

**MEETING MINUTES**

**URBANA DEVELOPMENT REVIEW BOARD**

**DATE:** May 29, 2008

**APPROVED**

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

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

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**MEMBERS PRESENT:** Brian Adams, Betsey Cronan, Jennifer Gentry, Ben Grosser, Chris Hartman, Art Zangerl

**MEMBERS ABSENT:** Michael McCulley

**STAFF PRESENT:** Robert Myers, Planning Manager; Rebecca Bird, Associate Planner/Historic Preservation Planner; Connie Eldridge, Grants Management Secretary

**OTHERS PRESENT:** There were none.

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

Chair Zangerl called the meeting to order at 7:31 p.m. Roll call was taken and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF THE MINTUES**

Mr. Grosser noted a correction to the minutes of May 15, 2007. Brian Adams is mentioned as being absent, when in fact he was present at the meeting. He did not attend the meeting as a board member because he had to recuse himself from the case that was on the agenda. Ms. Cronan pointed out a second correction to the minutes to reflect that the May 15, 2007 meeting was held in the Executive Conference Room on the Second Floor rather than in the City Council Chambers. With these two changes, Mr. Grosser moved to approve the minutes of the May 15, 2007 meeting of the Development Review Board. Ms. Cronan seconded the motion. The minutes were approved as corrected by unanimous voice vote.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

There were none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

**Discussion of Possible Design Review in a Proposed Area Between Lincoln Avenue and Busey Avenue**

Robert Myers, Planning Manager, introduced Rebecca Bird, Associate Planner, to the Development Review Board. He stated that Ms. Bird had formulated draft guidelines for the Lincoln-Busey corridor. The 2005 Comprehensive Plan identifies this corridor as an area where design review is desirable. At this point, they are looking for input on what staff has come up with. There is also a question of what board or commission would implement the design guidelines once they are adopted in some form.

Ms. Bird gave the staff presentation for this agenda item. She discussed the following:

- ◆ Introduction of the Lincoln-Busey Draft Design Guidelines
  - ◆ History: There is a growing concern that the neighborhood between Downtown Urbana and the University of Illinois is losing many older houses along with its historic character and unique appearance.
  - ◆ Purpose: The intent of the guidelines is to ensure that future growth in the Lincoln-Busey Corridor is compatible with the existing built environment in the corridor, and to aid in the visual transition from the larger scale buildings of the University and related

institutional uses fronting Lincoln Avenue to the single-family homes of the West Urbana Neighborhood to the east.

- ◆ Boundaries of Corridor
- ◆ Who should implement the design guidelines? Plan Commission, Historic Preservation Commission or Development Review Board?
- ◆ Existing Conditions
  - ◆ Current Zoning versus Future Land Use Designation
  - ◆ Comparison of the Ownership Patterns in the Lincoln-Busey Corridor
  - ◆ Existing Building Types
  - ◆ Character of the Lincoln-Busey Corridor
  - ◆ Division of the Lincoln-Busey Corridor
    - ◆ Zone 1: Lincoln Avenue & Higher Intensity Areas
    - ◆ Zone 2: Busey Avenue & Lower Intensity Areas
    - ◆ Differences Between Zone 1 and Zone 2
- ◆ The Development Review Process
  - ◆ The Development Review Board
  - ◆ Administrative Review
  - ◆ Site Plan Criteria
- ◆ Design Guidelines
  - ◆ The Façade Zone
  - ◆ Massing & Scale
  - ◆ Building Orientation
  - ◆ Patterns & Rhythms
  - ◆ Roof Lines
  - ◆ Window & Door Openings
  - ◆ Outdoor Living Space
  - ◆ Materials
  - ◆ Landscaping
  - ◆ Sustainability
  - ◆ Parking Areas
  - ◆ Non-Residential Development

Mr. Grosser stated that he appreciates the document and thinks it looks really good. He likes that it has more things which are encouraged rather just listing what is discouraged. This is a better way of trying to get people do what you want. Clearly the types of design that are discouraged are ones no one would be happy with, such as building on stilts and paving front yards. He made the following suggestions to the design guidelines:

1. On page 11, when talking about how the compatibility of a proposed development in relation to other properties on the same block, it does not address properties on corner lots. Which street would be the guiding street to compare the properties with regards to setbacks, etc?

