

MINUTES OF A SPECIAL MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 16, 2005

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Laurie Goscha, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

MEMBERS EXCUSED: Lew Hopkins

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services;
Teri Anel, Secretary

OTHERS PRESENT: Chris Billing, Caleb Phillips, Susan Taylor

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Goscha moved to approve the minutes as presented from the May 19, 2005 meeting of the Plan Commission. Mr. White seconded the motion. The minutes were approved by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Aerial Photo Site Plan for Plan Case No. 1938-SU-05
- Email from Andrea Antulov regarding Plan Case No. 1938-SU-05
- Revised Recommended Conditions of Approval for Plan Case No. 1938-SU-05
- 2005 Urbana Zoning Ordinance Republication

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case Number 1938-SU-05 – A request from Capstone Development Corporation for a Special Use Permit to establish a Residential Planned Unit Development (PUD) within the R-4, Medium Density Multiple-Family Residential Zoning District located at 1801 North Lincoln Avenue.

Elizabeth Tyler, Director of Community Development Services, presented this case to the Plan Commission. She began by giving a brief history of the proposed site and of the recent proposed development request by Hills for College, LLC, which was approved by the Urbana City Council. She talked about the current proposed development request by Capstone Development Corporation. She reviewed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. She summarized staff findings and read the options of the Plan Commission. She presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Urbana Plan Commission recommend approval of the Special Use Permit to the Urbana City Council with the following conditions of approval:

- 1. The development shall be constructed in substantial conformance to the site plan layout submitted as part of the application and attached to the staff report. Any substantial changes to the layout (with the exception of those resulting from compliance with other conditions set forth herein) shall require additional review and approval from the Urbana Plan Commission and Urbana City Council.*
- 2. The design and appearance of the buildings shall be in substantial conformance to the photographs and illustrations submitted for the project and attached to the staff report. This includes the use of brick material on the exterior of the buildings as depicted in the attached photographs.*
- 3. Should the developer elect to utilize the provisions of the Planned Unit Development Ordinance within the Urbana Zoning Ordinance and incorporate commercial uses into the development, a revised site plan may be reviewed and approved by the Zoning Administrator provided the revised site plan generally conforms to the spirit and intent of the original approval. Should the Zoning Administrator determine that the proposed changes substantially change the overall site plan, the case may be referred back to the*

Urbana Plan Commission and Urbana City Council for reconsideration of the original Special Use Permit approval.

4. *The required stormwater detention for development of the site shall be accommodated within the Kenyon Road/ I-74 Regional Detention Basin. Prior to development of the site, the regional detention drainage fee, as stipulated in the 1998 Berns, Clancy and Associates report, must be paid. The drainage fee is a special assessment which runs with the land and will not be waived. This payment shall be in the amount of \$147,290. This figure is derived from the amount established in the 1998 Berns, Clancy and Associates report plus a calculated 3% annual interest/ inflation factor.*
5. *The developer shall prepare an access detail plan showing alignment of the project driveway with Kettering Park Drive, sufficient queuing length, and turn lane designation (left only and right only exits), subject to the review and approval of the City Engineer.*
6. *The developer shall prepare a landscape plan for the property consistent with the requirements of the Urbana Zoning Ordinance and subject to the review and approval of the Zoning Administrator and City Arborist.*
7. *The developer shall remove the abandoned driveway at the south end of the site and replace it with a barrier curb.*
8. *The developer shall modify the site plan as necessary to allow sufficient fire truck and access on the site.*

Ms. Tyler introduced Chris Billing, Engineer from Berns, Clancy & Associates for the project, and Caleb Phillips, of Capstone Development Corporation. She would answer any questions that the Plan Commission had.

Mr. Kangas asked if staff was concerned about the number of curb cuts along Lincoln Avenue. Ms. Tyler replied that staff was happy that the petitioner was only proposing one curb cut for the proposed development. In general, developments tend to want to have more curb cuts, which creates more potential for traffic conflicts. She felt the City Engineer would be pleased that there would only be one curb cut for this development.

