

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 10, 2004

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Christopher Alix, Laurie Goscha, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Alan Douglas, Randy Kangas, Don White

STAFF PRESENT: Rob Kowalski, Planning Manager; Michaela Oktay, Senior Planner; Teri Andel, Secretary; Steve Holz, City Attorney

OTHERS PRESENT: Brandon Bowersox, Liz Cardman, Darrel Foste, Atlee Jackson, Esther Patt, Steve Ross, Susan Taylor, Matt Wemp

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

The meeting was called to order at 7:32 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

Case # CCZBA-441-AM-04 under Item #8 (New Business) was removed from the agenda and will be presented at the July 7th meeting.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the May 6, 2004 meeting of the Plan Commission as presented. Ms. Upah-Bant seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Letter from Tom Costello, of Champaign-Urbana Mass Transit District

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Plan Case # 1897-T-04: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the Mixed Office Residential (MOR) District including the adoption of Design Guidelines.

Rob Kowalski, Planning Manager, and Michaela Oktay, Senior Planner, presented the staff report for this case. Mr. Kowalski began with a PowerPoint presentation on the following:

MOR Zoning District Text Amended in 2003

- ❖ Clarify the intent of the MOR Zoning District
- ❖ Revamp the Development Review Board (DRB)
- ❖ Set a framework for the design review
 - ❖ Allow the DRB and City staff, depending on the proposal, to consider design criteria in a development
 - ❖ Design Criteria used as a “Place Holder” while the Design Guidelines were being proposed and approved

Current Proposed Text Amendment Changes to the Zoning Ordinance

- ❖ Section XI-12-J, Development Review Board Design Guidelines Review - Replace the Twenty-Four Design Criteria with the Proposed Design Guidelines
- ❖ Section VIII-3, Location of Parking Facilities – Strike from the Zoning Ordinance, because the proposed Design Guidelines had some provisions for how underground and at ground level below any portion of a principal structure may be design to be appropriate

Ms. Oktay continued the staff report with a PowerPoint presentation on the following proposed Design Guidelines:

- ❖ The “Façade Zone”
- ❖ Building Orientation & Patterns
- ❖ Massing & Scale
- ❖ Openings
- ❖ Outdoor Living Space: Balconies, Porches & Patios
- ❖ Materials
- ❖ Parking Areas
- ❖ Parking Areas (Under a Principal Structure)
- ❖ Landscaping
- ❖ Commercial Site Design

Mr. Kowalski added that the proposed Design Guidelines were not intended to be thought of as historic preservation regulations. All the concepts in the Design Guidelines could currently be required by the DRB in a proposal, especially now that the DRB has the ability to consider architectural design and the features of a proposed building. In past cases, the developers had mentioned that it would have been more helpful for them to know what the City and the DRB expected in the beginning stages of planning proposed buildings.

These guidelines would always be used by either the DRB or City staff as a guide to determine the appropriateness of a proposed use. The way the requirements were written in the text amendment that was approved in 2003 was that projects that do not involve the adaptive reuse of

a building would require approval from the DRB. Whether an exterior remodel would be considered extensive would be an interpretation to be made by the Zoning Administrator, and if determined extensive, it would go to the DRB for their review. He noted that no interior remodels would be regulated. Exterior remodels, that were not considered to be extensive or that adaptively reuse the existing structure, could be reviewed and approved by the Zoning Administrator under the Building Permit process.

Mr. Alix inquired if it was staff's intent that a commercial development would not be permitted to have balconies? Mr. Kowalski replied by saying no. Staff had not envisioned a scenario where a commercial development would use a balcony above the first floor. However, it would be possible. Mr. Alix commented that he was not sure whether the notion of "living space" implied residential or a place where people could be. It might be worthy of clarification.

Regarding Point # 6 under Outdoor Living Space, Mr. Alix asked if it was intended to mean balconies abutting lots, which were zoned single-family residential or balconies abutting lots on which a single-family residential house was currently built regardless of zoning? Ms. Oktay answered that it meant both. Mr. Alix argued that it would not be good to prohibit balconies abutting lots on which a single-family residential house was currently built regardless of zoning. It would be a bad zoning policy, in that the City would be restricting what could be built on a given lot based on what happens to be built on an adjacent lot, even though that adjacent lot might at some point be reused for something other than a single-family residence. The City should not try to give priority to the person who builds last. This might be something that the City would want to try and avoid.

Referring to the photos of a recommended structure on page 13 (Parking Areas – Under a Principal Structure), Mr. Alix inquired if staff believed such a structure would satisfy Point # 5 on page 12, which states: *Below grade parking shall not be visible from the façade zone...?* Mr. Kowalski stated that it was pretty close, although they may need a better example or a better illustration of a drawing of what was intended. For the most part, the parking in the photos on page 13 was not visible. However, the guidelines also encourage accessibility to parking under a structure to be from a rear alley, and the photos do not represent that. Mr. Alix argued that the building in the photos appeared to be elevated above parking level and on stilts and would not satisfy the requirements or the intent of the Design Guidelines. The intent to have these be serious Design Guidelines, but at the same time permit a building whose first floor was effectively only utilized for parking would not be compatible goals. Mr. Kowalski mentioned that there were other examples where there could be parking under a structure. In the picture on page 12, there was a house with a garage in back with living space above the garage. Although the picture was of a single-family house, imagine the structure being a little bigger with two or three units in the front and a unit above the garage in the back. The garage could possibly hold three cars. Mr. Alix commented that there was a fundamental difference between Mr. Kowalski's example and the photo of a recommended building on page 13. The difference was that in the photo on page 12 of the single-family house, the apparent first floor when viewed from the façade zone was still a first floor, near ground level. However, the building on page 13 had no apparent entry in the façade zone, and in effect looks like what it is, which is a building built six feet off the ground over a parking garage. The only suggestion he had to resolve this was to require that the entrance on the façade zone be no more than four feet above grade level.

Mr. Kowalski stated that it was clear that staff needed to use a better illustration on page 13. Ms. Goscha mentioned that staff could use the apartment buildings on the corner of Lincoln Avenue and Indiana Avenue as a recommended building. They have access from the side with parking below the interior part of the lot and garden level apartments.

Ms. Goscha noticed that in Point # 5 on page 12, it states as follows: *Below grade parking ... and should only be permitted when accessed from a rear alley.* She argued that some properties do not have the luxury of having a rear alley. Therefore, she suggested that these properties should be allowed to have access to an underground parking garage via the side of the building, such as a single-family residential home would have to its garage. Mr. Alix agreed with this idea. A way to look at that would be in the illustration on page 12 of a house with the garage in the back. There would not be any loss of fidelity with the Design Guidelines, if instead of driving behind the house and into a garage, tenants in an apartment complex drove behind the house and down a ramp into an underground garage.

Regarding Openings on page 9, Ms. Goscha was concerned that they might be over-regulating. She asked what the definition was of “demonstrating consistency”? Did that mean that 70% of the listed guidelines had to be met? How would the DRB apply these guidelines from owner to owner in a consistent basis? The Design Guidelines are subjective. As an architect, she would question how many of the Design Guidelines would need to be met and keep the budget in line? The Design Guidelines would be helpful, but not helpful enough.

The areas of concern of being over-regulated were the recommended vertical openings instead of horizontal openings, True divided-lite windows, and balcony doors should be French-style, multi-lite paned and hinged. She pointed out that a totally valid architectural style in the State of Illinois was the prairie style, which does have a lot of horizontal openings. As proposed, the Design Guidelines would automatically be negating a style that was a fundamental part of Illinois. True divided-lite windows are difficult to clean and are two to three times more expensive than a window with a divide between the panes. By forcing divided lites on developers and owners, the City would be over-regulating the MOR Zoning District.

Ms. Upah-Bant expressed concern with what the City was expecting? How much compatibility were the architects going to have to comply? The semantics used in the Design Guidelines with words such as: may not be, should not, and is discourages allow the DRB a lot of wiggle room.

Mr. Hopkins called a point of order. He asked if they were discussing the case or asking questions of staff? Chair Pollock stated that they were asking questions of staff. These were valid questions and he would like to hear the answers from staff.

Ms. Upah-Bant asked if the City lawyers had any problems with the language or the semantics of the wording in the proposed Design Guidelines? Mr. Kowalski answered no, because they are Design Guidelines. The intent was to allow some wiggle room, because there will be case-by-case scenarios where there may need to be mechanical equipment on a porch or on the side of the building. City staff did not want to treat the Design Guidelines as strict development regulations. There are development regulations in the MOR Zoning District, such as the setback must be an X number of feet and there must be a certain amount of open space. The development regulations are not negotiable and must be met. However, the Design Guidelines are above and

beyond the development regulations outlined in the Zoning Ordinance, and are to be used by the DRB as they review any future projects.

