

**MINUTES OF A MEETING**

**URBANA DEVELOPMENT REVIEW BOARD**

**DATE:** June 16, 2003

**APPROVED**

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

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

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**MEMBERS PRESENT:** Mike Brunk, Bill Gray, Rob Kowalski, Gordon Skinner, Elizabeth Tyler

**MEMBERS ABSENT** None

**STAFF PRESENT:** Teri Andel, Planning Secretary

**OTHERS PRESENT:** Rich Cahill, Jeff Johnson, Gail Taylor, Barry Weiner, Ruth Wyman, Joan Zagorski

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

Chairperson Tyler called the meeting to order at 1:40 p.m. The roll call was taken, and a quorum was declared present with all members present.

**2. APPROVAL OF MINUTES**

Chair Tyler noted the corrections that Steve Ross in an email had suggested be made to the minutes from the previous meeting, which was held on April 17, 2003. Mr. Gray moved to approve the minutes as corrected, and Mr. Kowalski seconded the motion. The minutes were then approved as corrected by unanimous vote.

**3. COMMUNICATIONS/PUBLIC COMMENTS**

**Communications:**

Email received from Steve Ross commenting on the proposed development at 605 West Green Street.

**Public Comments:**

Barry Weiner, owner of the apartment complex at 603 West Green Street, expressed concern for his tenants having access to their parking lot during the construction period for the proposed development. Chair Tyler stated that the proposed site plan showed a shared access for the proposed development and the tenants of the Weiner Apartment Complex. She inquired if he had spoken to the developer about this? Mr. Weiner commented that they did not have a large conversation about this; however, the driveway is currently a shared access point. Chair Tyler asked if that would need to be amended in some manner to allow for this proposal? Mr. Weiner answered by saying that to the best of his knowledge, the architect felt the proposed driveway would work, and Mr. Weiner was going to take the architect's word on the issue.

Mr. Kowalski inquired how the parking supply was working for his apartment complex? Mr. Weiner replied it was doable. There is one parking space per unit plus one additional space. The apartments are large, and there are 4 – three bedroom apartments, 2 – two bedroom apartments, and a one-bedroom apartment. Basically, parking spaces are pretty limited.

Ruth Wyman, of 604-1/2 West Elm Street, Apartment 1, was concerned that the amount of parking would only be calculated for the rooms labeled as bedrooms and not include the rooms labeled as studies. She felt it was clear to see that the studies could easily and probably would be used as bedrooms. Therefore, she encouraged the Development Review Board to require sufficient parking as required in the Zoning Ordinance to basically reflect the actual number of bedrooms that can or would be used as bedrooms. She noted that especially when school was in session during the fall and spring, there was already not enough parking available in the neighborhood. If the Development Review Board allows a developer a way to opt out of providing sufficient parking by claiming that one of the bedrooms would be a study, that would further impact negatively the need for parking.

Rich Cahill, of 307 South Orchard Street, noted that he shared the back property line with the proposed development. He mentioned that the concept of calling a room a study had been used before in a previous development, and the study ended up being used as a bedroom.

Some of Mr. Cahill's other concerns included traffic and parking. He saw the proposed development as being a real disaster for parking. Currently, the residents at 603 West Green Street have been parking on an unapproved surface at 605 West Green Street. Suddenly, there would be six or eight more cars, and he believed there would be a constant stream of tow trucks when the residents at 603 and 605 fight for parking spaces. He noted that there would be more cars zipping in and out onto Green Street.

He conveyed other concerns regarding the proposed development, which were as follows:

1. The impact on the large tree near the property line between Steve Ross's home and the proposed development.
2. The character of the building with the main entrance on the side and balconies overlooking his backyard. Balconies provide places for people to party and hang out or store their trash.

Mr. Cahill urged the Development Review Board to deny the proposed request based on traffic, the tree, over-occupancy of the structure, and poor taste.

Chair Tyler inquired as to what development had tried to offer studies in their apartments, and the residents ended up using them as bedrooms? Mr. Cahill referred to the Charter Oaks development, further down Green Street that was built about 15 years ago. There was a big battle with the Plan Commission over the issue. Chair Tyler asked if he knew how the problem was resolved? Mr. Cahill replied that nothing happened. Chair Tyler questioned if he felt it was an outstanding zoning violation? Mr. Cahill commented that he knew that the City staff could not go around and perform bedroom checks. Chair Tyler remarked that the City could and does perform checks on apartments and rental properties.

Gail Taylor, of 307 South Orchard Street, quoted the following from the Zoning Ordinance from the staff memorandum:

*The MOR, Mixed Office Residential District is intended to provide areas for a limited variety of business, office and residential land uses in the proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area.*

Ms. Taylor noted that opposite the proposed development was the Ricker House, which was on the National Historic Register. In addition, Steve Ross's house to the west is also a historic home. Although everyone has his or her own opinion of what would be appealing and what would be sympathetic, as far as architecturally, to the neighborhood, a historic preservationist would not find that the proposed building would be aesthetic or sympathetic to the residential character of the neighborhood.

*...This district is intended to encourage the adaptive re-use of these older residential structures as an incentive to preserve and extend the useful life of such structures while also allowing compatible new development.*

Ms. Taylor pointed out that for the construction of the proposed building to occur, the existing structure needed to be demolished. She found it interesting that in the Application for Site Plan Approval in the MOR (Mixed Office Residential) Zoning District, the owner (Mohammad Feiz) stated the following: *Due to uncontrollable circumstances, including poor structural integrity, we were unable to re-use the existing structure on the site.* She inquired as to how long the owner has owned the proposed property? If Mr. Feiz had owned the property for a number of years, why did he let this property go down in value? Why did the City of Urbana allow this to happen? She believed that if Mr. Feiz had owned this property for a while, then he created his own opportunity to build a new building. This would set a precedent for other property owners. She asked who determined that the existing house was uninhabitable? Did the City of Urbana condemn the house?

Ms. Taylor talked about the previous parking conditions for the Weiner Apartment residents at 603 West Green Street when there were still tenants residing at 605 West Green Street in the

existing structure. The residents' cars were backed up, and there were not enough parking spaces. The tenants did not respect the rules set by management regarding only one vehicle per apartment being allowed to park there. Parking will be a real problem with this new development, because it is a very tight area. She has had tenants hit her fence, and a snow truck driver damaged her fence.

As she looked at the schematic drawing, she tried to imagine the two-lane driveway to and fro between these two properties. She asked if the City of Urbana was going to install a stoplight? There are children who live in the neighborhood. She noted that when cars pull out onto Green Street, the drivers are not honking.

Ms. Taylor mentioned that Mr. Ross was taking a legal route to put a stop to the Barr Apartments being built at 611 West Green Street. There was a dispute over the property lines. The City of Urbana approved this construction on the basis that the surveying lines were accurate. Now, all of a sudden, those property lines are being contested, construction has ceased, and a moratorium was before the City Council. She suggested that the Development Review Board take all of these things into consideration and think about all the mistakes that have been made up to this point. The Development Review Board should take the concerns of people who had come before the City Council and other public meetings, and respect the fact that the people who live in that neighborhood and have a vested interest in that neighborhood are the City of Urbana.

Chair Tyler responded that some of the questions asked would be answered when the Development Review Board reviews the Design Criteria. At this time, she asked the applicant to come forward and provide a statement regarding his request.

Jeff Johnson, architect for Fitch-Fitzgerald, Inc. Architects - Engineers, represented Mr. Feiz. He noted that the intent of the project, knowing the sensitivity of the M.O.R. Zoning District, was to first, try and look at the perimeters of the re-use of the building. In their investigation, they found that there was structural damage with the foundation itself. One possible step was to rebuild the foundation, but that became a cost consideration, more than what was viable for the owner. Also, entered into the equation was the water damage in the basement and on the first floor. Some of the ceiling heights were based on a single-family, and the owner wanted a multi-family dwelling. They had brought all of this into consideration and possibly thought of building an addition onto the existing structure on the backside. After putting all of these things together, they found it prohibitive. They thought that they could do a better job of bringing back a particular value that was a representative of the community by providing a new building.

They decided that if they could not re-use the existing building, then they would re-use the existing conditions and buildings around it. With a model, they studied the Weiner Apartment Building, Mr. Ross's house, and the Presbyterian Church. Then, they took bits and pieces that reflected the general community and tried to make something new by matching up the heights, materials, the overall massing and scale, how the space would be used, and the open space of other properties.

Mr. Johnson addressed some of the concerns heard during this portion of the meeting, which were as follows:

1. Weiner Tenants Parking Issue – He noted that since there is a 19-foot setback, they had plenty of space to allow for the existing drive that was there and to have staging on that area for the construction and also for staging materials before the parking units are actually taken into consideration.
2. Study Used as Bedrooms – He mentioned that they were trying to target a different audience looking towards Associate Professors, Intern Professors, and other people who might not be taking the commitment to stay here and buy a house.
3. Foliage and Ross' Tree – They want to use some extensive gardening to provide something a little different that would add to the character that Urbana had put its pride on. Mr. Ross's tree would not be damaged. They would work with the City Arborist, so that the tree's root system would not be disturbed or compacted during the time of construction. He also mentioned that they could hide the building from possibly Mr. Cahill towards the back by using Cyprus or taller trees.
4. Driveway – Instead of having a separate driveway, they thought they would add another driveway (23.6 feet) and combine it with the existing driveway since the easement was already there. If concrete was an issue, then there was pavement that they could use that was semi-permeable, where grass would still grow through it, but it was a concrete element.
5. Bridging Between Residential and Business District – They tried to provide something for the landowner, being a main thoroughfare, but to also be sensitive to what the residential area wants to keep.
6. Vacancy of Existing Structure – He was not sure why it was vacant. It happened before he got involved.
7. Number of Vehicles and Traffic – They have not changed anything from what was previously there in regards to the number of vehicles parking on the property. They are trying to utilize the space that was there and not create any more back-out space.

Mr. Johnson pointed out that they tried to be sensitive to all of these issues when trying to make the most for what they were trying to provide.

#### **4. OLD BUSINESS**

There was none.

#### **5. NEW BUSINESS**

**DRB-02-03: Development Review Board consideration of a proposed 6-unit multi-family development at 605 West Green Street in the M.O.R., Mixed-Office Residential Zoning District.**

Chairperson Tyler opened the case up by reviewing the Rules and Procedures that the Development Review Board had to follow. She noted that there were thirteen design criteria that the Development Review Board would use to determine if the site plan complied with the requirements of the Zoning Ordinance, was consistent with the intent and purpose of the MOR District, and was compatible with the land uses surrounding the site. She pointed out that the Zoning Ordinance also stated the following: *The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.*

Joan Zagorski, of 1605 South Race, read a letter that she had written to the Development Review Board. In the letter, she expressed how upset she was with the approval of Barr Real Estate building an apartment complex at 611 West Green Street. As with the previous historical house that was at 611 West Green Street, the existing house at 605 West Green Street was not taken care of by the owner and allowed to become uninhabitable. Now, the owner was asking for approval to build another undesirable apartment building. To allow this to happen would be such a great waste of resources and materials. Neither the quality nor craftsmanship of building that was incorporated into the existing house was being practiced today. Was this what Urbana really wanted?

Ms. Zagorski noted that the Zoning Ordinance states that the objectives of the Development Review Board are as such:

- *Encourage the maintenance, preservation, and enhancement of both individual structures and the neighborhood's visual and aesthetic character.*
- *Encourage the economic use of older structures in a manner compatible with the neighborhood.*

Ms. Zagorski inquired if this meeting was just a formality? Was it a fore-gone conclusion that the existing house would be demolished and another undesirable apartment built instead? Or was there still time to save the house?

Ms. Taylor re-approached the Board. She asked for clarification on protocol internal to the City of Urbana. What was the role of the Development Review Board? Was it to enforce the M.O.R. Zoning District? Yet, at the same time, the Board was not allowed to look at the architecture of the building. That was very contradictory, which took away the Development Review Board's credibility. Not to mention, the moratorium that was passed by the City Council at their last meeting regarding new construction being built in the M.O.R. Zoning District. Was this property allowed to be grandfathered in with a moratorium in place? In addition, would not this property be in suspense since there was a disagreement about the property line between 605 and 609 West Green Street? She suggested that the Development Review Board table this case. Chair Tyler responded by saying that the Development Review Board was following Article XI. Administration, Enforcement, Amendments and Fees of the Urbana Zoning Ordinance, which sets forth the rules and responsibilities of the Development Review Board. It explains what the Board was to look at and what the Board was not allowed to look at. This article of the Zoning Ordinance was approved by City Council several years ago.

In terms of the moratorium, Chair Tyler pointed out that there was currently not a moratorium in place. The moratorium was being studied by the City Council, and they voted to direct staff to prepare a text amendment to put in place an Interim Development Ordinance, which would freeze redevelopment in the M.O.R. Zoning District until such time as the entire M.O.R. Zoning District was looked at again with respect to public participation, the fact that the Development Review Board was not allowed to look at the design of the proposed building, etc. This was in response to a petition signed by almost 200 people, so there is a concern about the M.O.R. District and how it functions. This application was received several weeks before the petition was submitted or any discussion of an Interim Development Ordinance was discussed. By the Zoning Ordinance, the Development Review Board was required to proceed with this application.

With respect to the property line dispute, Chair Tyler mentioned that the Development Review Board does have guidance from the City Attorney regarding this case, and that the Board would be following that guidance at this meeting. There was no action currently in the court of law regarding the dispute over the property line. Her understanding was that Steve Ross was going to seek to resolve the dispute. The Board will make sure that there was time for him to do that prior to the construction of the proposed building. The Board felt that they were proceeding in a proper manner.

Ms. Taylor noted that there was a 3-2 vote by City Council to basically put this into suspense. Does not the vote mean that any action would be suspended after the date of the City Council meeting? Chair Tyler stated that was a resolution, which reads that staff had been directed to bring an Interim Development Ordinance to the Plan Commission. She noted that the Plan Commission's public hearing would probably be held on July 10, 2003. The public hearing would need to be followed by action at City Council to actually put the Interim Development Ordinance into place. Then, staff could begin to reevaluate through the Plan Commission, because they are the hearing body for the Zoning Ordinance, any revisions to the M.O.R. Zoning District. If any nearby residents have any concerns about what was right or wrong about the Development Review Board process, then the public hearing with the Plan Commission would be the time to voice those concerns.

Ms. Taylor inquired if this was the last application that the Development Review Board was going to consider before the moratorium was in place? Chair Tyler stated that the City was confident that no one would come forward with an application, because the owner of a property does not just fill out an application and submit it. An applicant also has to provide plans that support the application. However, the City could not be sure. Ms. Taylor inquired about the pending Weaver application? Mr. Kowalski replied that staff had not received any plans for the application. Ms. Taylor asked if the Board would suspend that application and plans when they came in? Chair Tyler noted that staff told City Council that they would look at a four-month review for the amendment. A moratorium would encourage staff to revise the M.O.R. Zoning District sooner. Ms. Taylor commented that she knew that Weaver hired an architecture. The Development Review Board was setting a precedent at this meeting.

At this time, Chair Tyler asked Mr. Johnson to re-approach the Development Review Board to answer any questions that the members may have for the applicant. Mr. Brunk commented that the existing hedgerow would not work as a headlight screen for the parking lot in the wintertime, because it was a deciduous plant material. Mr. Johnson mentioned that they were looking at using an Italian Cyprus plant material, because it would be taller and was not deciduous. Mr. Brunk requested a copy of the plant list that included the botanical names to be able to determine whether the plant material would be appropriate to use as a headlight screen.

Mr. Brunk inquired where exactly the applicant planned to use the grasspavers? Mr. Johnson commented that that they have not looked at that option as of yet. Although it could be used on the full driveway, they were looking at using it on half of the driveway.

Mr. Brunk pointed out that one of his main concerns with this development was tree damage. He pointed out that there was a historic tree in the front of the Ross property at 609 West Green Street. He asked about how far away the footings would be away from that tree or how many feet would the excavation be? Mr. Johnson stated that there was a 23.6-foot setback from that side and the crowning of the tree does not come into that area. Mr. Brunk asked if Mr. Johnson knew the distance from the trunk of the tree to the point where the footings would begin? Mr. Johnson did not have that information. Mr. Brunk remarked that he would have to check that. The rule of thumb for root protection was 1-1/2 feet per diameter inch, which was used to protect trees. Protecting this historic tree would be something that the City would want to achieve to maintain the integrity, especially of the Green Street Corridor.

Mr. Kowalski had some questions pertaining to the site plan and what some symbols represented. On the site plan - first floor, Mr. Kowalski inquired what the two freestanding dots near the study represented? Mr. Johnson explained that the dots represented two columns, and they had thought about placing a fixed tabletop between the two columns. They are just an interior design detail. On the site plan – third floor, Mr. Kowalski asked what the dashed line near the study meant? Mr. Johnson explained that the dashed line represented where the roof line cathedrals upwards. Mr. Kowalski asked Mr. Johnson to describe what “roof storage” was for? Mr. Johnson stated that was where the roof came down and the wall was only about 2.6 or 3 feet tall.

Mr. Kowalski expressed concern about the mezzanine spaces possibly being used as bedrooms. The one unit appeared to have two bedrooms, a study, a mezzanine area, and three full baths. He inquired about the marketing for an apartment with two bedrooms and three full baths? Mr. Johnson replied that they started thinking about what they could provide on the third floor once they brought the cathedral ceiling up. One of the materials that they were working with was an insulated panel where they could provide that open space. Then, they started thinking about whether there was a possible use for the upper level, and that was how the mezzanine area came to be. It could be possible to take the shower out of the full bath on the mezzanine floor to make it less likely that anyone would use it as a bedroom.

Mr. Skinner noted that in the original plans that Mr. Johnson had provided indicated that on the first and second floor that the studies were bedrooms. He questioned if Mr. Johnson would entertain putting a solid wall between the study and the bathroom, so that there would not be an



access to the bathroom through the study. If they would do this, then the study could not be used as a bedroom, because according to Urbana's Property Maintenance Code, a person cannot go through any other bedrooms to get to a bathroom. Mr. Kowalski added that this would apply to the bathroom on the mezzanine floor as well. If there was not a bathroom on the mezzanine floor, then the mezzanine level could not be used as a bedroom either.

Chair Tyler inquired about the driveway access and whether the developer would be constructing the new driveway area that would adjoin the existing drive? Mr. Johnson replied that was correct. She asked what the width was of the existing drive? Mr. Johnson stated that it was 3.6 feet wide. Chair Tyler said that altogether the proposed driveway would be 23.6 feet wide, which was the minimum for a two-way driveway. Chair Tyler noted that the proposed driveway would be quite a bit wider than the existing driveway to allow the two-way traffic, so there would not be the same scenario as before.

Chair Tyler pointed out that the existing driveway ramp was pretty broken up. She questioned if it would be reconstructed? Mr. Johnson responded that any damage that would happen at that time or with the property itself would be replaced. It would have to be reconstructed anyway.

Chair Tyler asked if Mr. Johnson foresaw any problems with the tenants of the Weiner Apartments being able to have access to their parking during any stage of the construction? Mr. Johnson replied no, because the staging that was necessary would be about ten feet from the side of the building, which would leave more space than originally for the driveway.

Chair Tyler inquired if there was an additional easement necessary to ensure permanent access with the adjoining property owner to the east? Mr. Johnson stated that the current easement would be for the existing drive getting to the backside. At this point, with the new construction, that access width was added just for the access of this new project. As far as his standpoint, there would not be a new easement actually set or recorded.

In response to a comment that someone had said, Chair Tyler inquired if the developer would consider making the entrance a more customary entrance treatment rather than a sliding door? Mr. Johnson remarked that they were not planning to use any sliding doors. Although he was not sure of the molding structure of the door, it would be a double door.

Chair Tyler questioned what was the current distance between the existing structure at 605 West Green Street and the property line on the west side? What would that distance be with the proposed building? Mr. Johnson pointed out that the distance between the existing structure at 605 West Green Street and the property line on the west side was approximately five feet on the east side and approximately nineteen feet on the west side. Basically, the new building would be at the same line on the west boundary, and it would setback about five feet farther to the east. The side impact would be less than with the existing building. Chair Tyler commented that in the site plan showed a walkway and an entryway, and with the hedgerow where it is, there did not seem to be enough distance. The existing building was close to that hedgerow.

Mr. Brunk noticed that the sidewalk on the west shared the space with the existing hedge. He inquired if that was the hedge that the developer suggested that they would preserve? Mr.

Johnson replied yes. There was an existing sidewalk there. Mr. Brunk inquired if since it would be necessary to excavate for the sidewalk, would it be possible to move the sidewalk to the east to protect the plant material? Mr. Johnson stated that typically when they have sidewalks next to foliage that they are planning to save, then they keep a minimum of three feet from the crown.

Mr. Kowalski asked if the developer had explored any options for finding additional parking elsewhere within 600 feet in order for the studies and mezzanines to be considered bedrooms? The Urbana Zoning Ordinance would allow that if there were additional parking spaces within 600 feet. Mr. Johnson mentioned that the closest would be the Presbyterian Church; however, they have not acted to attempt to do that.

Mr. Skinner pointed out that Mr. Ross's email indicated that there was a potential effect of the property dispute on 611 West Green Street. His understanding of staff's conversation with Mr. Barr and his architect was that there were not any problems between 611 West Green Street and Mr. Ross. Chair Tyler agreed that was her understanding as well.

Chair Tyler requested a ten-minute break while staff went to get an aerial. The meeting was called back to order at 3:00 p.m.

Mr. Brunk asked for clarification on what the setback was from the building where excavation would be needed for footings to the property line on the west? Mr. Johnson replied that it would be ten feet.

Ms. Zagorski noted that when looking at the drawing, the proposed building appeared to be taller than either the apartment building on the east side and the Ross house on the west side. When discussing the new apartment building under construction at 611 West Green Street, she remembered that it was important to consider the height of the building. Chair Tyler stated that there was a height limit of 35 feet. She asked Mr. Johnson what the height would be of the proposed apartment building? Mr. Johnson remarked that the proposed building would be less than 35 feet in height. They also tried to keep within the comparable heights with the Ross house and the Weiner Apartment Building, which are quite different. That was why they are proposing the dormers on the side next to the Ross house, so that they could bring the profile down.

Mr. Brunk inquired as to what type of equipment they would use to excavate? Would it be anything more than a backhoe? Mr. Johnson said no. Any equipment used for staging would most likely be a Skycat or Skylift. Mr. Brunk asked if they would need to run this equipment on the west side of the proposed building? Mr. Johnson planned to use the majority of it on the east side. On the west side, it would be more difficult to use the equipment; however, they would not have to stage anything but scaffolding on the west side. Any unloading of materials could be done from the other side.

Ms. Taylor was confused over the footprint of the proposed building. She asked if the developer was planning to expand the driveway by seven feet to go from seven feet that the existing driveway measured to fourteen feet to accommodate two-way traffic? Mr. Johnson responded

by saying that the driveway currently measured 3.6 feet, and they want to expand it to 19.6, because of the two-lane access.

Ms. Taylor could not envision enough space to be able to plant barrier trees to hide the building from their backyard. With four parking spaces running flush with the south of the proposed building and traffic coming and going two-ways, how are the people that park up next to the building going to be able to see what is coming up the driveway? She was having a hard time picturing what the developer and the owner were trying to do, because they were totally altering the whole shape. There is also a tree on the boulevard close to where the new entrance would be. She did not feel that this proposal had been well thought out. She asked if Mr. Johnson had done urban planning before or taken a forestry class. These are all things that should be figured into the proposed plan.

Chair Tyler began the review of the Design Review Criteria.

***DESIGN REVIEW CRITERIA #1: Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?***

Mr. Kowalski stated that since it was new construction, it was hard to tie it directly to the intent of the M.O.R. District. The intent statement seemed to be focused mostly on existing structures. The proposed apartment building was permitted by right as a use under Table V-1. The design of the proposed structure was generally harmonious with the character of the surrounding neighborhood by taking in the scale and massing aspects of the buildings around it. Although it would not have the main front door on Green Street, he believed it would be oriented toward Green Street pretty well. It would have general scale and intensity characteristics of the building to the east, the church across the street, and the other structures to the west.

Chair Tyler noted that most of the purpose of the M.O.R. Zoning District was aimed preservation and adaptive reuse. Many of the regulations address that, but the district also recognizes compatible new development. One of the criticisms of the M.O.R. District was perhaps it did not do enough to really provide the incentive for adaptive reuse. Although Mr. Ross had offered to rehabilitate the existing structure in his email, he does not own the property. The current application was from the current owner. The current owner's wishes and goals were for redevelopment. It does not say anywhere in the M.O.R. District that the City should disapprove projects if there was a willing buyer somewhere. The City cannot hold up development rights for sale like that. The Zoning Ordinance also does not say that an owner cannot demolish a structure.

Chair Tyler stated that there were some good questions that were raised during the public input. She wanted to set the record straight about the City not doing anything to enforce maintenance on the existing structure. She asked Mr. Skinner about the condition of the existing structure? What would happen if the existing house were not redeveloped? Would there need to be a lot of work to go into it? Mr. Skinner explained that there was a complaint filed with the Building Safety Division of Community Development Services. A subsequent inspection indicated

several problems that were delineated in a letter. A second letter was issued to the owner as well stating that he needed to correct those problems. During this time, the owner was determining whether he wanted to demolish the building or not. If the existing structure were not demolished, then the owner would have several electrical and mechanical problems that would need to be fixed before it could be occupied again.

Chair Tyler agreed that the drawings of the proposed building attempted to be harmonious and reflected some of the elements of adjacent properties. Staff had done a visual survey of properties within a three or four block area, and the drawings did pick up a lot of those elements that would suggest harmoniousness.

***DESIGN REVIEW CRITERIA #2: Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?***

Depending on the exact location of the property line between the proposed property and Mr. Ross's property, Mr. Kowalski commented that the proposed site plan and structure did appear to meet the development regulations in Article VI, which was part of the Zoning Ordinance. It did not appear to him that the proposed use, which would be a six-bedroom apartment building, would overburden the streets, utilities, sewers and other public facilities. This would be similar to the eight-bedroom apartment building being constructed at 611 West Green Street, and it was found that the public facilities could handle that. For the reasons he stated in the first criteria, he believed that the site plan would be compatible with the surrounding neighborhood.

Mr. Gray concurred with Mr. Kowalski. He thought that the driveway width would certainly enhance two-way traffic along there where there was currently a situation. As far as Green Street itself, the number of trips generated from this particular development would not exasperate the amount of traffic on Green Street that was not already there.

In response to the comment made earlier about the development regulations with respect to setbacks, Chair Tyler noted that the City Attorney's opinion was that although there seemed to be a credible dispute over the property line, the City does not act as arbitrator for property line disputes. The Development Review Board was advised to make any approval of issuance of building permits delayed until such reasonable time to allow this property dispute to be settled. The burden was on the disputing party to bring it forward, and it was her understanding that Mr. Ross would follow up with this dispute. When the dispute was resolved, the building would need to respect the newly settled property line as determined by the court. If the dispute was not resolved within that time period, then there was a drafted condition that would basically put the burden on the developer to move the structure to comply with the property line, should it be found to be incorrect.

***DESIGN REVIEW CRITERIA #3: Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimizes the impact of their use and bulk on adjacent properties?***

Mr. Kowalski commented that it appeared that the actual setbacks for the new structure compared to the existing structure would actually increase. The setback from the west side of the new structure to the east side of Mr. Ross's house would increase by about five feet. Chair Tyler added that the proposed setback would double the existing setback to ten feet. The reason this was important was the impact. Even though the proposed building would be a taller structure, it would be further back from the adjacent sensitive property. There would be a height reduction along the west face, because the roof would slope down.

Chair Tyler responded to a comment regarding the orientation of the proposed building. Mr. Ross was concerned with the access being along the west side of the proposed apartment building, which would be adjacent to his property. The developer added an entry along Green Street, so that there would be some reduction of the use of the side entry. She believed this should be addressed in Design Review Criteria #11, where the Board would talk about screening. The lot width did not allow all of the entry to be from the front or back of the building. She felt the orientation mimicked other properties along Green Street.

***DESIGN REVIEW CRITERIA #4: Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?***

Mr. Gray felt that this was satisfactory. Chair Tyler added that the current driveway was an undesirable access, because it was not wide enough, the driveway apron to the street was broken up, and it was hodgepodge in the back with half of it improved and the other half was not. With this project, the current condition would improve, because the drive would be wider allowing for the two-way traffic. The parking spaces shown on the site plan have been pre-reviewed by the Building Inspector, and they do meet zoning requirements for geometrics and for basically safe and comfortable parking operations. The reason the current parking situation was not fully compliant was because some of it preexists zoning. She believed this layout would correct and improve the situation with respect to access and parking for both this property and for the adjoining property of the Weiner Apartments.

***DESIGN REVIEW CRITERIA #5: Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?***

Mr. Kowalski believed that the current site plan as submitted failed this criteria. When it asked about adequately sized parking areas, he understood it to mean the number of parking spaces rather than the size of the paved area. The parking requirements are based on the number and size of the bedrooms. This was proposed to be a six-unit apartment building with two bedrooms in each unit. He felt it was reasonable to consider that the mezzanines and studies could be used as bedrooms and therefore should be factored into the parking requirements. He did not know how many additional spaces that would be without having some detail to measure out the size of those rooms and compare them to the table in the chart. Unless there were some changes that would by building code definition not allow them to be bedrooms, he felt that they should be considered as bedrooms. It was important to keep in mind how this was tied to parking requirements, because there was a lot of discussion in this meeting about how the mezzanines

and studies might be used. He believed the layouts were fine; there just needed to be the right number of required parking spaces to accommodate those.

Mr. Skinner agreed with Mr. Kowalski in that there was not enough parking provided given that the mezzanines and studies could be used as bedrooms as they are on the site plan now. If parking were provided, he would not have a problem saying that this criterion was met. As he indicated earlier, if there was no way to access the bathrooms from the studies or the mezzanines, then those rooms could not be used as bedrooms, according to the Building Code, because you cannot access a bathroom through a bedroom. The Zoning Ordinance does not address the parking problem by using the number and size of bedrooms to formulate the required number of parking spaces. The City was trying to identify the bedrooms and say how many parking spaces would be needed; when in fact, there could be four people in each apartment and every tenant could have a vehicle. In this situation, there would not be enough parking spaces for this apartment complex.

Mr. Gray inquired as to how many parking spaces were required with the plan as submitted? Mr. Kowalski replied that it was hard to tell without measuring the bedrooms out. It could be anywhere from four to six additional spaces with the mezzanines and studies as they are.

Chair Tyler clarified that these parking requirements in the Zoning Ordinance are based upon the number and size of the bedrooms. No use other than multiple family residential was based upon bedrooms. The Zoning Ordinance does not define "bedroom". Most apartment buildings constructed in the City of Urbana do not have enough room to provide additional common areas other than just the bedrooms, kitchens, living rooms, and bathrooms. Staff checked with the City of Champaign, and they require parking for additional rooms even if they are not proposed as bedrooms. That was not something that the City has in the Zoning Ordinance, although it may be something to consider in a future amendment.

She noted that the question here was really, "Was there Building Code requirements that would allow us to ensure that there was sufficient parking?" or "Can the Board request additional parking provided off-site? One of the unfortunate things was that single-family home could have kinds of additional rooms without effecting the required parking space. The tendency with multiple family was to maximize the occupancy, and the City requires no more than four unrelated people can live together. This leaves a little less flexibility for site plan layout, and that was why it had been a struggle in determining what the mezzanine and study would be used for. Even though this owner and developer have certain intentions, down the road if the building changes owners, then the mezzanines and studies could be promoted as additional bedrooms, and that equals more cars.

As a result, the developer has a couple of options. He can arrange additional parking off-site within 600 feet of this site. The other option would be to revise the floor plans such that the mezzanines and studies could not be used as bedrooms.

Mr. Kowalski stated that as far as revising the site plan, there is still a risk that there would be more people and more cars than the Zoning Ordinance specifies for. However, if the units were designed in a way that, by Building Code rules, the mezzanines and studies could not be used as

bedrooms and would not have access to the bathrooms, then it would be more of a safeguard. It would give the City a better enforcement opportunity when it was tied to a Building Code regulation than it would be if the Development Review Board placed a blanket condition on the approval of the site plan stating that they should not be marketed or used as bedrooms.

Chair Tyler commented that some evidence suggests that the City does under require parking spaces for multiple family residential. Students are owning more cars. Staff has looked at modifying the parking requirements. The down side is that if the City requires more parking, then that would encourage more car ownership. It was still hopefully that there are good transient opportunities in proximity to campus and employment centers. It was an issue that warrants more public debate.

Mr. Johnson responded to these comments by saying that when they first began planning the proposed development, they had the intent of a typical project. Once they got into how impassioned people are about this neighborhood and the community that was where they started making changes regarding materials, more circulation, and more landscaping. They started looking at trying to upgrade as far as what they could do with this project. If they made it more of a residential or house-setting, then they could market for someone who was transient but more permanent than a typical student would be.

Mr. Johnson continued by saying that some of the things that actually make a building more residential, typically in a family home, are a formal living room, a family room, and separated spaces that are still open to one another but allows the privacy for different functions upon different orientations of the family members themselves. They saw homes with studies that were not divided off and were open to them. Maybe they were wrong in thinking and the market for more permanent tenants was not as good as they thought, but they only would have three units with studies. There is a church across the street and other community activities happening in the City of Urbana that are within walking distance. In an apartment unit, there would not be an access to a bathroom through a bedroom. They tried to share the access to the bathroom. The intent was to make it more of a family residence and open it up. If the mezzanine was an issue, then they could make it a half bath on the third floor. They were thinking about a professor who uses the mezzanine as a studio. By having a bathroom on the third floor, it would prevent the tenant from having to walk downstairs every time he uses the restroom.

He commented that maybe it was a matter of trust as far as what the owner would actually do with the building. Their intentions was to upgrade the apartment building and look at a different market of who they would want as tenants. Chair Tyler explained that the Zoning Ordinance did not anticipate other types of uses of multiple-family residential other than a typical apartment. She noted that the Development Review Board was trying to work with what they have.

***DESIGN REVIEW CRITERIA #6: Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?***

Mr. Skinner felt that this criterion was met satisfactorily.

**DESIGN REVIEW CRITERIA #7: Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?**

Mr. Johnson mentioned that they planned to keep the shrubs on the west side. Although the shrubs would be trimmed on the side, they planned to keep the height.

Mr. Brunk believed that this criterion was met if the developer agreed to put up a protective fence that would be set back three feet from the hedge prior to any construction and kept up through construction. Also, the developer would have to agree that no equipment larger than a backhoe would be working on this site and the majority of the work would be done from the east part of the lot. He felt that this combination would not only protect the hedge, but the root system of the tree in the Ross's yard from compaction and minimize any root damage.

**DESIGN REVIEW CRITERIA #8: Will the project design conform to the sign regulations in Article XI?**

Chair Tyler noted that there was not any signage proposed to her knowledge.

**DESIGN REVIEW CRITERIA #9: Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?**

Mr. Brunk wanted to approve the plant material. He believed that the location was sufficient. It was just a matter of the type of plant material used to ensure that an Evergreen type of plant material was a minimum of three feet in height and spaced in such a way that when it was planted it would be an immediate screen from the headlights. He clarified that the purpose for this landscaping would be to screen the property at 609 West Green Street from the headlights of possible tenants coming in.

Chair Tyler suggested that the developer work with the adjacent property owner to devise and construct screening, which may include a privacy fence, sufficient to address some of these concerns. This might be a way to reduce the impact of having the entry way into the proposed building on the west side.

**DESIGN REVIEW CRITERIA #10: Will the project design conform to customary engineering, site development and site landscaping standards?**

Mr. Brunk believed that the three small trees that are proposed to be planted in the front lot line would be sufficient to blend with the average amount of woody plant material in the front lot lines in that area.

Mr. Gray expressed concern with the driveway on the east side of the proposed building was large, and he was unclear how the storm water would be drained. Mr. Johnson responded that they were planning for two catch basins and would divert the storm water around the building to the pervious soil on the opposite side. He noted that the driveway would be a kind of inverted sway or dish. The downspouts would come forward to the pervious soil.



Mr. Brunk clarified that he wanted the landscape plan for the entire lot with the plant material.

***DESIGN REVIEW CRITERIA #11: Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?***

Mr. Brunk thought it would be beneficial to preserve the hedge along the west side. He wanted to see some understanding that it be kept as a live plant screen. If it dies, then it would need to be replaced.

Chair Tyler asked Mr. Brunk if he felt that a privacy fence could co-exist with the hedge? Mr. Brunk believed so. Of course, the privacy fence and the sidewalk would have to play with each other as far as space goes. Chair Tyler noted that Mr. Ross had a lot of comments about the placement of the entry and the amount of traffic in his email. It seemed to her that a privacy fence at least where the entry was might be a way to provide a barrier. Mr. Johnson did not believe that a privacy fence would be appropriate, but if it was determined that it was needed, then it could be done. Mr. Brunk stated that it was a matter of trying to provide privacy or personal space for the residents at 609 West Green Street.

***DESIGN REVIEW CRITERIA #12: Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?***

Mr. Gray inquired what type of material that would be used for the driveway? Mr. Johnson answered that the front driveway would be concrete. Past that they had looked at a couple of options of maintaining the rest of the driveway and parking spaces with black top. However, they were talking about working with Mr. Weiner about redoing the whole area. Mr. Gray responded that he would be okay with asphalt or concrete just as long as it was not gravel or dirt. He did not know the grades on the site, but if the grades were not correct for the existing driveway, then they may have to be removed just to shape the driveway to get it to drain properly to the catch basins. He mentioned that the developer did not need to provide a conduit under the driveway.

***DESIGN REVIEW CRITERIA #13: Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?***

Mr. Johnson pointed out on the drawing where the garbage dumpster would be located. Mr. Gray added that in sizing the area for trash, the developer also include size for recycling totes as well.

Mr. Kowalski moved that the Development Review Board deny the request based on the finding that the submitted plan failed to meet Design Review Criterion #5, because there would be insufficient number of parking spaces provided to satisfy the proposed floor plan and what could be reasonably considered to be bedrooms. If the rooms shown as studies and mezzanines could not be considered bedrooms by the definition of the Building Code or if additional parking

spaces were determined to be found off-site, then the plan could be reconsidered. Mr. Skinner seconded the motion.

Mr. Kowalski stated that Section 12-C.7 stated as follows:

*If the proposed site plan is not approved, the applicant shall be given a reasonable opportunity to resubmit the site plan with modifications to specifically address the findings of the Board.*

He understood this to mean that if the plan was denied and if the findings for why it was denied were rectified, then the Board could reconsider the plan and make another motion on it. Chair Tyler noted that would start the process over again. Mr. Kowalski stated that the process was unclear. Chair Tyler suggested that an alternative to denial would be to approve this case with conditions, one of which would be that the site plan be modified so that no more than two bedrooms per unit meet the Building Code definition of a bedroom.

Mr. Skinner would agree to either approach. He noted that he was frustrated that the zoning requires certain parking for the bedrooms that the petitioner had designated as bedrooms. According to the zoning, the petitioner had met the requirements for parking. However, the mezzanines and the studies would be used as bedrooms as they exist now in the plans, and therefore, the Zoning Ordinance would require more parking.

Mr. Gray stated that in lieu of going through the entire process again, he would support the condition of approval. He did not believe that the reason for denial warranted going through the hearing process again. He agreed with Mr. Kowalski and Mr. Skinner about the shortage of parking with the way that the plans are submitted. He would prefer to condition the approval.

Mr. Kowalski noted that his only concern was that the conditions seemed to be getting lengthy and detailed. He thought it might be a good idea to see a revised plan again rather than having a long list of conditions that Mr. Skinner would have to weed through when building plans were submitted. Whether that would be in the form of a continuance or in the form of how the rules spell this out by not approving the plan and giving them time to resubmit based upon the findings of the non-approval. Personally, he felt it would be a good idea for the plans to be revised and have the Development Review Board look at them for final approval.

Chair Tyler inquired about how this was handled in the past? Mr. Gray remarked that there have always been conditions of approval, even for drainage and such. This was probably the most significant matter that he could recall in the last three or four such hearings.

Mr. Johnson stated that a big part of this was the assumption of not trusting the owner. The owner was planning for his retirement. They went through the demographics to find out what they could do to upgrade this project. They have done what was asked of them for meeting the criteria of the Building Code. Mr. Kowalski responded by saying that how the owner wanted to market the apartments and whomever lives there was fine with him. He was trying to make the correlation in the Zoning Ordinance for the requirements for parking and what could be used as a bedroom whether it was used that way or not. Mr. Johnson remarked that Mr. Kowalski was

assuming that it would always be college students and that there would never be a family who would live in the proposed apartment building. Mr. Kowalski replied that anyone who lived there could use the mezzanines or studies as bedrooms. Mr. Skinner stated that according to the Building Code, with the way the mezzanines and studies were shown on the site plan, they could be used as bedrooms. Since those rooms could be used as bedrooms, then the plans do not comply with the parking requirements. The additional parking does not comply with the project because of the impact that needed parking would have on the neighbors and the neighborhood.

Mr. Kowalski proposed amending his motion to continue the case rather than deny it, so that the applicant resubmit a site plan that demonstrates the additional parking spaces or revises the floor plan to show that only six parking spaces would be required. Mr. Skinner agreed with the amendment. Chair Tyler explained that the motion maker was requesting a continuance, so that the developer would not have to appeal before the Zoning Board of Appeals. The Development Review Board's concern was that they have another opportunity to review the site plan given the concerns expressed in this public hearing. So, the Board set a timeline to hold another meeting within fifteen days after a resubmittal of the site plan.

Chair Tyler recapitulated the issues that the Development Review Board had with the proposed plan. They were as follows: 1) easement tied down, 2) maintaining the access for the adjoining property, 3) a couple of options to approach the parking requirement issue, which were discussed earlier, 4) submittal of landscape plan including a list of the plant materials that would be used, 5) distance and construction equipment restriction to protect the historic tree on the Ross property, and 6) mutual buffering decision on the landscape/screening plan for the west side of the property to work together with adjacent neighbor and provide landscaping and screening, which may include a privacy fence to minimize the possible impacts associated with the entry way on the west side of the building.

The roll call was as follows:

Mr. Kowalski	-	Yes	Mr. Skinner	-	Yes
Mr. Gray	-	Yes	Mr. Brunk	-	Yes
Ms. Tyler	-	Yes			

The motion was approved by unanimous vote.

## 6. ADJOURNMENT OF MEETING

The meeting was adjourned at 4:30 p.m.

**Respectfully submitted,**

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**June 16, 2003**

Elizabeth Tyler, Secretary