2. On page 21, he feels that there should be an exception to the discouraged designs. When an architectural style calls for it, irregular window and door patterns should be allowed. There are some modern contemporary house designs that call for irregular patterns of windows.
3. On page 23, he thought they might want to include fiber cement siding, which is considered to be a green material, in the list of exterior materials to be encouraged. Fiber cement siding can reproduce stucco, and woodlap shingle sidings. It fits the intent of building with sturdy, long-lasting materials and looks quite nice.
4. On page 4, the document quotes the 2005 Comprehensive Plan as, "*Preserve these uses as they now exist while precluding further encroachment...*". Yet the zoning of all of the properties in the proposed corridor area are typically higher than the use. On page 10, it states, "*As much of the corridor is zoned for a higher urban intensity than single-family residential, these design guidelines must outline how to develop a higher intensity yet remain compatible in character with the single-family residential character of the neighborhood.*" To him the comprehensive plan is saying do not change the use; whereas the proposed design guidelines acknowledges that the use will probably change over time, but that the City wants to manage it. To him the second idea makes more sense. Maybe it should state very clearly that the proposed design guidelines are being created to try to manage the compatibility of new development as it fits within the zoning that exists.

Other than these four recommended changes, Mr. Grosser thinks it is a nice document.

Ms. Cronan agreed with Mr. Grosser on many of these issues. She added another contradiction she found in the document, which is that on page 10, it states that "*There is almost no owner-occupied housing*" along Lincoln Avenue, but then on page 11, it says that the existing building types on Lincoln Avenue includes about 50% houses and 50% multi-family residential. Ms. Bird explained that the 50% that are houses are rental and not owner-occupied. Ms. Cronan suggested that staff clarify this by specifying rental houses in the document.

Ms. Cronan stated that another thing she would like to see in principle is a clear definition of a buffer zone in the middle of the block, because there are many single-family, owner-occupied properties on Busey Avenue. There needs to be a clear line between the two uses. It has already been an issue with some of the parking lots with lights and noise. So if there were to be a well-defined buffer area, she believes it would be better received. One other thing she commented on is the façade zone. If we are also talking about fitting new development in next to existing houses, then the side of the building matters as well. Lastly, Ms. Cronan talked about an issue she has with the Development Review Board regarding cases that are appealed to the Zoning Board of Appeals. It makes the member of the Development Review Board feel futile in their decision making efforts.

Mr. Hartman noticed that there is a blanket discouragement of vinyl siding. He noted that there have been quite a few new products that have come out in the market over the last five years that are really quite attractive. He would even argue that in some cases, these products would last longer than some of the wood siding if it is not maintained. Wood siding needs ongoing

maintenance. So, he would discourage any blanket discouragement of a material when there is advancement of technology of that material.

Chair Zangerl expressed his concern about how the City would evaluate the design of a proposed project. The design guidelines uses the word “average”, which is a mathematical thing such as with the average yard setback. He is not sure if we could “average” architecture. He suggested using a different word than “average”. He noticed that when Ms. Bird gave the staff presentation, she mentioned that these are guidelines. So there are things that the City would encourage and discourage. The implication was that if a future project met most of the design guidelines, then the Board reviewing that project in the Lincoln-Busey Corridor area should approve the project. However, it seems that some of the criteria are more crucial than others. Therefore, we should be able to weight some criteria and let the developer’s know this.

Ms. Bird responded that it might be difficult to come up with a formula and then a project came forth that did not meet the formula but did meet the intent, then the Board would be trapped into not supporting the project. The idea is that these are guidelines. It is about a project meeting the intent without necessarily having to meet each individual guideline.

Mr. Myers pointed out that the Zoning Ordinance itself also has a few design review requirements. It has three things that are mandatory. There may be a way to clarify by underlining or italicizing those guidelines that are mandatory. Chair Zangerl suggested adding a new category specifying “Required” in addition to “Encouraged” and “Discouraged”.

Mr. Myers noted that some “guidelines” are really just best practices, such as regular maintenance cycles. It should be noted, for instance, that the Sustainability section is educational rather than a design guideline or criteria. Maybe it would be best to label these types of guidelines as such as well.

Mr. Hartman commented that the LEED standards for residential development are in their infancy. The bulk of the LEED standards and sustainability standards that are in practice are mostly office environment and commercial. Holding residential developers to a residential LEED standard would be very difficult. Right now, it is extremely expensive, and it would certainly discourage the scale of development that many of these parcels might invite. So, he cautioned about using LEED until LEED has been through a few cycles of updating their residential standards.

Chair Zangerl talked about outdoor living spaces. He would not discourage balconies on the front façade, but he would also not go out of his way to encourage them either. Often times balconies are not designed very well, and they ultimately end up detracting from the building. Mr. Hartman responded that as a property manager, he has found that with many student housing units, balconies become places to store stuff such as furniture that they do not want, grills, etc.

Chair Zangerl asked whether patios in front should be discouraged. One place where front patios work really nicely is the Royer House. Mr. Myers replied that maybe the wording could be tweaked.

Chair Zangerl did not agree with discouraging the monotony of over-use of a single material on large buildings. He pointed out that many of the buildings are all brick and are quite attractive. Mr. Grosser commented that this is a matter of aesthetic judgment. An all-brick building might be pretty or ugly depending on how it is done. If he recalled correctly, the last case they reviewed was denied in part because the developer wanted to use too many types of materials.

Chair Zangerl stated that these are all his comments regarding the design guidelines. He asked about the vote requirement to approve future development plans. Would future development plans require a two-thirds majority vote in the Lincoln-Busey area? He asked this because it is difficult to achieve if there is not a sizable membership attending the meetings. Mr. Myers understands exactly what Mr. Zangerl is saying. The two-thirds majority voting requirement is difficult. The only other time a two-thirds majority vote is required is when there is a protest submitted. It then forces the board or commission to have a two-thirds majority vote to approve a case. He will review this.

Mr. Grosser expressed concern about the appeals process. He wondered why the Zoning Board of Appeals is the logical appeals body for a decision made by the Development Review Board instead of the City Council. Mr. Myers explained that most of the appeals are not handled by the City Council. There is only one appeal that he is aware of that goes to the City Council, which is for a decision made by the Historic Preservation Commission on a Certificate of Economic Hardship. The Zoning Board of Appeals is set up to hear appeals from administrative decisions made by the Zoning Administrator. City Councils, made up of elected officials, typically make legislative decision, which is fundamentally a political decision. He thought that it would be hard to ask elected officials to switch roles and make decisions as a quasi-judicial body.

Mr. Hartman questioned if there were other boards and commissions similar to the Development Review Board in that they make a ruling, and when it goes to the next body, such as the Zoning Board of Appeals, then they take the Development Review Board's ruling under advisement. Mr. Myers said that would be one option. Development Review Boards are generally designed to make final decisions, unless the decision has been appealed. Any decision that the City makes whether it is a staff decision, board decision or City Council decision can be appealed to another body.

Mr. Myers said that he thought the automatic appeal of denied Development Review Board cases is an unusual requirement. Mr. Hartman commented that he does not have a problem with their decision being questioned. Given that they actually do have some power and that people could be put through an appeals process, he feels it is absolutely necessary to understand why they have a higher bar than other boards and commissions. Mr. Myers replied that if the Development Review Board feels that there should be changes made to the MOR ordinance or procedures, then they could make a recommendation to do so.

With no further questions or comments regarding the Lincoln-Busey Corridor Design Guidelines, this item was closed by Chair Zangerl.

## **11. STUDY SESSION**

## **Development Review Board Training**

Mr. Myers explained training would be divided into two parts: 1) procedures and design guidelines and 2) role play. He began by talking about the evolution of the Development Review Board and of the Mixed Office-Residential (MOR) Zoning District from the time it was created in 1990 until the present. He reviewed the changes that were made to the Urbana Zoning Ordinance in 2003 to the composition of the Development Review Board and the addition of MOR Design Guidelines. He stated the purpose of the MOR Zoning District, which is to ensure that future development and redevelopment of properties in the district are compatible with the other properties located in the MOR Zoning District.

Mr. Myers talked about the role of the Development Review Board. Their role is to improve plans for new construction within the MOR Zoning District and to help plans for development and redevelopment to comply with the City's requirements.

Chair Zangerl inquired as to how the Development Review Board should incorporate desired improvements into the plans. Should the Board inform the petitioner of the improvements that they desire and continue the meeting to allow the petitioner time to make those changes? Mr. Myers explained that the Board has the option to continue a case to allow the petitioner time to revise his/her plans or they could find that the plans submitted are not compatible with the design criteria and inform the petitioner what he/she would need to change to bring the plans into conformance. A petitioner can always decline making the suggested improvements and take their chances with approval.

Chair Zangerl asked what kind of vote it would take to deny a set of plans that are flawed beyond fixing. Mr. Myers answered by saying that in order to approve plans for development, it requires a two-thirds majority vote. So, if two-thirds of the members of the Board do not agree to approve the plans, then the development is denied. The way the ordinance is worded, if the Board's motion is to deny, then it just takes a majority vote.

Mr. Grosser wondered if the Board has the option to approve with conditions. Mr. Myers said yes. If the Board feels that the plans just need few small changes, then they can approve with the condition that the final revised plans are approved after verification by City staff. If the Board denies a plan, a constructive way to do so would be to deny because the plans do not meet requirements X, Y and Z and to say that in order to comply the plans should be changed in terms of A, B and C.

Mr. Myers said the best advice he can give in terms of design review would be to focus on properties, not personalities. Sometimes when meetings get contentious, then things start sliding towards personal issues, such as "When did you buy the property? How long have you owned it?" When you want to get the meeting back under control, just simply say that, "We would like to keep the discussion limited to the plan itself. Do the designs meet the design guidelines or not?"

If you feel that it will be a contentious meeting, the Chair can begin the meeting by setting the ground rules and reviewing the public hearing procedure for the audience. By doing this, you can better take control of the meeting from the beginning.

Mr. Myers talked in greater detail about the procedure for public hearings. He suggested that when meetings become contentious, the best action is for procedures to closely follow the by-laws, and if you have problems, you can look to City staff for help.

He reminded the members to turn their microphones on prior to speaking. If the microphone is not on, then what you say may not get recorded on the tape and therefore not in the minutes. The minutes of the meeting are important in case a legal challenge or lawsuit results from the public hearing.

He discussed the “Suggested Rules for Conducting a Hearing Post-Klaeren Decision” handout. Audience members need to have the opportunity to question or challenge the testimony of an expert witness. The intent is to establish facts. If people testifying misbehave, then the Chair can set ground rules for questioning, rule on whether or not questions are relevant, and if all else fails, recess the meeting and speak with the person violating the rules.

Chair Zangerl wondered if someone who is opposed to a project that the Development Review Board approves could file an appeal. Mr. Myers said that it depends on if that person is considered to be an “affected” party.

Mr. Grosser asked if it should be pointed out to the public that they can cross-examine a petitioner. It seems like this could create a lot of chaos. Mr. Myers replied that the Chair could announce at the beginning of the meeting that any interested party may ask questions. In most cases, there will not be anyone who wants to do this.

Concerning staff recommendations, Mr. Myers stated that the Development Review Board is not expected to rubber-stamp staff recommendations. Once the facts are established, it is up to each member to interpret the facts presented and to make a decision of whether to approve the submitted development plans or to deny them. City staff will also provide findings at the end of the written staff report. The findings are establishing what the facts are, which is important for creating a record. When the Board makes a motion, City staff asks that the Board refers to the findings to support their motion whether it be for approval or denial. If the case should be appealed to the court, then the judge will want to know what facts the Board used to come to their decision.

Mr. Myers and the Development Review Board then went through a mock case. After Mr. Myers presented the mock development plans to the Development Review Board, the Board was asked to identify and discuss issues presented by the plans and how these should be addressed.

## **12. ADJOURNMENT**

Mr. Hartman moved to adjourn the meeting. Mr. Grosser seconded the motion. The meeting was adjourned at 9:43 p.m.

**Respectfully submitted,**

**May 29, 2008**

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Robert Myers, Secretary