Ms. Oktay responded to Ms. Goscha's comments about over-regulating by saying that the language in the Design Guidelines was not trying to prohibit any style of architecture from being used in future developments. Mr. Kowalski added that there was an opportunity to say that the orientation of the windows should respect the architectural style of the building in a better way. He noted that the Point # 7 on page 9, which states as follows: *Balcony doors in the façade zones should be French-style, multi-lite paned and hinged*, came word-for-word from one of the twenty-four design criteria that was inserted into the text amendment in 2003. The concern there was regarding sliding patio doors on multi-family buildings. The thought was that if those were more of a French-style door that opened up rather than slide back and forth, then it would be more aesthetically pleasing. Ms. Oktay responded to the concern voiced about forcing divided lite by saying that this Design Guideline came from the Historic Preservation Commission. They were talking about the durability and quality of some materials and suggested that true divided-lite windows would last longer and be more compatible.

Ms. Upah-Bant mentioned that regarding page 7 (Building Orientation & Patterns), there was a block on Green Street that was not very even when it came to the setbacks. Mr. Pollock stated that this was an attempt to make future developments more consistent with the setbacks of other structures on the block. Ms. Upah-Bant asked if the DRB would use adjacent properties to figure the setback requirement for a proposed development? Mr. Kowalski noted that this guideline leads more into the development requirements. The way the Zoning Ordinance requires front-yard setbacks to be measured was by taking the average setbacks of all the buildings on the block face. The Zoning Ordinance does cap the maximum setback requirement to be at 25 feet on average. For the most part, the setbacks are consistent.

Ms. Upah-Bant stated that although staff mentioned new additions and roofing/siding material, it would not pertain to people who planned to do an overall roof replacement or siding replacement. Ms. Oktay replied that it was not like a Historic Preservation review where the City would have any review over the exterior materials. These were only suggestions for materials that the developer/owner of a future proposed might want to consider using.

Esther Patt, of 706 South Coler Avenue, commented that Ms. Upah-Bant had raised a good point about the difference and inconsistency in the language with using words like "shall" and "may". The general intent of the Design Criteria was that it be suggestions and not requirements, but contained within the suggestions were some things that appeared to be requirements. Perhaps they should be placed elsewhere in the Zoning Ordinance and not in the Design Guidelines. For example, if below grade parking was allowed, and it was, in fact, required that below-grade parking shall not be visible from the façade zone, then this would be something that should be in the Zoning Ordinance and not a suggested design criteria. If the language in the Design Guidelines were more consistent, then it may help.

Ms. Patt mentioned that her main concern was about the parking below future buildings. Parking had not been allowed below buildings in the MOR Zoning District, since the district was created about thirteen years ago. Although she did not know the exact reason why this was, she guessed that it was because the intent of the MOR Zoning District includes that new construction should be designed and constructed in a manner that was consistent with the character of the

neighborhood. Parking partially submerged under a building would make a building not be compatible or consistent with the rest of the structures in the MOR Zoning District.

When the City Council reviewed and approved the text amendment in November of 2003, they changed the staff recommendation to remove the provision that would allow parking below a building because they could not see how it could be designed so that it would be consistent and compatible with the rest of the district. As she looked at the example on page 13, she expressed extreme concern that the City would put out a pamphlet recommending to developers that the recommended structure would be consistent with the other structures in the MOR Zoning District.

Ms. Patt did not know in what way the health and welfare of the people of Urbana would be promoted by allowing parking under buildings in the MOR Zoning District. Parking under buildings definitely has a negative impact because it would limit the opportunity for apartments in a multi-family building to be accessible to people with disabilities. This is a big problem, because there are not many accessible housing units. The only way we get accessible multi-family housing was since the implementation of the Fair Housing Amendments to the Civil Rights Act that went into effect in 1991. The Act requires that first floor footprints of new construction multi-family housing be accessible. If the first floor were mostly used for parking, then there would only be possibly one apartment stuck in the parking garage that would be accessible.

When looking at reasons for allowing parking under buildings and reasons to not allow it, she could think of lots of reasons against the idea and no reasons to allow it. She did not see what the real benefit would be due to the small size of the lots and small buildings that could be built on those lots.

Ms. Patt stated that if the possibility existed, then an example of that possibility should be in the brochure, and the criteria for the underground parking should be very specific and not just recommendations. Otherwise, the City would see something like the building that staff recommended in the Design Guidelines built on Green Street or Elm Street.

Steve Ross, of 609 West Green Street, commented that 605 West Green Street and the upcoming new addition to the Presbyterian Church would not fit under the new criteria. He mentioned that gables, dormers, few flat plane elevations and a foundation line with a rusticated base were left out of the current Design Guidelines proposal, and he felt they would be valuable things to add.

He noted that in the first paragraph on page 6 of the Design Guidelines, it stated the following: *It is important that site details in the façade zone are compatible with other buildings on the block face.* He asked if this was intended just for the block face or was the facing block across the street was included in that? When the proposed development for 605 West Green Street came before the DRB, the architect said that the proposed peak roof would reflect the church across the street.

