs approval of the proposed major variance to allow the development to be built 10 feet from the rear property line rather than the required 22 feet. The other part of the major variance request is to allow the terrace on the second floor to encroach the required 5-foot setback.

Mr. Schoonover inquired if the security fence would be located directly below the terrace. Mr. Lindahl said yes. His understanding is that the fence would be at the edge of the concrete parking lot.

Ms. Uchtmann asked where the portion of the property shown in the illustration that Mr. Lindahl referred to is located on the Site Plan. Mr. Lindahl pointed out that it would be all along the rear of the development. He noted that behind the rear property line is railroad right-of-way. His understanding is that the railroad company is not particularly interested in continuing to maintain this portion of the rail and its right-of-way, because it only serves one customer, Solo Cup. There is a likelihood that the railroad will eventually discontinue service to Solo Cup. Chair Merritt commented that “eventually” could be quite some time in the future.

Mr. Corten wondered if the Fire Department is concerned with being able to get to the rear of the proposed property. Mr. Lindahl stated that the Fire Department reviewed the previous site diagrams and did not express any concern. He is not sure if they have reviewed the new site plan. However, he understands that a requirement for any kind of a road to the back of a property depends upon the distance from other roads and from other fire hydrants. There is no reason to think that this development would not meet their requirements.

Ms. Uchtmann expressed her concern on how a fire truck would get to the back of the proposed apartment units. Mr. Lindahl replied that they could drive a fire truck down the right-of-way in behind the property. Robert Myers, Planning Manager, added that the Fire Department staff mentioned that they would be able to drive through the main access and that they could access the proposed site from adjoining parking lots as well.

Mr. Myers talked about the proposed major variance. He mentioned that when the Zoning Board of Appeals originally reviewed the proposed development at a prior meeting, it was for the same type of variance request. The petitioner had previously sought a major variance to allow the terrace on the east side of the building to encroach into the side-yard setback and be 1-1/2 feet from the property line. He pointed out that the residential units themselves would be setback 10 feet from the property line.

Ms. Uchtmann questioned if the proposed development would be set closer to University Avenue than the present Durst building. Mr. Lindahl stated that he is not sure what the setback is for the Durst building; however, the proposed development would meet the required 15-foot front-yard setback. After showing an aerial photo of the two sites, he wondered if the Durst building had required a variance, because it appears to be closer to the street than 15 feet. Therefore, the proposed development will sit back further from the street than the existing Durst building. Although, it will have some bay windows on the upper floors that will encroach a little into the front yard setback.

Robert Walsh, representative of Trammel Crow, thanked the Zoning Board of Appeals for allowing them to make this petition. He stated that if they would have had all the information, then this request would have been part of the original variance request. One other thing he wanted to mention is that as you can see from the diagram, the major portion of the parking structure extends out the furthest. If they are not allowed to have this, then they wind up having to eliminate approximately 60 parking spaces. They are trying to maximize the number of parking spaces for the tenants and also minimize any type of on-street parking or residents having to park somewhere else.

Mr. Corten inquired as to how many parking spaces compared with apartments are being planned for the proposed development. Mr. Walsh answered by saying that there would be 228 parking spaces. What is required by code is significantly less than what they are proposing. There will be 247 bedrooms. Therefore, there are only about 20 parking spaces below the total number of beds, which is very good.

Mr. Corten wondered how much the rent would be for a one and two-bedroom apartment in the proposed development. Mr. Walsh said that the rent has not been defined. It all has to do with the final construction costs of the project. His understanding is that the rent will be in line with the other costs in the area. He mentioned that they are looking to accommodate graduate students or upper classmen and to also accommodate people working in the neighboring hospitals.

Mr. Corten asked if the proposed development would be wheelchair accessible. Mr. Walsh replied yes. It is required by the Americans with Disability Act (ADA). There will be handicap parking spaces in both the lower and upper levels as well.

Chair Merritt questioned where the parking for the businesses would be located. Mr. Walsh stated that they would be on the first level in the rear of the building. Chair Merritt wondered if these parking spaces reduced the number of parking spaces available for the residential tenants. Mr. Walsh explained that although it reduces the number of parking spaces for the residential tenants, they expect the residential tenants to be coming and going. They are hoping that the business parking spaces would be available to the residential tenants in the evening.

Mr. Corten inquired if they planned to assign parking spaces to residential tenants. Mr. Walsh said no. Parking spaces will be available as the tenants can find them.

Ms. Uchtmann questioned if the parking garage would be under the entire development or only under part of it. Mr. Walsh stated that the parking garage would be under the entire development.

Mr. Corten asked if each unit would have an outdoor window. Mr. Walsh replied yes.

Mr. Corten questioned what type of material would be used for the outside of the building. Mr. Walsh responded by saying brick. He showed an illustration of what the proposed building would look like from the front.

Mr. Corten inquired as to when they planned to open. Mr. Walsh mentioned that they were planning to open the development in the fall of 2009. They plan to submit documents for City plan review in January or February of 2008, and they are hoping to start the basement excavation in the spring of 2008.

Chair Merritt closed the public input portion of the hearing and opened the hearing up for the Zoning Board of Appeals discussion and motion(s).

Tom Carrino, Economic Development Manager, mentioned that the City does have a development agreement with the petitioner that has been forwarded to the City Council with a recommendation for approval by the Committee of the Whole. The City Council will consider this agreement on November 26, 2007. There are timelines in the development agreement that state when the construction will start sometime in 2008 with an opening in August of 2009. Mr. Walsh added that they are hoping to have some of the units available for the City's inspection in May of 2009, so they will be available to rent to prospective students in the fall of 2009.

Mr. Corten moved that the Zoning Board of Appeals forward Case No. ZBA-2007-MAJ-08 to the City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Armstrong	-	Yes	Mr. Corten	-	Yes
Chair Merritt	-	Yes	Mr. Schoonover	-	Yes
Ms. Uchtmann	-	Yes	Mr. Welch	-	Yes

The motion was passed by unanimous vote.

Mr. Myers noted that this case will be forwarded to a special meeting of the City Council on November 26, 2007.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Myers reported on the following:

- ZBA Case No. ZBA-2007-MAJ-09 was withdrawn by the petitioner earlier in the day. The petitioner may or may not resubmit an application in the future. If they resubmit, then new updated information will be sent out to the Zoning Board of Appeals.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

**November 14, 2007**

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

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Robert Myers, AICP, Secretary  
Urbana Zoning Board of Appeals