Mr. Pollock expressed concern with this, because left turns from north-bound traffic on Lincoln Avenue already created a dangerous situation. Did the City of Urbana have the right-of-way to put in turn lanes on Lincoln Avenue at this point? Ms. Tyler said yes. Mr. Pollock inquired if it would be the responsibility of developer along Lincoln Avenue to participate in the cost of turn lanes being put in. Ms. Tyler replied that this might be more of a question for the City Engineer. One of the recommended conditions of approval was that the petitioner/developer would have to provide an access plan. If the City Engineer felt that there would need to be an immediate geometric improvement on Kettering Park Road, then those would be required under the recommended condition of approval. Larger improvements to accommodate some of the back up at the Campus Connection Project would probably be a City of Urbana project, and we would probably need some state funding for that. The City of Urbana was reserving some additional right-of-way along Lincoln Avenue, and she believed that there would be improvements as warranted in the future.

Mr. Kangas inquired if the development would be fenced. Ms. Tyler referred this question to be answered by the petitioner. She stated that there was not that level of detail yet in the plans.

Mr. Kangas remembered when Hills for College, LLC had proposed a similar development, City staff recommended denial of the development. Ms. Tyler responded by saying that was correct. At the time, staff really believed that the best use of the proposed site would be commercial. Staff knew that there was competition from both residential and commercial developers to purchase the property. Therefore, staff felt that it was in the best interest of the City of Urbana to have a mixture of commercial and residential develop at the site. However, the Plan Commission and the City Council really felt that there was a “bird in hand” situation. Competition for purchase was really something that was difficult to weigh into a zoning decision. As a result, the new 2005 Comprehensive Plan reflects the approval decision of the Hills for College, LLC proposed development.

Caleb Phillips and Chris Billing approached the Plan Commission to answer any questions they may have.

Mr. Phillips addressed an earlier question regarding whether the site would be fenced. He mentioned that the landscape architects for Capstone Development Corporation were currently looking at this issue. More than likely there would be something similar to what Melrose has on the north, west and the southern ends with berms that have trees along the top. They were still discussing how to landscape the front, east side of the property.

Mr. Billing noted that he had exhibits and renderings for the Plan Commission to view. Mr. Pollock inquired if the renderings already existed or were they ideas of what the proposed development would look like. Mr. Phillips stated that the renderings were of an existing development in Lexington, Kentucky.

Ms. Goscha inquired if the proposed development would be all condominiums or would there be apartments as well. Mr. Phillips replied that Capstone’s existing projects are apartments; however, the proposed development would be all condominiums.

Mr. Billing pointed out that there was sufficient infrastructure constructed to the proposed site. There would be no additional burden of any kind that doing a development of this size and scope would place on any utilities or services in the community.

Ms. Goscha noted that one thing the Plan Commission was concerned about with the previous development proposed by Hills for College, LLC was the idea of getting some business mixed into it. She felt that the proposed layout would not be conducive to traffic oriented for commercial use. She still saw some validity in providing some additional business in the area. In the recommended conditions of approval, staff encouraged business being added into the development. However, it may not be enough encouragement.

Mr. Pollock questioned whether the land proposed to be purchased by the Capstone Development Corporation was limited to the borders of the site plan. Mr. Phillips replied yes. Mr. Pollock then asked if there was a possibility of doing additional commercial, where would

the developer put it. Mr. Phillips explained that as soon as one enters the site from Lincoln Avenue, there was about a 6,000 square-foot area that the Capstone Development Corporation planned to leave until last to develop, so that they can explore every commercial possibility they can between now and when construction actually begins. He explained that he was in the process of talking to a numerous commercial developers in the local area and trying to generate as much interest as possible.

Mr. Pollock asked how long the developer would reserve the space for commercial business. Mr. Phillips replied that in the case where they could not find a commercial business interested in developing the space, then Capstone Development Corporation would probably end up making it amenity space, such as a club house, for the condominium project.

Ms. Upah-Bant inquired where the parking spaces would be located. Mr. Billing answered by saying that the stripes for the parking spaces were shown on the map by little numbers indicating how many parking spaces are in each little area. Ms. Upah-Bant questioned whether there would be any parking on the inside of the development. Mr. Phillips remarked that there would be no parking on the inside of the development. This area would be all green space. All parking spaces would be outside of the common area.

Ms. Upah-Bant asked if this project would be age-controlled. Mr. Phillips replied no. It would be based on the sale of the condominiums. They would be open for sale to anyone who would like to live there. Ms. Upah-Bant replied that it did not look like a kid-friendly place. Mr. Phillips stated that a majority of the investors buying the condominiums have been parents purchasing a unit for their college-age children. However, there has been a whole range of demographics in their past projects. For this reason, he decided to leave open green space for more kid-friendly activities.

Ms. Goscha inquired if the developer was looking at having one commercial developer or more than that in the 6,000 square-foot area. Mr. Phillips explained that of the 6,000 square-feet, they would use about 2,000 square-feet for amenity uses, and the other 4,000 square-feet would be used for commercial. As to whether they had one commercial business or more, it depended upon how much space an interested commercial developer needed.

Ms. Goscha asked if only neighborhood business uses would be allowed since it was zoned residential. Ms. Tyler explained that 10% of the property would be allowed to be used for commercial. She believed that any commercial developer that would want to develop there would be a permissible type of commercial and be neighborhood serving in scale.

Mr. Pollock explained that it was unusual for him to look at any case and not have mixed feelings, and this was true for him in this case as well. While he loved the look of the proposed project and would love to have it developed in the City of Urbana, he did not feel that it belonged on this particular piece of land. He felt this way a year ago when the Hills for College, LLC brought their development proposal before the Plan Commission, and the Plan Commission voted to recommend to the City Council to not rezone the proposed area to the R-4, Medium-Density Multiple-Family Residential Zoning District. It was one of the very few commercial areas with this kind of land and with access close to the interstate. Although the Capstone

Development Corporation proposed to bring in some commercial, it would be nothing compared to what he would like to see developed in this area.

He went on to say that he saw a series of close-gated type communities being developed on land that appeared to be perfectly ideal for commercial, which was not a very good idea. In addition to recommending to the City Council to not approve this particular development, he would like to suggest that the City Council and Planning Division relook at the R-4 zoning in the entire area. He believed that the rezoning to R-4 was a mistake and felt that the City was being given a chance to correct that mistake. He remarked that this was no reflection on the quality of the proposed development. He loved the fact that the Capstone Development Corporation was looking to expand in the City of Urbana. He believed that it would not be ideal to have a frontage on Lincoln Avenue be strictly condominium development with no guarantee of any commercial business. He was willing to be patient with commercial development. He did not believe that “one in the hand versus none in the hand” was a convincing argument.

Ms. Goscha asked Mr. Pollock if he had another site in mind for the proposed type of development. Mr. Pollock stated that he was only concerned about the frontage of the proposed site. The proposed type of development could occur behind possible commercial development in front along Lincoln Avenue; however, he suspected that this would not be pleasing to the developer. He did not know enough about what was available in the City of Urbana to suggest an alternate site. He was only saying that he was not comfortable with building condominium residential on what looked to be the last stretch of good-sized commercial.

Ms. Tyler responded by reading part of the News-Gazette article written by Mike Monson regarding the Hills for College, LLC proposed development. She understood the need for commercial; however, the City of Urbana did adopt the new 2005 Comprehensive Plan, which calls for the area to be multiple-family residential.

Mr. Kangas moved that the Plan Commission recommend approval along with the revised recommended conditions of approval. Ms. Goscha seconded the motion.

Ms. Goscha understood what Mr. Pollock was saying; however, she felt that the proposed project would fill out a square of multiple family development. She believed it would be a really attractive project that would set off Urbana as a “quality of life” place to live.

Ms. Upah-Bant agreed that she had been and was willing to wait for commercial interest in this particular area, but it seemed like they had been waiting for 150 years. She was not willing to wait much longer. She believed that the time to have done something and prevent residential was when Melrose Apartments was being proposed. Now the whole area looks like really residential and hotel land.

Ms. Stake noted that she was torn between agreeing with Mr. Pollock and Ms. Upah-Bant. The proposed site had been vacant for a long time.

Mr. Pollock stated that it appeared that the proposed development would go to the City Council with a recommendation for approval. He wanted to say that it looked like a very high quality

development, and he would be happy to have it in the City of Urbana. Although, he would like to see it developed on a less attractive commercial site, he agreed that the City had been waiting a long time for interest in commercial development to come. The fact was that it had been zoned commercial for quite a while, and it had not been developed, so he would look at the proposed development as a win-win situation.

Ms. Stake wondered if there was a way that the Plan Commission could say that there must be some commercial developed on the proposed site. Ms. Tyler pointed out that the Capstone group were residential developers; not commercial developers. They were anxious to get zoning permission, so that they could exercise the option on the purchase. At the time of purchase, they might have more interest in commercial development. The City of Urbana had done the best they could to get other commercial businesses in the area on Kenyon Road and Federal Drive. Staff was disappointed that Hills for College, LLC did not build, but that happens sometimes. This seemed to be a more appealing looking project.

Ms. Stake noted that she liked to see PUDs, because they allow for more flexibility. She hoped that everything turned out well, and that the Capstone Development Corporation could find some commercial interest.

The roll call was as follows:

Mr. Kangas	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes	Ms. Goscha	-	Yes

The motion passed with a 5-1 vote.

Ms. Tyler noted that the case would go before the City Council on Monday, June 20, 2005.

Plan Case Number 1912-CP-04 – Adoption of a proposed Hazard Mitigation Plan as an amendment to the Urbana Comprehensive Plan.

Ms. Tyler gave the presentation for this case. She introduced the case by noting that the Plan Commission had recently had a study session reviewing the details of the Hazard Mitigation Plan (HMP). The Federal Emergency Management Agency (FEMA) and the Illinois Emergency Management Agency (IEMA) had reviewed the plan. IEMA has determined that the plan meets the required criteria, and as a result FEMA has officially approved the HMP. She talked about the connection between the HMP and the 2005 Comprehensive Plan. She summarized staff findings and read the options of the Plan Commission. Staff recommendation was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission forward this case to the City Council with a recommendation for approval.

Mr. Kangas moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. White seconded the motion.

Ms. Goscha stated that within the HMP there were a number of items, such as the Building Code, greater wind protection measures, etc. Were these things that the City planned to actually implement? Ms. Tyler explained that the mitigation strategies look at the whole universe of items. The Action Plan listed things that the City of Urbana was actually going to focus on. Some of the things were already underway, and some were going to take some work. As far as the Building Code update, many of these measures were addressed in the International Code. Community Development Services was in the process of going from our current BOCA, 1990 to the International Code. It has been difficult to accomplish, because we have had such a high level of development and construction activity, but we need to get it done within the next fiscal year. By going to the International Code and through the City's adopting ordinances, the City will have better wind resistance.

The roll call was as follows:

Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes
Ms. Goscha	-	Yes	Mr. Kangas	-	Yes

The motion was approved by unanimous vote.

Ms. Tyler noted that the case would go before the City Council on Monday, June 20, 2005.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- **The First Baptist Church Annexation and Rezoning cases** were approved by the City Council.
- **The July 5, 2005 City Council meeting** will be cancelled.
- **The next two scheduled meetings of the Plan Commission** are tentatively cancelled.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:18 p.m.

Respectfully submitted,

Elizabeth Tyler, City Planner
Urbana Plan Commission