On page 7, Mr. Ross stated that under the Examples of Relevant Patterns there were not any corresponding page numbers for the titles listed. Regarding Point # 6 on page 10, he appreciated Mr. Alix's concern about this; however, Mr. Ross felt it was a wonderful idea to not allow balconies abutted directly across from single-family housing, because his daughter's room faces

a balcony on the apartment building next to his house. He inquired who would be conducting the research mentioned in Point # 4 on page 11? He suggested that Point # 4 be combined with Point # 1 since both talked about the durability of synthetic exterior materials. He thought the illustration on page 15 showed a good design for a commercial development.

Mr. Alix asked Mr. Ross as to how he would improve the language with gables and dormers? Would he include it under Point # 5 on page 8 of the Design Guidelines? Mr. Ross replied that this would be an appropriate place to mention gables and dormers.

Mr. Alix stated that Mr. Ross's second point was similar with regards to building faces. Mr. Ross stated that page 8 of the Design Guidelines mentioned everything but the few flat plane elevations and rusticated foundation bases. He did feel that the picture on page 8 of the Design Guidelines was clearly a good example of few flat plane elevations.

Mr. Kowalski believed that Mr. Ross's point about the block face or block was a good one. He believed that a proposed development should be compared to the other structures on the block and not just the block face. The block face was from the Zoning Ordinance requirements for setbacks. In response to Mr. Ross's comments about the research of materials, he mentioned that point came from the Historic Preservation Commission. There were some commissioners that were concerned about some materials that could be used that have not been tested very well. Mr. Alix did not feel that this was an appropriate place for a comment about researching material. He felt that merely specifying long-lasting or durable materials would be sufficient. He suggested striking Point # 4 from page 8 of the Design Guidelines.

Mr. Hopkins felt that the Design Guidelines were generally the right way to go; however, he did not feel it was close enough for the Plan Commission to discuss it as if they were going to adopt a recommendation. Therefore, he recommended that rather than make a motion and discuss it, the Plan Commission discuss it and give staff direction on how to revise it. Mr. Pollock believed that would be advisable.

Ms. Stake expressed her concern about the underground parking. She suggested that the Plan Commission strike out the underground parking portion of the Design Guidelines. The City did not want handicap accessible apartments to be located with the parking on a structure. She believed that to be compatible with existing structures in the MOR Zoning District, underground parking should not be allowed. Ms. Goscha disagreed with Ms. Stake's comments. She thought that having underground parking below a principal structure would be something that could work in the MOR Zoning District. Everyone recognized that the example chosen on page 13 was a mistake for many reasons, and she felt it was skewing people's minds of what underground parking could look like.

Underground parking could provide some benefits to a structure. Some of the benefits are screening of the parking, increasing of density, decreasing of paving surface and protecting tenant vehicles.

She agreed that the stilt structures were horrendous. She did not believe that the DRB would allow such a structure to be built, particularly because it is stated that it could not look that way. The whole reason for having a DRB would be to provide professional and effective citizens guidance of whether or not a design solution would be compatible. We know that there would be

a “stop gape” in place that developers could not railroad through the process and build something that would be ugly. With that, they should not limit the creativity of design professionals and land owners to develop their land and provide an amenity to multi-tenant housing.

Ms. Stake believed that maybe some of Ms. Goscha’s ideas might work if there would be some kind of assurance that vehicles would not be sticking out in the front sidewalk. What would they do to make sure that the first floor would be handicap accessible and not allow developers to put accessible apartments down with the parking? This district would be a good place for people with handicaps to live because it is close to everything. It would be nice if whatever was constructed could be something that handicap people could live in. She certainly would not want to live in the parking garage with the vehicles. Ms. Goscha suggested that the Plan Commission leave that to the design professionals to do. As an architect, she could come up three different ways to do that with a lift or an elevator. She mentioned that she personally lived on the garden floor of the apartment complex on the corner of Indiana Avenue and Lincoln Avenue. It was a great place to live, and she did not notice any fumes from the vehicles. There was a perception that garden level apartments are horrible things, but it could be overcome with good designs. It was not the Plan Commission’s place to say that it could not be done.

Ms. Stake had noticed that we do not always go with good designs. We can say that if the property owners use really good architects, then they would not try to build anything undesirable, but we do not have all those really good architects in the City of Urbana. There were some good ones. She preferred to not allow underground parking.

Mr. Pollock remarked that it was clear that the example shown on page 13 was not the right example. However, he believed that the Design Guidelines were good. Although there currently may be no building in the City of Urbana that properly showed how to do underground parking that would be compatible with the Design Guidelines and would be an amenity to the neighborhood and the people that live there. We should not rule out the possibility that someone would come up with a creative way to do it.

The idea of the DRB was to not legislate specific piece-by-piece everything that could or could not be done in the area. We need to leave room for members on the DRB and developers, as well, to come up with ways to meet these guidelines. We need to trust the DRB legislated and put in place by the City Council was allowed to do what they are suppose to do, which was to protect the MOR neighborhood and allow it to develop in a conscientious fashion.

He found it almost impossible to envision how an entrance from the street into the basement of a building with parking could be done and meet these guidelines; however, that does not mean it could not. He would assume that most people would look to do this with either an alley or some type of side-entry way. One suggestion that was mentioned earlier was to have the front half of the building at ground level, and the back half would contain an underground parking garage. No one would know that the parking garage would be there. One of the advantages of providing underground parking would be that there would be less people competing for parking spaces on the street. If we want a walkable, pedestrian friendly neighborhood, then underground parking should be part of the consideration.

Mr. Alix was largely in agreement with the comments made by Mr. Pollock and Ms. Goscha. He believed that covered parking would be an amenity, which residents of buildings would benefit.

It would be a significant advantage to find ways to put vehicles under buildings instead of taking up more green space with pavement. Given the size of some of these lots and concerns about the appearance of paving over backyards to build parking lots, he thought the parking requirements were excessive. When looking at more urban areas, there were plenty of buildings that had very little parking in neighborhoods that were considered very desirable and very expensive. He felt that it was a free market issue essentially whether or not to provide parking. It should not be a requirement to the extent that the City makes it a requirement. Given that the City of Urbana does have the requirement to provide parking, he thought that finding ways in which developers could satisfy that requirement in a way that would consume a minimum amount of green space would be a real asset to the MOR Zoning District.

With that being said, he stated that he wanted to make a distinction between underground parking and under-building parking. These are two different things. Underground parking meant that the first floor of the building on top of the parking level would be at or slightly above grade level. Building on stilts on not considered underground parking. They are ground level parking with buildings starting on the second floor. Some of the language with underground parking had been misapplied and could be improved to encourage what they were talking about, which was significantly below-grade parking and to potentially accommodate the situation in which ground level parking under a portion of a building as mentioned earlier and represented in the picture on page 12 would be perfectly appropriate.

Mr. Alix did not like the notion of banning underground or under-building parking. His main objection with under-building parking was that the presence of under-building parking would make the appearance of a building incompatible with the Design Guidelines by pushing the apparent first floor of the building up in the air. He also suggested with any underground or under-building parking that there be an opening in the façade zone and that no parking be allowed in the façade zone.

Mr. Hopkins concurred with Mr. Alix, Mr. Pollock and Ms. Goscha regarding this issue. He suggested that staff use the terms “at grade” and “below grade” in the language to describe the difference between underground parking and under-building parking. Mr. Alix added that he would still have a problem with defining “below grade”. “At grade” was obvious what the term meant. However, “below grade” could mean anything from one foot below grade to six feet below grade. He suggested that they define underground parking at being anything eight feet or more below grade.

Mr. Pollock asked if it was the Plan Commission’s responsibility to ensure that the Design Guidelines were clear so that the DRB would know exactly what they want in future developments in the MOR Zoning District and so the DRB could make a determination when a developer comes forward with a proposal including underground parking of whether or not the development would be compatible with the neighborhood, whether it would be a nuisance to the street or whether or not it was properly screened. Or should the Plan Commission be codifying things that are prohibited specifically? This was something for the Plan Commission to think about and discuss.

On page 5 of the Design Guidelines under Design & Site Review, Mr. Hopkins stated that this section gave the DRB two tasks. The first one, which states as follows: *The Development Review Board shall determine if the site details are in conformance with the requirements of the*

Urbana Zoning Ordinance, should not be a task assigned to the DRB. Legally, they could not delegate that responsibility to the DRB. Even if the City could, he was quite sure that they should not. He mentioned that the wording in the second task should be changed from “*as specified in the City of Urbana Zoning Ordinance*” to “*as specified in the Mixed-Office Residential Design Guidelines as adopted by the City Council*”. It would be good to do this, so that it would be really clear that the DRB was about the Design Guidelines and not the Zoning Ordinance. Once the DRB would be about the Design Guidelines, then the language in the Design Guidelines should be changed to “encouraged, discouraged, strongly encouraged, or strongly discouraged”. Nothing in the Design Guidelines could be a requirement or prohibition. The reason this would be true would be because the DRB would be charged to demonstrate general conformance with the spirit of the following Design Guidelines and with the goals of the MOR. The DRB would have no authority or responsibility to deal with requirements or prohibitions. Then, the City would be saying what matters was the combination of all of these things and whether when someone looks at the whole thing together it actually works. Because we want to give developers and property owners a clue of where to start, the City created these Design Guidelines.

Ms. Stake commented that the Design Guidelines were not a legitimate regulation that developers have to go by. Mr. Hopkins disagreed, because a developer would still have to get approval from the DRB. The DRB has the option to turn a developer down. However, they do not want the DRB to be able to turn the developer down only if some requirement was not met. That was what the Zoning Ordinance was for. This would actually take away some of the power of the DRB, which was to make judgments about the totality of a design based on the aggregate design before them. If the DRB turns a case down, then the case would go before the Zoning Board of Appeals (ZBA).

One of the things that he found interesting was that there was not anything in the Zoning Ordinance about by what criteria the ZBA would consider an appeal from the DRB. He felt this was a problem in the Zoning Ordinance that they were going to have to address. However, if someone made a court challenge of a turn down by the DRB, then the City could argue that the decision of the DRB was arbitrary and capricious relative to the Design Guidelines on which the DRB was suppose to operate. The DRB would still have clout to make things happen. It would just be a different kind of clout than the way the zoning requirements operate.

Ms. Stake questioned if there were some things mentioned in the Design Guidelines that should be in the Zoning Ordinance rather than in the guidelines? Mr. Hopkins replied yes. If there was something in the Design Guidelines that the Plan Commission felt was a requirement, then it should be in the Zoning Ordinance instead.

Mr. Alix agreed 100% with Mr. Hopkin’s comments. He felt it was important that the DRB be given as much latitude as possible to decide a proposed plan on its overall merits. We do not want the DRB to be planning checkers, de-facto Plan Commission members or de-facto Zoning Administrators. Probably the only way that these Design Guidelines would remain useful over a period of time as architectural styles and materials change would be to avoid requirements and prohibitions at this level. This may be what distinguishes these Design Guidelines from a Historic Preservation Ordinance.

Mr. Alix wondered why this area wasn't a historic preservation issue if the goal was to keep the neighborhood looking the same as it was built in 1910. The answer was that it was not designed to ensure that the neighborhood remains full of houses that looked like the houses Mr. Ricker or Mr. Wright built, but that it continues to be a compatible neighborhood as it evolves over the life of the community.

Mr. Pollock suggested that the Plan Commission go through the Design Guidelines and advise City staff on what changes they would like to see made. Mr. Alix stated that a starting point for staff to make changes to the Design Guidelines would be for them to change anything that says "may not" or "must" to "encourage, discourage, strongly encourage, and strongly discourage".

Ms. Stake asked if there was already a ruling in the Zoning Ordinance regarding the required setback from the street? Mr. Kowalski responded by saying that was correct. There was a way to formulate what a setback would be required to be. The idea was that if the DRB thought that the requirement should be more astringent, then they would have the ability to do that if they wanted. Ms. Stake questioned if this was only for the MOR Zoning District? Mr. Kowalski replied yes, because there was not a board for any other zoning district.

Mr. Alix inquired if it was the intent that there were circumstances in which the DRB could relax the requirements of the Zoning Ordinance? Mr. Kowalski answered by saying that was not the case anymore. Originally, there were in the first ordinance that had been adopted. However, there are times when the Zoning Administrator has the ability to relax some requirements as an incentive to adaptively reuse of an existing structure. Mr. Alix stated that was a provision of the Zoning Ordinance and not of the Design Guidelines.

Mr. Alix brought up the notification of adjacent property owners topic. He noticed that in the Zoning Ordinance it stated taxpayers of record. He asked if that was the standard notification procedure. He thought that staff had notified tenants in possession as well. Mr. Kowalski commented that staff notifies tenants as a courtesy. It was not set up in the Zoning Ordinance to be a requirement.

Mr. Hopkins mentioned that if staff wanted to include something that was in the Zoning Ordinance into the Design Guidelines, then he recommended that staff identify it as such. He stated that when cross-referencing, staff should be very precise. He suggested this because staff mentioned that different things were included in the Design Guidelines upon the Historic Preservation Commission's request.

He commented that the language proposed in the Design Guidelines regarding True divided-lite windows could be left in the guidelines, if they were going to change the language to "encourage, discourage, etc.". He remarked that from the street it would be hard to tell whether balcony doors were hinged or sliding doors; therefore, he suggested deleting Point # 7 on page 9. Ms. Goscha reminded staff about her earlier suggestion to change Point # 4 as well.

Point # 3 on page 10, Mr. Hopkins did not understand what was meant by saying that "*Outdoor living spaces should be large enough so that they are functional*". He commented that in some context, making spaces look compatible might be possible precisely by not making them functional. Ms. Goscha agreed that "functional" was not appropriate to use. Mr. Kowalski replied that the biggest concern was that some balconies were not large enough to be used as

balconies and end up being used for storage areas for grills and bikes. The idea was that if a developer wanted to build balconies on an apartment building, then they should be large enough where people would be encouraged to use it as a balcony and not for storage. Mr. Hopkins remarked that balconies are extremely functional. They help sell the apartment unit, and they are great storage locations for outdoor equipment. Mr. Pollock suggested that they delete Point # 3 on page 10.

Ms. Stake questioned if balconies abutting single-family properties would still be permitted? Mr. Pollock answered by saying that they would strongly be discouraged. Although it would not make it prohibited to build balconies abutting single-family properties, the point would make it clear that this was an important point that the DRB would look at. Mr. Alix felt it would still be a problem to strongly discourage this. He gave the scenario where a property owner builds an apartment building on an empty lot next to a single-family residence and was not allowed to build balconies abutting the single-family lot. The owner of the single-family residence demolishes his house and builds an apartment building. This owner would be allowed to have balconies abutting the first apartment building. It seemed to be unfair to the owner who built first. Mr. Hopkins suggested that instead of focusing specifically on balconies, they should have language regarding the relationship between openings in facing walls, which was something that architects and developers think about. Mr. Alix suggested the language read as such: *Consideration of the placement of openings in a structure relative to openings in adjacent structures to encourage preservation of privacy was strongly encouraged.* Mr. Kowalski commented that the first structure built could have balconies wherever the developer/architect wanted them to be if the adjacent lot was vacant. The second structure to be constructed on the vacant lot would have a little more restriction or Design Guideline review of where balconies could be built, so they would not directly face the other one. Mr. Hopkins remarked that the distinction was not based on whether the first or second building was a single-family or multi-family. It was that a second building, when designed, had the context of the buildings already around it. It would not have a choice about that from a design point-of-view.

Mr. Hopkins reminded staff to delete Point # 4 on page 11.

Mr. Hopkins mentioned that the Plan Commission had already discussed Parking on pages 12 and 13. Ms. Stake requested that staff come up with examples of what would be desirable for underground parking. Mr. Kowalski replied that they would research to find an acceptable photo or draw an illustration of what would be acceptable. Mr. Alix commented that the Design Guidelines on page 12 were very good. Ms. Goscha suggested that Point # 5 on page 12 be changed to allow a driveway that turns back behind the structure before going to the underground parking level. Mr. Pollock offered an alternative that they encourage parking access from the rear of the property.

Mr. Hopkins recommended that staff delete the image on the bottom of page 14, because it was a caricature of the idea of landscape design. Landscape architects as a profession having been fighting a long time against the idea that they put foundation plantings across the front of buildings and two flowering trees at the corners of the buildings. It would also not be the appropriate design for the MOR, which was a place of mature landscaping and mature trees. The image that they should be encouraging was tree plantings that yield mature trees far enough away from the building, so they could actually get big and not have to be taken down or misfired. He suggested replacing the image with a picture of a lot with a 100-year old tree.

Ms. Goscha stated that we want landscaping to create a pleasant urban environment for pedestrian walking. Mr. Hopkins commented that screening was the key. Landscaping screening mentioned in Point # 5 was very good. Mr. Alix added that in the introduction paragraph on page 14 should say as follows: *Preservation and planting of mature trees....* Mr. Pollock suggested deleting Point # 4. Mr. Hopkins remarked that Point # 4 could include language about planting the type of trees that would replace current mature trees over time.

Mr. Hopkins noticed that Point # 6 mentioned the maintenance of landscaping. He pointed out that the DRB did not have the opportunity or the authority to address maintenance of the landscaping. Mr. Kowalski stated that it was a requirement in the Zoning Ordinance. Mr. Pollock recommended using a note of reference to the Zoning Ordinance for Point # 6.

On page 15 (Commercial Site Design) of the Design Guidelines, Mr. Hopkins felt inclined to remove Point # 5, because it was very easy for front porches and landscaped terraces could be used for loitering spaces. When the commercial lots were not occupied at night, it might become less desirable. Mr. Kowalski explained that the idea behind this point was the example of a café with outdoor seating. Mr. Hopkins remarked that if that was the idea, then they should word it that way. Mr. Pollock replied that there might be other types of commercial enterprises that would have use for that type of space. Mr. Alix added that the Plan Commission would have to assume that an architect would be smart enough to figure it out. Ms. Goscha felt it was the difference between a gathering space and a functioning component of a business. Gathering space was too loose. It was not really focused towards a business or commercial enterprise like dining, etc. Mr. Pollock advised to change the wording to the following: *Front porches and landscape terraces are encouraged to be used for commercial amenities.*

Ms. Goscha added that on Point # 1, she would like to add the word “strongly encouraged”. Mr. Alix agreed.

In the third paragraph on page 4, Mr. Hopkins read the following sentence: *...any proposal for a change of use, a building addition, and/or exterior remodeling of an existing structure shall not require review by the DRB. Only new construction* He commented that this statement was incorrect and directly contradicts the adoptive ordinance. The wording should be consistent with the Zoning Ordinance. A summary of the adoptive ordinance was that the DRB reviews items determined by the Zoning Administrator to be major remodeling or renovations and new construction. Since the primary purpose of the MOR was adaptive reuse and renovation, then it was crucially important to make clear that one of the things that the DRB was for the major remodeling needed for the adaptive reuse. Mr. Alix stated that on page 2 under Where Design Guidelines Apply, the first sentence also contradicts the paragraph that Mr. Hopkins had pointed out. Mr. Kowalski explained that on page 2 it refers to when the Design Guidelines would be used and on page 4, it referred to when the DRB would review cases. They need to match.

Mr. Alix inquired if the Design Guidelines would be applied in lieu of the DRB? Mr. Kowalski answered by saying yes. There was a staff level review for adaptive reuse projects that would not be considered extensive exterior remodeling or new construction.

Under Parking and Access on page 5, Mr. Hopkins felt that any wording that implied that the DRB enforced the Zoning Ordinance should be deleted. These things are requirements of the

Zoning Ordinance and not part of the Design Guidelines. Mr. Kowalski pointed out that it would require a text amendment to the Zoning Ordinance, because this section was taken verbatim from the Zoning Ordinance. The intention for this section was that the number of parking spaces must meet the requirement in the Zoning Ordinance. The DRB did not have the ability to require or allow less parking than required in the Zoning Ordinance. He stated that Mr. Hopkin's comments made him think that staff should go through the Zoning Ordinance to find out where the DRB was tasked with deciding whether a Zoning Ordinance requirement was met or not met.

Mr. Alix thought the Design Guidelines were great. He appreciated the hard work that went into them. He mentioned that he had been a bit uncomfortable with the amount of effort that had gone into the Design Guidelines relative to the number of properties located in the MOR Zoning District. The thing that made him feel that the work had not been an over expenditure of staff's time and money was that he hoped these Design Guidelines were the beginning of the City's willingness to consider the application of Design Guidelines in other sensitive neighborhoods.

Mr. Pollock echoed Mr. Alix's comments. He stated that it was really a phenomenal plan.

Ms. Upah-Bant admitted that she was well pleased when she got the Design Guidelines and read them.

Mr. Hopkins believed that this was a new kind of way of looking at something that was not quite regulation. It was very significant for the City of Urbana, because we have the idea that we would work with the developers to try to positively get them to do things that the City wants. He liked the idea that this kind of guideline was exactly the right thing to do. He would like to apply these ideas to the redevelopment of Philo Road.

Chair Pollock tabled the case until the Plan Commission meeting that would be held on July 7th.

7. OLD BUSINESS

Review of the By-Laws

The Plan Commission mutually agreed to continue this item to the next meeting of the Plan Commission to be held on June 24, 2004.

Mr. Alix commented that there appeared to be a general presumption in the By-Laws and in the way that the Plan Commission operates that the Plan Commission and the public have a right to hear the position of the petitioner. In fact, cases could be continued or dismissed on the grounds that the petitioner did not come forward to be heard. In the past several years, there have been a number of cases in which City staff had stood in for the petitioner. This made it unclear as to whom was bringing the action before the Commission. He had some degree of discomfort with the notion that the City must be seen to be neutral with regard to looking at the interest of the landowner and seeking a zoning change versus the interests of the surrounding landowners. He was not sure of how to address this. In the cases where the City was the petitioner, there was in effect no petitioner. It creates an unbalanced situation in both the eyes of the Plan Commission and of the public.

8. NEW BUSINESS

CCZBA-441-AM-04: Request by Pega Hrnjak and Ivana Bodulic for a zoning map amendment to rezone 2209 North Willow Road from County R-5, Manufacture Home Park to County I-1, Light Industry. Consideration of Protest or No Protest.

This case was removed from the agenda.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ CCZBA-441-AM-04: He noted that this case was deleted, because City staff was in the process of working out an annexation agreement and rezoning for the property. Staff will bring this before the Plan Commission on July 7th.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 10:07 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission