

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: June 21, 2007

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Benjamin Grosser

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

OTHERS PRESENT: Kevin Augustine, Jenny Park, Paul Smith

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

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

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Ward moved that the Plan Commission approve the minutes from the June 7, 2007 meeting as presented. Ms. Upah-Bant seconded the motion. The motion was approved by unanimous voice vote.

4. COMMUNICATIONS

 Schematic Drawings regarding Plan Case No. 2043-SU-07

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2043-SU-07: A request by Trammell Crow Higher Education Development, Inc. for a Special Use Permit to construct multi-family dwellings at 1008, 1010 and 1012 West University Avenue in the B-3, General Business Zoning District.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a brief introduction by explaining the purpose of the Special Use Permit request, which is to allow apartments in a B-3 zoning district as part of a mixed retail/apartment building with an interior parking garage at 1008, 1010 and 1012 West University Avenue. He stated that the petitioner has also requested a major variance to allow five-foot side-yard setbacks, which the Zoning Board of Appeals reviewed and recommended approval to the City Council. He talked about the zoning and land uses of the subject property and of the surrounding properties. He discussed how the proposed development relates to the goals, objectives and policies of the 2005 Comprehensive Plan. He also discussed development regulations such as height of a development, maximum required Floor Area Ratio (FAR), access, required parking and signage. He reviewed the schematic plans for the proposed development that were handed out to the Plan Commission as provided by the applicant. He reviewed the requirements for a Special Use Permit according to the Urbana Zoning Ordinance and read the options of the Plan Commission for the proposed case. He presented staff's recommendation, which is as follows:

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

- 1. The development shall be constructed in general conformance with the site plan submitted and attached as Exhibit E. The Zoning Administrator shall have the power to approve additional minor changes necessary for the project to comply with City regulations including building, fire, and site development codes.*
- 2. The design and appearance of the development shall be of a high standard of quality in substantial conformance to the illustration submitted as part of the Special Use Permit application submitted and attached, including masonry construction.*

Ms. Stake wondered why the petitioner wants to rezone the area right along the railroad track. Mr. Myers explained that this strip is part of the legal description and is already zoned B-3. The petitioner does not want to rezone the strip. The B-3 Zoning District requires a Special Use

Permit to have a residential use on it. By right, the petitioner could have a commercial building on the proposed site but not residential.

Ms. Upah-Bant asked for clarification in that if the petitioner only built a commercial building, then the setbacks could only be five feet by right. Mr. Myers said that is correct. If it was just a commercial development, then it would only be required to have five-foot side-yard setbacks, and there would be no height limit. Since they are adding a residential component to the development, the side-yard setbacks have to be moved back to approximately seventeen feet, which is why the Zoning Board of Appeals reviewed a major variance request to allow only five-foot side-yard setbacks.

Mr. Fitch referred to the first drawing in the schematic plan and asked if the right side of the building is the only part that would front onto University Avenue. The left side of the building set back behind is not shown in the façade illustration. Mr. Myers said that this is a very perceptive question and the applicants could answer this.

Chair Pollock inquired as to how wide the strip is that runs down to Goodwin Avenue. Mr. Myers replied that it is about thirty feet wide. He explained that in the old days there were two railroad rights-of-way that ran parallel next to each other. This strip is part of the south railroad right-of-way. Chair Pollock asked if it is wide enough for vehicular access at some point. Mr. Myers believed it is.

Chair Pollock asked for clarification on the parking. There are two levels of parking. One is underneath, and he assumed that it would be excavated and be below what would normally be ground level. The second level of parking would be at ground behind the building. Is the plaza on the ground level? Mr. Myers said that the plaza/retail area would be on the second level. It would be above the parking level.

Ms. Stake commented that there is a schematic plan, but there is no proof that the petitioner will build what is in the plan. Mr. Myers responded by saying that is why City staff is recommending the two conditions.

Ms. Stake pointed out that the site plan does not say whether it will be constructed of brick, etc. Mr. Myers said that the Plan Commission could specify this in the motion if this were important in terms of the Special Use Permit.

With no further questions for City staff, Chair Pollock opened the hearing up to take input from the public.

Kevin Augustine, Senior Vice-President for Trammell Crow Company, talked about the firm. It is a national real estate development company, which specializes in a wide variety of developments. There are two divisions working on the proposed project. One of the divisions is the Higher Education practice that began by building university housing and university facilities on campuses. Over the years, they have evolved to a larger practice that builds university housing off campus and mixed-use and other complimentary uses next to campuses. The other division is the Mixed-Use Development practice which he heads for the Midwest. His particular

area of expertise is transit-oriented development, new town centers and mixed-use condominium apartment developments.

In summary, he stated that they are a national company that is strong and well capitalized. However, they have a team in Chicago that is familiar with the City of Urbana. They are good at this type development and bring a particular local talent to the project as well.

Ms. Stake asked if Trammell Crow is at all interested in the railroad. Mr. Augustine replied that this type of rail is a little bit different than what they would typically focus on in terms of a mixed-use transit-oriented development. Ms. Stake mentioned that the City of Urbana does have problems in that our railroad tracks and spaces for rail are being used for other things. We do need rail eventually. She does not like to see any railroad land taken away for something else, especially buildings. Mr. Augustine pointed out that the proposed development site is outside of the actual railroad right-of-way. They have a design that they feel will not negatively impact any of the operations of the railroad traffic. At the same time, it is designed so that they do not feel the units themselves would be unattractive to a particular resident.

Ms. Stake inquired as to what would be in the strip closest to the railroad tracks. Mr. Myers explained that the strip is only included in the application because it is part of the land that they are acquiring and is part of the legal description. They will not build on the former rail right-of-way that extends to Goodwin Avenue.

Chair Pollock stated that the question is whether anything could be built on that strip. If the strip is part of the railroad right-of-way, then the answer is no. Mr. Myers stated that he did not foresee anything being developed on that strip.

Ms. Stake commented that we are losing a lot of the railroad tracks at a time when we need more railroad tracks. Mr. Augustine reassured her that although the strip is included in the land that they are buying, it is not a piece of land that they intend to use. Ms. Stake replied that Trammell Crow might not use it but corporations sell land all the time.

Mr. Myers pointed out that the Plan Commission is here to review the Special Use Permit application and not decide who can buy and sell property. Ms. Stake replied that the Plan Commission is to decide whether the proposed use is a good use or not. Mr. Myers responded that the railroad is not part of the application. The application is for a residential use in the B-3 Zoning District.

Mr. White stated that it looks like the strip of land that runs to Goodwin Avenue could be used as an alleyway to provide access to the rear of the property. Mr. Augustine stated that they did not anticipate the extra access point, so they did not design the building with that in mind. Mr. White wondered if the petitioner provided a rear access point if that would help alleviate the traffic dumping out onto University Avenue.

Mr. Hopkins stated that because the drawings are conceptual, he is having trouble imagining exactly what the five-foot setbacks are. He realizes that this was the Zoning Board of Appeals purview more than the Plan Commission, but he believes that the permission of the residential

uses on the upper floors is the purview of the Plan Commission, and it is tied together. On the drawing of the second floor of the conceptual plans, it appears that some portions of the sides of the building are closer to the lot line than others. The front of the building is shown extending beyond either of the sides, which would imply that the common area on the second floor extends into the five-foot yard setback.

Mr. Myers responded that he previously asked the petitioner for clarification about this and that Trammell Crow told him that no walls of the building would be closer than five feet to the property line. Mr. Hopkins did not believe that the City should agree to allow this variance and then not allow the same variance to someone who wants to build another building just to the west of the same kind. Chair Pollock noted that a building to the west of the same kind would also require a Special Use Permit and a similar hearing for a major variance as well. Mr. Hopkins wants to treat the second party the same as the first party, which would be easier to do if he understood that there is a setback of more than five feet from where the residential windows would be. He understands the drawings to mean that no window of an apartment would actually be at the five-foot side-yard setback but would be farther back. Mr. Augustine said this is correct.

Ms. Stake wondered why the petitioner needed such a variance on the side-yard setbacks from seventeen feet to five feet. Mr. Augustine replied that the big problem with the variance is that the lot is L-shaped. Seventeen foot side-yard setbacks would really shrink the footprint of the building, and it would make it difficult to lay out the floor plan and difficult to plan parking area.

Ms. Upah-Bant asked if a fire truck would be able to fit under the passageway. Mr. Myers stated that the Fire Inspector has reviewed the plans and has found them acceptable.

Chair Pollock questioned if the apartment units would have sprinklers. Mr. Augustine said that if they are required by code, then they would certainly provide them. Mr. Myers did not recall if sprinklers are required but the project will be required to meet all current Fire codes.

Mr. Fitch inquired if the building would look like what is shown in the conceptual drawing. Mr. Augustine stated that their intention is to make the building similarly architectural the same on all sides. Based on layout and format, they anticipate the majority of the building to be brick. They may use some pre-cast stone, hardy board concrete siding, or commercial grade stucco, but they would not use vinyl siding or anything of that nature. It is meant to be a masonry, institutional investor quality building.

Ms. Stake asked if they could say the building would be made of brick. Mr. Augustine said that the exterior of the building will be 100% made of masonry and glass. They have not done the final design drawings. Again, it is meant to reflect a high quality development. They are taking a brand name called the Stratum for their student housing projects, and they are branding them across the country. So, it is important to them that they develop a certain level of institutional grade quality in these projects to maintain the brand name.

Ms. Burris questioned how many lanes of traffic the underpass will have. She asks because University Avenue is extremely busy. Mr. Augustine stated that he is pretty sure that there will be at least two lanes.

Ms. Burris asked if there would be inner sidewalks provided as well in the tunnel entrance. Mr. White showed her the conceptual drawing for the First Floor where sidewalks are illustrated in the area she is talking about.

Paul Smith, owner of 1008, 1010 and 1012 West Clark Street, mentioned that the ambulance and the fire trucks make more noise than the trains. Trains only come once in a while. South of University Avenue from Harvey Street to Lincoln Avenue could have been rezoned 20 years ago for something like this to make more efficient use of the land. The petitioner will be able to get more use out of their land by having less setback requirements. Chair Pollock recalled that the zoning in that area is B-3U, General Business – University Zoning District. There were zoning changes made specifically to encourage mixed-use and high density development west of Lincoln Avenue. Mr. Smith said the zoning is R-5, High Density Multiple-Family Residential, and it requires a bigger side-yard setback. Mr. Myers responded by saying that the area between Harvey Street and Lincoln Avenue is zoned B-3U Zoning District, which does allow a higher density residential use.

Ms. Stake wondered how the Plan Commission was going to find out about what the Fire Department requires. Mr. Myers stated that he spoke with Tony Foster from the Fire Department and asked him to review the plans. Tony responded that the Fire Department did not have any comments on the conceptual plans. He is sure that Mr. Foster based his review on the Fire Code. He assumed that the petitioner would have to provide sprinklers for each apartment unit because residential uses are all providing sprinkler and smoke detectors. He stated that if the Plan Commission felt this concern was important enough and unanswered, then they could table this case to the next meeting, and he would ask the Fire Department to specifically respond in writing. Chair Pollock suggested that the Plan Commission not delay making a decision on the case. If there is a serious question about this issue, then they could include a third condition that the Fire Department take a specific look at fire control access to the site. Mr. Ward pointed out that he did not feel that this would be necessary. Obviously, any construction has to meet the Fire Code. If it does not meet the Fire Code, then the Plan Commission is not about to amend the Fire Code. It is not in their purview. He suggested that there is no need for the additional condition.

With no further input from the public audience and with no further questions for City staff, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission debate and motions.

Mr. Ward moved that the Plan Commission forward Plan Case No. 2043-SU-07 to the City Council with a recommendation for approval with the two conditions that are contained in the City staff's recommendation. Mr. White seconded the motion.

Ms. Stake expressed her concern that the City's Fire Code is not up-to-date regarding taller buildings. She would feel more comfortable to hear more from the Fire Department. Mr. Myers

clarified that the City's codes are absolutely to current standards in terms of both Building Codes and Fire Codes. The City's fire rating is 2 out of 10 with 1 being the highest. A rating of 2 is almost unheard of. Most communities have about a 4, 5 or 6, and rural areas often have a 9 or 10 fire rating. The reason for our outstanding rating is because our Building Codes and Fire Codes, water supply, fire station facilities, fire training, and fire equipment are above expectations.

Chair Pollock commented that this is an infill development in a spot in which he wasn't sure that anything would ever happen. We have had years and years of inactivity on these particular lots. The proposed development will provide for high density residential and retail. The schematic drawings look beautiful. We have guarantees that the proposed development would be built substantially in conformance with the schematic drawings. He feels this is a great project, and he plans to support it enthusiastically.

Roll call on the motion was as follows:

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| Mr. White | - | Yes | Mr. Ward | - | Yes |
| Ms. Upah-Bant | - | Yes | Ms. Stake | - | Yes |
| Mr. Pollock | - | Yes | Mr. Hopkins | - | Yes |
| Mr. Fitch | - | Yes | Ms. Burris | - | Yes |

The motion was approved by unanimous vote. Mr. Myers mentioned that this case would go before City Council on July 9, 2007.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Next Regular Meeting falls on July 5, 2007, and there is a Preliminary Plat review case to be heard. He expressed his concern for getting a quorum with it being right after the July 4th holiday. Chair Pollock asked for a show of hands of how many members would be available for the meeting. There were three members available for July 5th, and one maybe. Chair Pollock encouraged the members to let City staff know their plans as soon as possible.
- Eastland Suites Rezoning was approved by the City Council.
- Neighborhood Conservation District Text Amendment was sent to the Committee of the Whole for the City Council to hold further discussion. He asked if one of the Plan Commission members would be available and feel comfortable speaking to City Council on the topic and to give the City Council some feedback on the thinking of the Plan Commission. Mr. Fitch volunteered to speak.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

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

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission