

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: September 8, 2011

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock,
Bernadine Stake

MEMBERS EXCUSED: Lew Hopkins, Mary Tompkins, Marilyn Upah-Bant

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

OTHERS PRESENT: Mohammad Al-Heeti, Roaa Al-Heeti, Dr. Mir Ali, Tom Berns,
Todd Cyrulik, Waleed Jassim, John Marlin, Faruq Nelson, Michael
Selvaggio, Susan Taylor

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

Chair Pollock called the meeting to order at 7:35 p.m. The roll was called and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

July 21, 2011 minutes. Ms. Stake moved to approve the minutes as presented. Mr. Otto seconded the motion. The minutes were then approved by unanimous voice vote by the Plan Commission.

August 4, 2011 minutes. Mr. Fitch moved to approve the minutes as presented. Ms. Stake seconded the motion. The minutes were then approved by unanimous voice vote by the Plan Commission.

4. COMMUNICATIONS

- Chair Pollock announced that a new Plan Commission member, Mary Tompkins, was appointed by the City Council on September 6, 2011. The City's Legal staff advised her not to attend this meeting and vote on Plan Case No. 2148-CW-11 due to her not having served on the board when the case was initially heard.
- Email from Robert Myers announcing the Citizen Planners' Workshop in Champaign, Illinois.
- Regarding Plan Case No. 2148-CW-11, Central Illinois Mosque Annex:
 - Updated Written Staff Report dated September 8, 2011
 - Email from Jonathon Pines with photos
 - Letter from John Marlin with photos

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2145-SU-11 – A request by US Cellular on behalf of the Urbana School District for a Special Use Permit to construct a 150-foot monopole telecommunications tower with antennas, and a telecommunications equipment enclosure at 1201 South Vine Street in the City's CRE, Conservation-Recreation-Education Zoning District.

At the request of the applicant, US Cellular, this case was continued to a future meeting.

Plan Case No. 2148-CW-11 – A request by the Central Illinois Mosque and Islamic Center for a Creekway Permit to construct a dormitory/gymnasium with a building height increase of up to 12 feet, parking encroachment, a front yard building setback of 15 feet or greater, and allowances for Transfer of Development Rights/ Zoning lot provisions, at 711 Western Avenue in the R-5, Medium High Density Multiple-Family Residential Zoning District and the Boneyard Creek District.

Robert Myers, Planning Manager, gave a brief update, referencing a revised site plan submitted September 8, 2011 in response to concerns expressed at previous Plan Commission discussions of this case. Mr. Myers provided information addressing questions raised by the Commission. He reviewed the options of the Plan Commission and talked about the purpose of the Boneyard Creek District. The main revision is that parking along Western Avenue, which has generated the most public comments, has been moved across Busey Avenue to the Mosque's main parking lot. Consequently the newly revised site and building plans are permitted by the Zoning Ordinance with the exception of the one handicapped parking space being located in a required front yard. The Plan Commission would need to approve that.

Mr. Otto asked if the easement shown on the revised Site Plan on the Central Illinois Mosque and Islamic Center (CIMIC) property to the west of Busey Avenue is a change from the previous plan. Mr. Myers stated that it was revised to reflect the Boneyard Creek Commission's conditions to provide an easement along both properties. It makes sense for them to provide an easement on both properties as for zoning purposes it is considered one campus.

Ms. Stake asked how far the proposed annex would be constructed from the creek. Mr. Myers replied that the distance from the top of the wall of the creek to the proposed building would be 16 feet. Within that distance, the City would look to build an eight-foot wide multi-use path. Ms. Stake recalled from written staff report that there would be 25 feet. Chair Pollock pointed out that there would be 25 feet to the centerline of the creek. Mr. Myers added that the City already has an easement within the Boneyard Creek for maintenance, and the proposed creekway permit would provide an additional easement for public access.

Ms. Stake wondered if the easements would be dedicated to the City forever. Mr. Myers said yes. Ms. Stake commented that 15 feet does not seem to be wide enough. Mr. Myers responded that it would be wide enough for an 8-foot multi-use path and for drainage and maintenance purposes just outside the path.

Mr. Fell inquired as to whether the City would require CIMIC to legally dedicate parking spaces in their lot west of Busey Avenue for the annex built east of Busey Avenue. Mr. Myers answered that the Plan Commission could make that a condition for approval.

Chair Pollock questioned how the City would verify who was parking in the dedicated spaces and which building the drivers would be going into. Mr. Myers replied that this would be up to the property owner to enforce. Chair Pollock stated that theoretically if a visitor or member using the main Mosque Center parked in one of the dedicated parking spaces for the annex, then CIMIC could have their visitor's or member's vehicle towed if that member does not live in the proposed annex.

Ms. Stake commented that she would like to have the words "general" and "generally" removed from the staff recommended conditions. Mr. Myers explained that if they remove "general" and "generally" from the conditions, any minute changes made between the approved Site Plan and construction plans submitted, the applicant would need to have the Plan Commission review those changes. City staff uses these terms to allow the applicant a little wiggle room for minor changes. In fact it is considered to be standard language. And even if this language is used, any major changes would still require further review by the Plan Commission.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public comments and/or questions.

Todd Cyruk, BLDD Architects, approached the Plan Commission. He noted that BLDD Architects has been working with the applicant on the proposed project for about two-and-a-half years and with City staff for about 2 years. He thanked both CIMIC and City staff for being patient. He is confident that they have fulfilled the goals and the letter of the zoning law as well as conforming to the requirements of the Boneyard Creek Commission. He hopes the Plan Commission approves the proposed creekway permit so they can begin the project.

Chair Pollock pointed out that the major issue most people are having with the proposed development is parking. It is pretty clear that the parking proposal the applicant has submitted, including the recent shift of the parking spaces to the CIMIC parking lot, meets the requirements of the Zoning Ordinance. It is also clear that as the Islamic Center grows and the annex succeeds that the existing parking problem will get worse. He wondered if there are any other plans or commitments that the applicant can make to deal with these inevitable problems. Mr. Cyruk

responded by saying that CIMIC is not adding members with the proposed development. The people that will live in the proposed annex building are students that are already members of the Mosque, but live elsewhere and probably now travel by car to the Mosque on Fridays.

Regarding the growth of the Mosque, he mentioned that as a planner and an architect, the only way they can truly gauge what is an appropriate amount of parking is through the City's Zoning Ordinance, which they have followed to the letter. If they add greatly to the prayer hall or the Mosque itself, then they would replace or add to the parking. CIMIC still meets the number of parking spaces required at the time of the original construction of the Mosque. As far as exceeding those in view of future successes, this is something that the constraints of building in the City of Urbana in this area makes it difficult for religious groups of any kind to work within the R-5 Zoning District. Properties are very valuable, and no one wants residential neighborhoods full of parking lots.

Mir Ali, representative of CIMIC, mentioned that during Friday prayers the congregation attends the Mosque from 1:00 p.m. to 2:00 p.m. They not only have their own designated parking lot, but they also have an arrangement with two churches so their members can park in the church parking lots. In return, church members are allowed to park in CIMIC's parking lot on Sundays. In addition, CIMIC has an arrangement with the University of Illinois to allow CIMIC's members to purchase permits to park in a parking lot to the west of Lincoln Avenue. Normally, there are not any problems with parking on Fridays.

They do have two major gatherings outside of Friday prayers in which visitors from other places, who do not have their own mosques, travel to CIMIC to join in prayer with CIMIC's congregation. CIMIC reminds its members on the Fridays before these two gatherings to park in legal spaces outside of CIMIC's parking lot in order to reserve parking in the lot for the visitors. If the members of their congregation park illegally, then it is the members' responsibility to pay any fines, towing charges, etc. In terms of growth of the Muslim student population, Mr. Ali stated that the population is growing. CIMIC will not be able to accommodate all future growth. So at some point they will need to decide if they will construct another mosque elsewhere. It all depends on the future need.

Ms. Stake asked if the applicant has applied for the floodplain permit yet. Mr. Cyrulik replied that the floodplain permit requires a full set of engineered drawings which is a very expensive portion of any development. It is not a phase of development that one would typically enter into without first getting zoning approval. It will be the next stage after getting approval of the creekway permit. He pointed out that the City does not grant a building permit without said Illinois Department of Natural Resources permit.

John Marlin, 2203 Boudreau Circle, read a printed statement distributed to Plan Commissioners prior to the start of the meeting. He showed photos of parking problems during an event that was held at CIMIC on August 30, 2011. Many vehicles are illegally parked on the proposed site where the annex would be built, so where will the overflow vehicles park when the annex is built? Other concerns include the locations of the garbage and recycling dumpsters and shadows from the proposed annex over his properties. He expressed his concern about his tenants getting less sunlight due to the height of the proposed building. He talked about how the proposed development would set a precedent for future development in the area. He also spoke about fairness to other developers. He remarked that the Boneyard Creek Commission did not notify

the surrounding property owners. This massive project sailed right through the Commission's meeting without neighbors' input.

Ms. Stake asked if Mr. Marlin knew how big the existing Mosque building is and how big would the proposed annex be? Mr. Marlin referred to the drawings and said that the existing CIMIC building is 12,700 square feet, and the proposed annex would be around 23,000 square feet.

Stan Summers, resident of Urbana, explained that he was the previous owner of 711 West Western and that he sold the property to the Mosque. He commented that with all due respect to Mr. Marlin, his duplex at 712 Western Avenue is one of the most non-conforming properties in the City of Urbana. If you just look at the size of the proposed building, it appears large. However, if you look at most of the buildings on campus, many of them are large. Mr. Summers stated that Charles Lozar, owner of the apartment building located at 712-714 West Elm Street, is upset because he wanted to buy 711 Western from him, but CIMIC offered more money so he sold it to them instead. Regarding parking, if signs were posted that violators would be towed if they park in certain areas or spaces, then most people would not park in those spots. He believes the proposed annex would be good for many of the students that are part of the Muslim population.

Mohammad Al-Heeti, CIMIC member, stated that he is the head of the committee for the proposed annex project. He thanked the Plan Commission for attending this meeting and the City of Urbana staff for working with CIMIC on the project. They are not trying to cause trouble to anyone and want to be part of the neighborhood. The issue of parking is a concern all over, even at the University of Illinois. This is why the Mosque posts signs and violators pay steep fines. CIMIC fulfilled the requirements of the Zoning Ordinance and have provided adequate parking in their lot for both the Mosque and for the proposed annex.

The Mosque has brought economic development to the area. The Mosque property at 106 South Lincoln Avenue was like a jungle before purchase. Once they built the Mosque, more students started coming to the University of Illinois and were looking for a place to stay. A desirable place for Muslim students to stay is close to the Mosque. He estimates that 70% of the residents surrounding the Mosque are Muslim students. Therefore, nearby rental property owners should be thankful to the Islamic Center for bringing the Muslim students to the area.

Ms. Stake asked if they felt that it would be fair to surrounding properties to not have access to light and air due the height and size of the proposed annex. Mr. Cyrulik replied that the quality of environment being imposed is very important. However, even a new structure in compliance and without the bonus provisions would cast shadows on the nearby properties. Unfortunately, unless a single-family house was developed on the proposed lot, any other development will encroach on the daylight.

Ms. Stake questioned whether they could just construct a shorter building. Mr. Cyrulik explained that a reduction in the height would not improve the shadows casting. He further explained that they are no longer requesting any bonuses except for the one handicap parking space. The height of the building is allowed by the Zoning Ordinance in exchange for the additional public access to improve the Boneyard Creekway.

Mr. Otto wondered if the architects had scaled out the shadow that would be cast by the proposed building when the sun is at its southernmost point on December 21st. If it does cast a shadow, then for how many days or months out of the year? Mr. Ali commented that light and shadow is always an issue. Fortunately, the sun does not stay in one place. Throughout the seasons and the time of day, the sun keeps moving. So, there will never be a steady shadow in one place all the time. There are many other buildings in other neighborhoods that cast shadows on neighboring properties.

Shadows only become a problem with very tall buildings. The proposed annex will not be of exceptional height. The apartment buildings owned by Mr. Lozar at 712-714 West Elm Street will only be 4 inches shorter than the proposed annex. Architects do not normally do a shadow study for a building of the proposed size.

Mr. Cyrulik verified that BLDD Architects has not performed a formal shadow study for the proposed site. He noted that they have design software which allows them to project shadows and adjust the time of day and time of year. Using this software, they found that a shadow would be cast on buildings to the north for a short time in the afternoons during the winter. Most of the shadow would be cast on the vacant lots and the street. The proposed annex will be small when compared to Oak trees and other things of similar scale.

Ms. Stake felt that they should perform a shadow study.

Chair Pollock asked whether there would be room behind the proposed annex on the east side to locate the garbage and recycling dumpsters. Mr. Cyrulik responded that their goal is to place dumpsters, etc. in the unbuildable portion of the lot.

Roaa Al-Heeti, a member of the project committee, addressed the Commission. As a 28-year old Urbana native, she recalls there being no mosque growing up. Muslims held prayer sessions in churches and in homes. Urbana has come a long way since then. CIMIC is a mosque that many other mosques throughout the country are modeled after. The national Muslim Student Association was actually started in Urbana and is now a huge force in the country. Urbana has become a leader amongst Muslims in America. The proposed annex is the next step. She has never seen a building like the one they are proposing to build in Urbana. It is a brand new concept and another opportunity for Urbana to take the lead in what she believes will have a wonderful future impact on Muslims all over America.

With no further comments or questions, Chair Pollock closed the public input portion of the hearing and then opened it up for further questions for City staff.

Mr. Fitch asked for clarification regarding the parking requirements. Is the parking requirement determined based only on the Mosque and the dormitory of the proposed annex or does it include the gymnasium? Mr. Myers said that the gymnasium was taken into consideration but did not add to the total parking count. The Zoning Administrator normally calculates parking for places of worship with the assumption that it would be rare to have two assemblies occurring at the same time on the same campus. For instance prayer services would rarely if ever be held at the same time that a basketball game would be held in the annex. This assumption has often been used to calculate parking for church expansions in Urbana. If the City required parking to accommodate two assemblies at the same time, then it would be like mall parking lots being built

for the day after Thanksgiving. Whenever institutions in existing neighborhoods need to expand, it is difficult to balance the need to grow with the building requirements. Sometimes the institutions give up and move to the fringe of the city or to the country just outside City limits. We often discuss the need for infill development, but practicing infill development is often difficult. Parking is one of the reasons.

Mr. Fitch stated that it seems to him that the assembly area of the proposed annex is bigger than the Mosque area. Based on the size of the assembly area, he calculated 75 parking spaces plus the 11 spaces for the residential component. Mr. Myers replied that the City staff determined that the minimum parking required for the gymnasium would be less than the minimum parking required for the assembly area in the main Mosque. City staff figured a minimum of 53 parking spaces for the Mosque property on the west side of Busey Avenue and a minimum of 11 parking spaces are required for the proposed annex, one of which must be handicap parking. Combined that would be a total of 64 parking spaces. Staff researched the original building plans and permits for the Mosque and verified the capacity of the prayer area. Under the Zoning Ordinance, with respect to assembly areas that do not have pews or seats, they would take 25% of the capacity and use the total for the basis of determining the required number of parking spaces.

Mr. Fitch believes the City's calculations are appropriate for the Mosque, but he wondered if the assembly area and gymnasium of the proposed annex could lead to a bigger congregation than the Mosque even if they are not used simultaneously. Mr. Myers responded that 64 minimum parking spaces would be required but property owners can provide more than that.

Mr. Fell wondered if there is a minimum distance from the intersection in which the handicap parking space can be located. It is shown on the revised Site Plan as being located directly opposite from the entrance into the Mosque parking lot. He believed this to be a safety issue and asked if the handicap parking space could be moved to the north? Mr. Myers said that he would consult with the City Engineer about this.

There were no further questions from the Plan Commission for City staff, so Chair Pollock opened the hearing for Plan Commission discussion and/or motion(s). He pointed out that this case is different than their usual cases in that they can either approve or deny the proposed creekway permit or they could forward the case to the City Council with a recommendation.

Ms. Stake moved that the Plan Commission remove the words "general" and "generally" from the list of conditions suggested in the City staff's recommendation. Since this is a serious, big project, she feels that the developers should build what they have submitted a Site Plan for. Chair Pollock stated that this would be considered an amendment to a motion. In order to amend a motion, they need a general motion first to either approve, to deny, or to forward the Plan Case to the City Council.

Mr. Fell mentioned that he has an issue with not specifically and legally dedicating the parking spaces for the annex building in the Mosque parking lot. One of three things will happen to the entire Mosque campus: it will stay the same (in which case it would be fine), it will lose membership or it will gain membership. If either of the latter two things happens one of CIMIC's options is to move. If CIMIC moves, then they would have the ability to sell the annex to someone else, which means that the annex would no longer have the required number of

parking spaces. So, he feels that they need to legally dedicate parking spaces to the proposed annex building. Mr. Myers stated that the Plan Commission could make this a condition for approval but that the applicants should be consulted to insure that this is feasible.

Mr. Fitch stated that his one unanswered concern is with the parking. He feels the overall proposed project is a fabulous opportunity for Urbana. However, he feels that there is a good chance that traffic and parking in this area will increase and not all of it will be accounted for with the minimum required 65 parking spaces. Mr. Fell pointed out that it is not up to the Plan Commission to determine the minimum parking required by the Zoning Ordinance.

Chair Pollock asked what the limits are that the Plan Commission can place upon approval. Mr. Myers stated that they could place conditions which are directly related to better meeting the Zoning Ordinance criteria. Conditions can't be arbitrary.

Mr. Fitch stated that he is worried that the larger use is not driving the calculations. Chair Pollock commented that the Zoning Administrator interpreted that the larger use would be the Mosque, which with the smaller use would require 65 parking spaces. However, there are different interpretations that could be placed upon the impact of the proposed annex.

Mr. Otto pointed out that it is a given that at times of peak activity -- mainly on Fridays from 1:00 p.m. to 2:00 p.m. and on two major holidays -- there will not be adequate parking, but this is also true for every other place of worship in the central core of the City. So the Plan Commission has to decide if they want these institutions to be in the center part of town or do they want the churches to relocate to the edges of town and sprawl. He mentioned that his church, which is the First Mennonite Church at the corner of Lincoln Avenue and Springfield Avenue, has a reciprocal parking agreement with the Mosque. CIMIC's members use the Mennonite Church parking lot for the Mosque's special events, which do not overlap with Sunday mornings when his church's special events are held. And in return Mennonite members can park at the Mosque's parking lot on Sundays. He walks by CIMIC several times a week, and the only time there is a significant number of vehicles in the Mosque's parking lot are on Fridays. He cannot see a basketball game being played from 1:00 p.m. to 2:00 p.m. on Fridays and on holy days. As CIMIC representatives have stated and encouraged, it would be up to the adjoining property owners to have vehicles towed when there are parking issues. The applicant is not asking for variance requests except for the location of the one handicap parking space. Everything else is a bonus provision of the Boneyard Creek District and meets zoning requirements.

Mr. Fitch responded that he is not thinking of this as solely basketball being played, but of the multi-purpose room being used for dinners or other assemblies during peak times independent of the Mosque. On the opposite side, he understands the need to accommodate growing facilities and he does not like paved parking lots that seldom fill up.

Ms. Stake discussed why she would like to remove "general" and "generally" from the conditions suggested by City staff. She believes that if they keep these words in the language for the conditions, then the applicant will be able to do whatever they want and not provide the easements or landscaping.

Mr. Fell disagrees because at this stage of the design and planning, it is impossible to be exact. If they made Ms. Stake's changes to the language, then the applicant could have to come back and get approval for any minute change. For instance, approved plans including a four-foot wide sidewalk would have to be reviewed by the Plan Commission if they instead decided to build a five-foot sidewalk. Or if they want to plant a tree and locate it one place on the Site Plan, and then they discover there is a water line in that location and they need to move the planting, then they would have to come back to the Plan Commission for approval. There are City staff who are responsible to make sure that developers conform generally to the approved submitted plans. If the developers make major changes, then it is the City staff's responsibility to take action and to mitigate the issues. Mr. Pollock agreed with Mr. Fell. He feels that there needs to be some flexibility. If the City removes the flexibility, then he believes that there would be no economic development in Urbana.

Ms. Stake wondered if that is really true that there would be no development in the City. Is it really that hard to follow a Site Plan?

Mr. Fell answered no. It is not that hard to follow a Site Plan. However, the responsibility of the designer of a project is enormous. At this stage of the project, the designer does not have everything done because the client cannot afford to pay them to complete construction documents for a project that may not happen. So, there are a multitude of issues that the designers have not worked out yet. If the Plan Commission makes her suggested changes, then any minute change would require additional approval by the Plan Commission.

Mr. Fitch moved that the Plan Commission approve Plan Case No. 2148-CW-11 with the conditions as recommended by City staff including the revised Site Plan all provided in the written staff report dated September 8, 2011 and including an additional condition as suggested by Mr. Fell that CIMIC legally dedicate parking spaces for the annex in the Mosque parking lot. Mr. Otto seconded the motion.

Ms. Stake feels that the proposed project is too large for the site.

Chair Pollock said that, if approved, the Plan Commission would be making a requirement for CIMIC to dedicate parking spaces for the annex in the Mosque parking lot. This was not in the City staff's recommendation and might not have been discussed on the part of CIMIC or by City staff. He asked Mr. Myers what he recommended.

Mr. Myers replied that the Plan Commission could ask the applicant as a courtesy if this condition would be acceptable to them. City staff has already discussed this option and feels that since all of the parking spaces would be relocated across Busey Avenue, it makes sense to have an agreement put in place just in case the annex property would ever be sold separately.

Chair Pollock commented that enforcement of who parks in those dedicated parking spaces would be done by CIMIC. Should CIMIC sell the Mosque, then enforcement would be the responsibility of the new property owner.

Mr. Otto said that he supports this condition because this type of situation has happened in the area before. Two property owners had an agreement to provide off-site parking, but for whatever reason, the agreement only lasted for two months, then the other property owner was

out of compliance with the minimum parking required to convert a three-plex to a four-plex apartment. He believes it would be a good policy for the City to require a legally binding document whenever parking is to be provided off-site.

Chair Pollock asked the petitioner for any comments as to whether this condition would be agreeable to them. Mr. Cyrulik re-approached the Plan Commission and stated that he discussed it with the applicant. While they feel that they would be entering into an agreement with themselves, they would be perfectly happy fulfilling this condition and making the dedication go into effect based on being a condition of sale.

Faruq Nelson, representative of CIMIC, approached the Plan Commission. As an attorney he would ask not to have a specific legal instrument placed in the conditions just in case it would be the wrong type of document. He would want to research the proper way to achieve this given that both properties are owned by one party. He also mentioned that if they removed the word “general” and “generally” from the conditions, then with regards to Condition #4, there is a difference between a general maintenance easement and a maintenance easement. Chair Pollock replied that if the motion is approved as it currently states, then he assumes that the City’s Legal staff and CIMIC would be able to work through this issue.

Roll call was taken on the motion and was as follows:

Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	No
Mr. Fell	-	Yes			

The motion was approved by a vote of 4 to 1. The Plan Commission authorized a Boneyard Creekway Permit to be issued with conditions.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Case Nos. CCZBA-683-AT-11 and CCZBA-684-AT-11: Requests by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning Rural Residential Overlay Districts.

Mr. Otto asked if these cases could be forwarded to the next regular meeting unless they are time sensitive. Robert Myers, Planning Manager, stated that there was no urgency. The Plan Commission agreed to the request and the cases were continued.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission