

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 20, 2011

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Carey Hawkins Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins

MEMBERS EXCUSED: Marilyn Upah-Bant

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Tom Berns, Tyler Harries

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

Chair Pollock called the meeting to order at 7:31 p.m. The roll was called and a quorum was declared present.

2. CHANGES TO THE AGENDA

- ✓ Plan Case No. 2145-SU-11 has been withdrawn by the petitioner, US Cellular.
- ✓ Plan Case No. 2157-M-11 has been tabled to the next scheduled meeting of the Plan Commission at the request of the petitioner, Housing Authority of Champaign County.

3. APPROVAL OF MINUTES

There were none.

4. COMMUNICATIONS

- ✓ Letter from Wesley W. Curtis, Associate University Counsel regarding Plan Case Nos. 2153-M-11 and 2153-SU-11.
- ✓ CCD – Campus Commercial Zoning District Description Sheet
- ✓ R-5 – Medium High Density Multiple Family Residential Zoning Description Sheet

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At the request of the applicant, US Cellular, this case was withdrawn.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2153-M-11: A request by Illinois Properties, LLC to rezone properties at 1108 West Nevada Street, 1105 and 1107 West Oregon Street from the R-5, Medium-High Density Multiple Family Residential Zoning District, to CCD, Campus Commercial Zoning District.

Plan Case No. 2153-SU-11: A request by Illinois Properties, LLC for a Special Use Permit to allow a mixed-use development at 1108 West Nevada Street, 1105 and 1107 West Oregon Street in the CCD, Campus Commercial Zoning District.

Plan Commission member Andrew Fell recused himself from the Plan Commission during these two public hearings. He explained that he is the architect for the proposed development and will be speaking on behalf of the petitioner requesting the proposed rezoning and special use permit.

Jeff Engstrom, Planner II, presented these two cases together to the Urbana Plan Commission. He began by giving a brief description of the proposed development noting the location, current zoning and land use and the future land use designation of the proposed site and of the surrounding properties. He talked about how the goals and objectives of the 2005 Comprehensive Plan pertain to the proposed rezoning and special use permit requests.

He mentioned the letter received from Wesley Curtis, Associate University Counsel. He discussed the proposed development including the site design and development regulations including setback requirements, Open Space Ratio (OSR) requirements, Floor Area Ratio (FAR) requirements and parking requirements for the CCD Zoning District. He reviewed the LaSalle criteria as they pertained to the proposed rezoning. He reviewed the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance. He reviewed the options for the Plan Commission and presented staff's recommendation for each case.

Elizabeth Tyler, Director of Community Development Services, talked about the third condition for staff's recommendation for the special use permit request. She mentioned that at their meeting, the Zoning Board of Appeals discussed having City staff look at the parking requirements for the CCD Zoning District and to possibly draft an amendment to the Zoning

Ordinance reducing the amount of parking spaces required for such district pending the results of their research on it. Therefore, she recommended the Plan Commission alter the language of the third condition to reflect possible approval of such a text amendment. Chair Pollock asked if City staff was requesting that the Plan Commission build in a caveat that if the regulations change, then the third condition is null. Ms. Tyler said yes.

Chair Pollock wondered if the text amendment is in the works or is City staff just thinking about altering the Zoning Ordinance. Ms. Tyler answered that they want to get some direction from the Plan Commission. City staff could still post a legal notice for the next Plan Commission meeting if that is the direction they get at this meeting.

Mr. Fitch inquired as to what the special use would be approving. Is it for the residential use or is it for any one of the other permitted uses? Mr. Engstrom stated that the zoning description sheet for the CCD lists all of the uses that would be allowed with approval of a special use permit. The first condition City staff recommends would require the developer to check with City staff to ensure that a use would be appropriate for the CCD Zoning District.

Mr. Ash noted that the letter from the Associate Counsel for the University of Illinois suggested that the proposed development may cause some conflicts for the campus in the future. Has the University given any details as to what they plan for the proposed site? Mr. Engstrom explained that the University has a Master Plan showing that they planned for an academic building to be constructed. Mr. Ash replied that the letter is vague and he wondered how firm the University's plans are. Ms. Tyler responded that we need to look at the City's Comprehensive Plan and the zoning criteria because the University of Illinois does not own the proposed site. She pointed out that the University's Master Plan is like a facilities plan. It does not have many of the things shown in the City's Comprehensive Plan. She mentioned that about half of the block is privately owned and many blocks in east campus are privately owned. A master plan is about facilities and expansion, and the City's Comprehensive Plan is about the community and the city. Zoning is really about property owners' rights. Mr. Engstrom showed on the overhead screen the University's Master Plan for the proposed area.

Mr. Otto expressed interest in the letter from the University of Illinois. He has questions about the development of Gregory Place I and II. Did the developer ask for a rezoning of the lots and consult with the City or did they develop Gregory Place I and II on their own? Ms. Tyler replied that the development of Gregory Place I and II were done with the assistance and cooperation of the University of Illinois. Their staff at the time helped to draft the CCD Zoning District to accommodate the east campus commercial buildings. These were planned to make up for the loss of commercial buildings in the east campus area in the prior several years to academic uses. She explained that the land is owned by the University of Illinois, and JSM Development has a long-term land lease. So, it was a three-party agreement...the City agreeing with JSM Development through the special use permit for the development, and they in turn have an agreement with the University of Illinois for the development.

Ms. Tyler mentioned that she recently spoke with a planner from the University of Illinois. While the Master Plan shows a part of the site as being a 17,000 square foot building, it is being studied as a possible music building expansion.

Mr. Otto wondered if JSM Development pays real estate tax on the portion of the developments that is used for commercial and residential. Ms. Tyler stated that JSM Development pays taxes on the improvements, but the underlying land remains tax exempt.

Ms. Stake commented that it seems to her that developers are always trying to get out of providing enough parking spaces for the cars. She is concerned about the variance for a reduction in the required number of parking spaces. Ms. Tyler pointed out that this part of campus is not suited for high car ownership because everything is so walkable and there is great transit ridership. So, why in retrospect ten years later is the City imposing a 50% higher parking requirement in this small zone? City staff feels that there is a disconnect between the requirement, the reality, and our goals to promote a more walkable, less auto-oriented central part of the City.

Ms. Stake questioned what data we have proving that there are fewer cars being driven by students. It always seems that there is no place to park on campus. Mr. Engstrom noted that there was an article in the News-Gazette that showed data that occupancy rates in the City of Champaign's municipal parking lots in the campus area were down from 90% to 70% or 80% in the last couple of years. So, there have been studies done that show fewer students have been bringing cars to campus. Mr. Pollock commented that if there is less parking in the area, then there will be fewer cars in the area.

Ms. Stake asked how wide the sidewalks would be. Mr. Engstrom believed that there would be ten feet to twelve feet between the building and the actual right-of-way sidewalk, so there could possibly be enough space for sidewalk café use.

Mr. Otto referred to the requirements for a special use permit according to Section VII-6 of the Urbana Zoning Ordinance and listed on Page 7 of the written staff report. Number 3 talks about preserving the essential character of the district. He expressed concern about the appearance of the proposed development along Nevada Street. The entire street is still attractive in terms of the existing residential buildings and the sororities and fraternities have nice period facades. There are not any apartment buildings on stilts with cars parked underneath them. So, would it be appropriate for the Plan Commission to include a condition specifying that some kind of screening be used so the residents on the first floor to the right and left would not be looking out onto a parking lot, especially since there will be a minimal setback between the properties. Mr. Engstrom responded that the Plan Commission does have the ability to add conditions about screening. It would be appropriate for them to talk to the architect about how to achieve screening.

Chair Pollock referred to the Southern Perspective illustration (Part of Exhibit D) which depicts the access into the parking area of the proposed development. There is not much of a setback along Nevada Street, so would there even be room to place screening in front of the proposed building. Mr. Engstrom said it would be difficult with all of the access to the parking that is needed there.

There were no further questions for City staff from the Plan Commission. Chair Pollock opened the hearing up for public input.

Tyler Harries, of Andrew Fell Architecture and Design, showed a video of the proposed development in 3D format using the SketchUp modeling program. He showed the view of the proposed development along the north side from the Krannert Center for the Performing Arts, along the west side from the University of Illinois Music Building and a sorority, along the south side along Nevada Street and along the east side from a sorority and Gregory Place. Chair Pollock inquired about the parking. Would the southern section of the proposed building that faces on Nevada Street be on stilts with parking on the ground level and another level of parking below? Mr. Harries explained that there are two drives. One access drive off Nevada Street would go down to a lower level of parking and the other access drive would go to the ground level parking.

Ms. Stake inquired as to whether any of the people living close to the proposed development have been notified. Mr. Engstrom answered by saying that people within 250 feet of the proposed site have been notified of the public hearings for the rezoning, special use permit and the variance request. There were no images of what the proposed development would look like in those notifications. Ms. Tyler explained that City staff does not include pictures in the notifications; however, we do include a description. Ms. Stake commented that it makes a big difference of whether you show a picture or just send a description. Therefore it is not fair to the nearby residents.

Chair Pollock wondered if any adjacent residents had called with concerns or questions. Mr. Engstrom replied that JSM Development responded regarding the proposed variance. However, they do not have any issues with the two cases before the Plan Commission for rezoning and approval of a special use permit. In addition, the University of Illinois sent the letter that was handed out and discussed earlier in the meeting.

Mr. Otto asked if there was a rendering that shows how the southwest face of the proposed development would compare with the current adjacent properties and the rest of the setbacks along Nevada Street. Mr. Harries used the Site Plan provided in the packet of information to show that the southwest face of the proposed development would set back 11 feet from the front property line. He figured the front yard setback for the sorority to the west is about 17 feet. So, there would be an approximate difference of 6 feet.

Chair Pollock questioned whether the white area to the east of the proposed development was a parking lot for the sorority on the east side. Mr. Harries said yes. The sorority does not have any screening on the lot.

Ms. Stake feels that the proposed development will be too big next to residential homes. City staff should have included a picture of the proposed development in with the notifications for the public hearings.

Mr. Ash asked how long the construction would take to build the proposed development and how many people would be working on it. Mr. Fell stated that assuming all the approvals go through

for the variance, rezoning and special use permit requests and the length of time it takes them to create all of the necessary documents, the existing apartment buildings will probably be occupied through the rest of this school year and through the following school year with construction to start probably the following May. The entire amount of time it would take to construct a building of this size would be around 18 months.

Mr. Ash inquired as to how many people would be working on constructing the proposed building. Mr. Fell said a lot. Mr. Ash explained that he is looking at economical development as a whole and wondered how many jobs would this project create.

Mr. Ash questioned if City staff received any responses from the two sororities. Mr. Engstrom replied no. Ms. Stake mentioned that the Plan Commission members used to receive copies of neighbor notifications for previous cases including a list of people who the notification was sent to. Ms. Tyler stated that City staff can start sending those to the Plan Commission members again. However, a notice was posted in the required places, a legal ad was placed in the News-Gazette and a notice was sent to residents and property owners within 250 feet of the proposed site. Mr. Ash agreed with Ms. Stake in that a notice and a picture would be beneficial to the adjacent residents.

Mr. Fell explained that with regards to screening, there is a section in the Zoning Ordinance requiring this type of development to screen the parking from adjacent residential uses. Part of the screening for the proposed development will be done with a low wall around the on-grade parking. There will also be additional vegetation screening used.

Mr. Fell said that in terms of the number of parking spaces, it is a detriment to the CCD Zoning District to require a higher parking regulation. The CCD Zoning District was developed in conjunction with the University of Illinois, which owns almost all of the land in the campus area. It is to the University's advantage to have a much higher requirement for parking because a developer would have to lease parking spaces from them. For example, Gregory Place II, which is on land owned by the University, was required to provide around 180 parking spaces. JSM Development has about 46 parking spaces onsite and the remaining spaces are leased on a surface lot next door, which is also owned by the University. So, unless you partner with the University on a project, your hands are tied. The developer of the proposed project or any other private developer would not like to be forced to enter into an agreement through eternity with the University to rent parking from them.

In addition, with a development of the proposed scale, unless you get the density up high enough, it is not economically viable especially on the constrained site. There is a point where if you raise the parking requirement it takes space away from the building. Eventually, you get to the tipping point where the project is not an economically viable project. The developer for the proposed project has already said that they are almost there right now. If they cannot keep the density they are proposing, then this project may not happen.

Mr. Otto stated that he is very sympathetic to increasing the density in the CCD Zoning District. He believes that the proposed project is a big improvement over the existing structures on the whole. His primary concern is how it appears on the Nevada Street streetscape. It seems like

they could design something that would be attractive. Green screening is not favorable to him because you never know what will be growing in 10 to 15 years. He recommended some architectural features from the design of the windows or panels of the building. Mr. Fell stated that this is a possibility. When you build a parking structure, it is either open or closed. The way they are treated systematically in the building code is a very different set of criteria that you have to follow. There is a great deal more infrastructure involved in creating a closed parking structure. They can infill part of the wall and maintain an open parking structure; however, they are limited. Mr. Otto does not recommend an enclosed parking structure because it could create ventilation issues.

Ms. Stake cares more about how close the proposed development will be to the other buildings than she does about parking. Residential housing units are being pushed out of the way to make room for multiple family housing units.

Chair Pollock questioned whether they could move the project back an additional 10 feet from the street. What would be the effect? Mr. Fell explained that when they start planning a project like this, it starts out like a gigantic algebra problem with 10 variables that have to be solved altogether. The variables are parking, floor area ratio and open space ratio. As soon as they would start moving the building back, they would start losing parking spaces, which would throw them further out of conformance. They have tried to maintain a healthy and economically viable balance. They are already asking for a fair amount of reduction in the required number of parking spaces. As soon as you make the building smaller, then they would have to ask for more.

Mr. Hopkins wondered if there would be an elevator. Mr. Fell said yes.

Mr. Hopkins asked if there was a height requirement on the proposed building. Mr. Fell said no. Mr. Hopkins questioned whether they could solve some of the problems by constructing a taller building. Mr. Fell said no, because once you have an occupiable floor that is higher than 70 feet in the air, then you are considered a high rise and this creates another set of variables that are very expensive.

There was no more input from the audience, so Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood that the Plan Commission would be doing two things. There is the rezoning, and then there is the special use permit in the context of the rezoned property. The rezoning would be a permanent decision, but the special use permit would be reviewed again for any significant modification from the submitted plans. Mr. Engstrom said this was correct.

Mr. Hopkins stated that it is essentially a special use permit request. Chair Pollock added that because in the CCD District, no uses are allowed without approval of a special use permit. Ms. Tyler explained that the idea was to intertwine the special use with the zoning so there could be this kind of detailed review, particularly of the uses. The CCD Zoning District has a different set of setbacks than the R-5, Medium High Density Multiple Family Residential Zoning District to allow a more urban feel. To ask the developer to provide more setback than what is required in a

zoning district would be the same as asking for a different zoning district. She does not recall there being much discussion on the setbacks for the Gregory Place developments. Chair Pollock recalls the major difference between the proposed development and the Gregory Place developments to be that there was no established residential uses adjacent to the Gregory Place developments. Ms. Tyler pointed out that there were small apartment buildings on the east side; however, the sororities are something you would find on this part of Nevada Street.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2153-M-11 to the City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Mr. Fitch questioned if they rezone the properties to the CCD Zoning District and then the University acquires it, would the University have to ask to rezone it again to be able to construct an academic building? Mr. Engstrom stated that it is interesting. The CCD Zoning District permits University or College by right; however, the current zoning does not.

Mr. Hopkins wondered if in that case the University still would be required to get a special use permit to construct anything. Mr. Engstrom said no. The only permitted use by right in the CCD Zoning District is a university or college use.

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

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	No	Ms. Tompkins	-	Yes
Mr. Ash	-	Yes			

The motion passed by a vote of 6 ayes to 1 nay.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2153-SU-11 to the City Council with a recommendation for approval with the conditions recommended by City staff as amended by Ms. Tyler earlier in the meeting. Mr. Ash seconded the motion.

Chair Pollock explained that the amendment simply means that if the requirements for parking in the CCD Zoning District are changed, then the recommendation to find off-site parking would disappear. Mr. Fitch feels that it would be good enough for the third condition to simply read as follows, *“Should the pending variance or equivalent text amendment not be granted, the developer shall provide ~~adequate~~ parking consistent with the Zoning Ordinance to serve the project on-site or off-site within 600 feet of the property.”*

Mr. Hopkins questioned which version of the Zoning Ordinance this would refer to...today’s version or a future amended version. Mr. Fitch then asked if the City changes the Zoning Ordinance, would JSM be able to cut down on their leasing requirements. Mr. Hopkins said yes.

Ms. Stake commented that she wished there was a way to make the proposed development better. She feels that the proposed building is too big and will not fit in with the existing buildings along Nevada Street. Mr. Hopkins responded by saying that since the City allowed

JSM to construct Gregory Place I and II, then it is not clear to him why the proposed development, which is approximately the same size would not be approved. He does feel that the south entrance could be improved on the first floor, but there are no residential properties left that look like residential properties other than the sororities on Nevada Street west of Lincoln Avenue. The University of Illinois owns almost every property west of Lincoln Avenue, except for a few.

Ms. Stake stated that it really is not about how big the proposed development is, but more about how close it is to the adjacent properties. Mr. Otto responded that the City in approving the creation of the CCD Zoning District has said that these are appropriate setbacks for this district and that we would like to see large buildings of this size located in this area. He would really like to see the proposed development because it is much more attractive than the existing three buildings on the site. He did want to ask for a friendly amendment to ask the developer to do something about the entrance to the parking lot.

Chair Pollock asked for clarification on whether the City Council has the ability to require some type of architectural screening that could be approved or reviewed by City staff. The Plan Commission certainly has the ability to recommend it. Mr. Engstrom said yes. There has been a condition approved before in a different case that the developer must provide screening as approved by the Zoning Administrator.

Mr. Hopkins made an amendment to the motion to amend the conditions to include *the design of screening of the parking on the south façade and the facades in the front setback area to be approved by the Zoning Administrator*. Mr. Otto seconded the motion to amend. This amendment was approved by unanimous vote.

Ms. Tyler asked for clarification. Mr. Hopkins stated that he intends for the design of the screening to be different than what is being proposed. The Plan Commission does not know what it should be because that is up to the architect.

Mr. Ash stated for the record some student is going to wake up and look at a brick wall, so he feels that is fostering of a good principal to send a picture along with the notification to the neighbors. There is also a certain aspect to the University of the historical integrity of Nevada Street. He understands the need for modernization and is in favor of the project, but as the City moves forward in looking at the CCD Zoning District and the University of Illinois, there is a historic aspect to both the City of Urbana and the campus side to it. It is worth preserving as much as they can. Chair Pollock agrees with Mr. Ash and feels that to a significant degree the proposed development does preserve the historical integrity of the area.

Ms. Tompkins inquired as to whether the amendment to the motion requires architectural changes to the screening. Chair Pollock replied that the Plan Commission was not being that specific, but the City staff understands what the Plan Commission has discussed. The minutes from this meeting will be read by the City Council and then they will understand as well. The final decision about how specific to get with the language will be up to them.

Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	No
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fitch	-	Yes			

The motion was approved by a vote of 6 ayes to 1 nay. Mr. Engstrom noted that Plan Case Nos. 2153-M-11 and 2153-SU-11 will be forwarded to the Urbana City Council on November 7, 2011.

Plan Case No. 2157-M-11: A request from the Benoit Group, LLC to rezone 5 parcels located at 1408, 1410, 1412 and 1414 West Eads Street and 1206 North Wright Street from R-2, Single Family Residential Zoning District, to R-5, Medium-High Density Multiple Family Residential Zoning District.

Chair Pollock opened this case and recommended that the Plan Commission table it as requested by the petitioner, Housing Authority of Champaign County. With no objection from the other members of the Commission, this case was tabled until the next scheduled meeting, November 10, 2011, by unanimous agreement.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Jeff Engstrom reported on the following:

- ✓ CCZBA Cases were forwarded to the Urbana City Council with a recommendation to defeat a resolution of protest as recommended by the Urbana Plan Commission on October 13, 2011. The City Council upheld the Plan Commission's recommendation on October 17, 2011 to defeat a resolution of protest.
- ✓ Downtown Plan Update Steering Committee meeting will be held on October 31, 2011 at the Urbana Civic Center between 4:00 p.m. and 6:00 p.m. City staff will be presenting a draft of the updated plan.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission