

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 21, 2011

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Andrew Fell, Lew Hopkins, Dannie Otto, Michael Pollock,
Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Tyler Fitch, Ben Grosser

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri
Andel, Planning Secretary

OTHERS PRESENT: Muhammad Abdullah, Mohammad and Roaa Al-Heeti, Mir Ali,
Tom Berns, Russell Dankert, Bahaa Fadlalla, Eric Heim, Kevin
Hunsinger, Waleed Jassim, Barbara Kessel, Charles Lozar, John
and Diane Marlin, Faruq Nelson, Mark Ritz, Norsidah Saabia,
Michael Selvaggio, Susan Taylor, Conrad Wetzel

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

Chair Pollock called the meeting to order at 7:32 p.m. The roll was called and a quorum was declared present.

2. CHANGES TO THE AGENDA

Due to a large number of people in the audience present to hear Plan Case No. 2148-CW-11, Chair Pollock recommended that the Plan Commission move this case to be the first public hearing heard on the agenda. The Plan Commission agreed.

3. APPROVAL OF MINUTES

The minutes of the June 9, 2011 Plan Commission meeting were presented for approval. Mr. Otto moved that the Plan Commission approve the minutes as presented. Mr. Fell seconded the motion. The minutes were approved by unanimous voice vote as presented.

4. COMMUNICATIONS

Regarding Plan Case No. 2148-CW-11

- ✚ Email from Robert Myers stating he received a phone call from Patricia Fitzpatrick
- ✚ Email from Teri Andel stating she received a phone call from Wilmer Otto
- ✚ Email and Photos from John Marlin
- ✚ Letter from Dr. Charles Lozar
- ✚ Supplemental Staff Report

5. NEW PUBLIC HEARINGS

Plan Case No. 2148-CW-11 – 711 Western Avenue. A request by the Central Illinois Mosque and Islamic Center for a Creekway Permit to construct a dormitory/gymnasium with a building height increase of up to 12 feet, parking encroachment, a front yard building setback of 15 feet or greater, and allowances for Transfer of Development Rights/ Zoning lot provisions, for a parcel in the R-5, Medium High Density Multi-Family Residential Zoning District and the Boneyard Creek District.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He began by stating that the Plan Commission does not normally review applications for Boneyard Creekway permits because there is a Boneyard Creekway Commission that typically makes decisions on these types of applications when they are submitted. However, when there are bonus provisions requested in excess of what the Boneyard Creekway Commission is authorized to permit then the Commission makes a recommendation to the Plan Commission. He explained that a Boneyard Creekway permit is submitted when properties are developed along the Boneyard Creek, which is in the Boneyard Creekway District. The District is intended to implement the Boneyard Creek Plan, and the Boneyard Creekway Commission uses that as their guide as to whether or not a project is conforming.

He mentioned that part of the Boneyard Creek Plan is to include a bikeway path along the creekway. Because some properties are in the flood zone along the Boneyard Creek, there is some flexibility in the development standards to enable properties to be developed in a different way. In this particular case, a portion of the proposed site is in the flood zone.

He gave a brief history of the applicant, Central Illinois Mosque and Islamic Center (CIMIC), and referring to page 2 of BLDD's CIMIC Annex packet, he showed the properties owned by the applicant in relation to the Boneyard Creek. He noted that one of the provisions of the Boneyard Creekway District is that it allows two properties to be counted as one zoning lot. City staff is therefore counting 106 South Lincoln Avenue and 711 Western Avenue as one zoning lot in terms of development standards.

Using the Site Plan and photos Mr. Myers talked about the proposed site, the surrounding properties and the Boneyard Creek. He explained that Western Avenue is unusual in that it is a street but functions more like an alley. The reason is because it used to be an old interurban rail line that was dedicated years ago to the City of Urbana. The pavement is only fourteen feet wide.

Chair Pollock asked if the City owned any right-of-way along Western Avenue that is not part of the street itself. Mr. Myers said yes. Because there had been some question about where the property line runs, he contacted Tom Berns at Berns, Clancy and Associates (BCA), who had surveyed the property. BCA had determined that the northwest corner of the proposed site is 8.3 feet from the edge of the pavement along Western Avenue.

Mr. Myers continued his presentation by showing the setback of the other properties on the south side of Western Avenue compared to the setbacks of some of the properties on the north side. He showed illustrations and floor plans of the proposed development noting the uses of each. He discussed the development standards for the building height and parking for the proposed project. He stated that the City Engineer has asked the petitioner to provide parallel parking along Western Avenue rather than the proposed 90 degree parking due to the difficulty of garbage trucks or fire trucks being able to maneuver on Western Avenue. He then discussed the building setback requirements and what CIMIC is proposing.

Mr. Fell wondered if this had reached the level of being reviewed for building permits. Mr. Myers said no. Mr. Fell noticed that with regards to parking, the City not only requires so many feet for the parking space but also for the backing out distance. So, the total amount normally required from the front of the parking space to the back of the backing out space is 41-1/2 feet, which the proposed parking would be significantly short of that. Mr. Myers replied that the City normally only allows backing out onto a public street if it is a single-family or a duplex. Cars parked at apartments on Western Avenue have typically backed out onto the street, but they have more room to back than in this instance.

Mr. Fell asked if it is even feasible for the City to approve 90 degree parking as requested by the applicant. Mr. Myers stated that after looking at the parking space distance and given that Western Avenue is only 14 feet wide, the City Engineer does not feel that there is enough room for drivers to back out safely and requests that the Plan Commission not approved 90 degree parking.

Mr. Otto asked Mr. Myers to talk more about bonus provisions offered in the Boneyard Creek Plan. Mr. Myers answered that the bonus is essentially a transfer of development rights. In order to stay out of the flood zone, if a property is located next to the Boneyard Creek the owner could construct a building on a different portion of the lot where they normally would not be allowed or the owner could construct an extra floor on the building. In order to be approved for one of these bonus provisions, the owner would be required to offer the bikeway easement along the creek.

Mr. Hopkins questioned if the easement line is from the centerline of the creek. Mr. Myers said that it is 25 feet to the centerline of the creek. Mr. Hopkins asked if this would be affected by the width of the creek at any given point. Mr. Myers said no. It would be constant.

Mr. Hopkins inquired as to how many feet are between the sheet piling and where the wall of the first floor would be constructed. Mr. Myers deferred this question to the applicant's architect.

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

Mark Ritz and Michael Selvaggio, BLDD Architects, approached the Plan Commission.

Mr. Selvaggio responded to Mr. Hopkins questions saying that the closest edge of the proposed building at the southeast corner to the sheet piling of the creek would be approximately 15 feet. He could not be exact without measuring the distance.

He talked about the proposal for 90 degree parking stating that it would be the most cost effective option for the petitioner and the most convenient for the Mosque and the new building site. Approving the 90 degree parking would allow them to have ten parking spaces for their staff and includes a handicap space that is required. There is a precedent for 90 degree parking already on Western Avenue. Every property on Western Avenue on both the north side and the south side has 90 degree parking.

Ms. Stake wondered why they need 12 additional feet in the building height. Mr. Selvaggio replied that they need the additional height because of the gymnasium on the first floor which has extra high ceiling, plus classrooms on the second floor, and the separation of men and women dormitories on the third and fourth floors. Ms. Stake commented that it does not seem that the City would want to put taller buildings next to the smaller ones.

Ms. Stake asked why they need a reduction in the front yard setback. Mr. Selvaggio responded that the proposed building will setback 22 to 23 feet from the front property line. The building to the north set a precedent when the City approved a 15-foot front yard setback.

Mr. Pollock asked if the front yard setback is the setback along Busey Avenue. Mr. Selvaggio stated that they were informed by City staff that Western Avenue and Busey Avenue would both be considered front yards since the property fronts on both streets. Mr. Pollock inquired about the setback along Western Avenue. Mr. Selvaggio said they are requesting a 15-foot setback along Western Avenue. Mr. Ritz pointed out that the setbacks are not variance requests, but instead are bonus provisions to account for the fact that the property is in a flood zone. So the requested building height and setbacks are within the zoning provisions. The only thing that they are requesting that would not be a standard procedure on a normal street is the 90 degree parking. Because Western Avenue is somewhat of an alley and a less travelled street, it is no different than the apartment complex to the east, which has similar parking to what they are requesting. He then referred to an aerial photo of Western Avenue and showed the existing parking of the apartment complex. He did not feel that it would create a hazardous situation for this type of street.

Ms. Stake inquired about the transfer of some required parking from the proposed annex property to the Mosque parking lot across Busey Avenue. Mr. Selvaggio stated that this means they would transfer some of the required parking for the new building to the existing Mosque site. They would be able to achieve this through restriping the existing Mosque parking and providing the 90 degree parking at the new site.

Chair Pollock stated that it is possible that the Plan Commission and the City Council will defer to the City Engineer and decide that the petitioner 90 degree request is not appropriate, and that they need to provide parallel parking on the new site. If this happens, where will the applicant get the spaces that they need to meet the minimum parking requirements? Mr. Selvaggio explained that they would need to further study it, but he believes that they would be able to expand the pavement on the Mosque site to provide the required spaces.

Chair Pollock referred to Questions #15(b) and #15(d) on the Boneyard Creek Permit application that was completed by the applicant. He wondered how the proposed development would improve the visual quality of the water for recreational and other uses. Mr. Selvaggio responded by saying that the bike path required by City staff is part of the beautification of the site along with a Landscape Plan. Also the overall building aesthetics would improve the surrounding areas. The bike path and easement would also bring people to the area and would contribute to changing the Boneyard Creek from a liability to a community asset

Chair Pollock referred to Question #20(b). The petitioner checked “No”, and he believes this might have been by mistake. The question asks if the petitioner understands that if any of the bonus provisions being requested are approved, then the City may require dedication to the City of a portion of the lot adjacent to the Boneyard. Mr. Selvaggio says that it should be marked “Yes.”

Chair Pollock wondered how long CIMIC has owned the proposed site. Mr. Selvaggio said about seven years.

Chair Pollock stated that if the parking spaces on the proposed site will be dedicated to staff, then any visitors and residents will need to park in the existing parking lot across the street. He pointed out that the Plan Commission received a complaint about people already parking on his property. He asked if one handicap space is reasonable for a building with the proposed usage. Mr. Selvaggio commented that they are only required to provide one handicap parking space. Chair Pollock wondered if it is practical to just meet the requirements given the intense usage the petitioner plans to have. Mr. Ritz replied that it is not ideal to have the parking separated onto two lots. They could look into providing accessible pathways in the sidewalks where crossing Busey Avenue would occur.

Ms. Stake wanted to know how long the bike paths be and where they will be located on the property. Mr. Selvaggio pointed out that the bike path would be eight feet wide along the edge of the creek.

Mr. Fell asked when considering the parking requirements, is it considered conjoining uses with the Mosque? If so, if the Mosque sells the property at 106 South Lincoln Avenue, then the proposed new annex would not be able to continue to meet the parking requirements for its site. Would the Mosque need to deed over parking from its site to support the annex? Mr. Myers answered that whenever there is off-site parking, the best thing would be to dedicate the parking with an easement. However, when one person or organization owns both properties, they usually do not put an easement on one of them. If the Mosque were to be sold, then there should be an easement in place, and it should be placed at the time when the property is sold. Mr. Fell

believed it would be impractical to wait until the property gets sold to require an easement because the Mosque is not required to let the City of Urbana know when and if they sell the property. He would think that a dedication would need to be proven in order to get approval of their building permits. Mr. Myers stated that the City has allowed people to enter into informal arrangements without necessarily placing an easement on the property in cases where off-site parking has been acquired.

Mr. Otto asked for more details about what it means that the two properties form one campus. Mr. Myers replied by saying that relates to zoning, such as for required parking spaces, floor area ratio and open space ratio, etc.

Mr. Otto inquired as to how the proposed request is different than that of the First Presbyterian Church a few years ago when they were expanding. He recalled that there were parking issues. Mr. Myers responded that any development can provide parking off-site as long as it is within 600 feet of the property. They allow this because if they required all parking to be on-site, then it could impede development and encourage over building of parking lots throughout the City. Certain uses do not meet every day of the week, so parking could be shared by another business with different hours. City staff likes the idea of shared parking because it reduces stormwater runoff and prevents everything from being paved over.

Mr. Ritz stated that the new site will be required to have 13 parking spaces. If they are allowed to have 90 degree parking, then they will be able to provide 10 of those spaces on-site, and the other 3 parking spaces would be transferred to the Mosque site.

Ms. Stake wondered where the eight-foot bike path would be located on the property. Mr. Myers said the path would be a several feet from the edge of the creek bank. There needs to be some distance between the shared use path and the wall of the Boneyard Creek. Ms. Stake commented that it would not be very attractive to have a great big building next to the shared use path. Mr. Myers pointed out that it would be landscaped as well.

Ms. Upah-Bant questioned whether the Mosque would be able to sell off the annex property if it is considered one campus. Mr. Myers answered that it is only considered one campus for zoning purposes, and the petitioner could sell the annex property if it is a legally platted lot.

Mr. Fell asked how they calculated that the petitioner needed 13 parking spaces. Mr. Selvaggio said that the Illinois Accessibility Code plus the Urbana Zoning Ordinance require one parking space per three residences for a dormitory use. Mr. Fell wondered if there was no additional parking required for the classroom or the gymnasium use. He felt that the calculations were wrong just from his experience in the past. Mr. Myers commented that he would need to research this issue to say precisely how parking for the campus was calculated.

Charles Lozar, owner of the apartment building located at 712-714 West Elm Street, addressed the Commission. His apartment building is a three-story student housing complex. He is in opposition of the proposed request because of the following objections: 1) density, 2) setbacks, 3) creekway flood way, 4) height restriction, 5) multiple use and noise level, and 6) parking. These reasons are stated in his letter to Mr. Myers that was handed out to the Commission prior

to the start of the meeting. He feels that the proposal for the addition will be an invasion into their quiet residential neighborhood. He asked why the City is providing transfer rights to increase the density on a small lot and to increase the height. He mentioned that the petitioner is a good neighbor; however, he opposes this application based on its design.

Mr. Otto asked if the bonus provisions of the Boneyard Creek Plan were in place when Mr. Lozar constructed his apartment building. Mr. Lozar said yes. He asked the Building Safety Manager at the time, Craig Grant, about the bonus provisions, but Mr. Grant discouraged him from using them because they complicate the development process.

Mir Ali, representative of CIMIC, pointed out that the proposed development is mentioned as being four stories, but it is really three stories. The lower floor is tall because of the gymnasium. Part of the first floor is the mezzanine, which they intend to use for classrooms. The other two floors are for a men's dormitory and a women's dormitory.

They are asking for a 15-foot setback along Western Avenue because of the Boneyard Creek on the south side and because it is a corner lot. It will be a typical building with only one front. Western Avenue is more like an alley than a street. Regarding parking, he mentioned that even though they pray five times every day, most people pray at home except on Friday during congregation time. During other times, the Mosque parking lot is mostly vacant. They have adequate parking space for the Mosque and for the proposed annex. They also have a mutual arrangement with two nearby churches to share their parking lots if needed in exchange for the congregations of the two churches using their parking lot on Sundays. Students who will live in the proposed dormitories will not need parking because they will just walk across the street. So parking is not really a major issue. The Mosque's purpose is not to make money. This is not a business venture. They just want a self-sustaining project where Muslim students can live. If someone who is not Muslim wants to live there, they will be allowed to as well regardless of their faith. He mentioned that these are the differences between the proposed development and Mr. Lozar's apartment building. Mr. Lozar uses his apartment complex as an investment property.

Mr. Ali emphasized that the aesthetics of the building will be elegant, and it will beautify the area. They plan to construct a top quality building with the latest technology and green design techniques. The gymnasium/athletic facility will only be used by the residents in the building. It will not be open to the public. They will be particular about the acoustics of the building so that no noise gets out. He explained why they chose to construct the proposed building at 711 Western Avenue rather than on the Mosque site. If they constructed the proposed building at 106 South Lincoln Avenue, then the parking would have to be located across the street at 711 Western Avenue. This would not be safe for the elderly people and young children to have to cross the busy Busey Avenue to go to the Mosque. It would also block the green space that they have already provided.

Waleed Jassim, member of the Board of Trustees for CIMIC, stated that he has been involved in the design of the building since the beginning. They have 23 parking spaces beyond what was required when they constructed the Mosque. Therefore, there is adequate parking for both the Mosque and for the proposed development. The drive thru located at the Mosque is too important

to block by constructing the proposed building on the same lot as the Mosque. Many people drop off their elders or young children at the Mosque using the drive thru. They have been lenient with neighbors using their parking lot and dumpsters, including Mr. Lozar's tenants. In addition they refer members of their congregation to seek residency at the nearby apartment complexes. So he feels that the proposed project will not do anything but help the neighbors and the community.

Ms. Upah-Bant wondered how many students could live on the proposed third and fourth floors. Mr. Ali responded 38 students with 19 living on each floor.

Ms. Stake asked if CIMIC could still build without using any bonus provisions. Mr. Ali replied that they could still build a smaller scaled project; however, they would not be able to satisfy the needs of their students. They would not be able to provide a gymnasium/athletic facility. He believes that young people need a place where they can do physical activities.

Ms. Stake stated that she is concerned about the height of the proposed building and the increased density in the neighborhood. Mr. Ali mentioned that it will not be much different than Mr. Lozar's apartment complex, just a few feet taller. It will be an aesthetically pleasing building located close to the University of Illinois campus.

John Marlin, of 2203 Boudreau Circle, mentioned that he and his wife own 710-712 Western Avenue which is a one story duplex to the north of the proposed site. He mentioned that he sent in a preliminary letter in opposition of this case that was handed out to the Plan Commission prior to the start of the meeting. He has had more time to study this request and has a few corrections since submitting his preliminary comments. He stated that basically they have had no contact with the Central Illinois Mosque and Islamic Center and so the proposed request came as quite a surprise. He read the summary from his letter. He then summarized his initial observations of inconsistencies and errors in the information that was provided in the written staff report and attachments. He reviewed the photos that he submitted and were handed out to the Plan Commission prior to the start of the meeting.

Mr. Marlin said that according to his calculations the City's right-of-way is 23 to 26 feet from the north edge of the paved street into the proposed site. The street is 14 feet wide; leaving another 9 or 12 feet of which the applicant is claiming that part of is their property. Does the City basically want to give up its right-of-way on the south side of Western Avenue for a non-public purpose that will not generate any tax money? Parking is a serious issue. The Mosque itself already needs more parking. People attending Mosque functions constantly park on his rental property whether on the grass or in the rental spaces.

The dormitory/gymnasium/community center is a different kind of animal than student parking. One reason perpendicular parking has always worked is because the students tend to park and leave their cars. So, there is not a whole lot of backing up and forth. However, in a situation like the one being proposed where people will be coming to the building for a variety of functions, there will be a lot more traffic. It will also be very difficult to enforce the parking spaces being reserved for staff only.

He talked about the setbacks and mentioned that the floodplain restrictions were in force well before CIMIC purchased the property. Therefore, they should have known what the zoning implications were and sized the proposed development accordingly. He discussed the issue of snow removal. There virtually will be no place to put snow on the proposed lot. In summary, he and his wife have taken care of their property. They do not feel that it is right that they should be impacted by the effects of the proposed development and have the City help the applicant out by granting variances and giving away City property.

Mr. Hopkins wondered if Mr. Marlin's building is a non-conforming building. Mr. Marlin said that under current zoning laws it would have to be. In fact, on the parking issue, about 10 years ago one of his neighbors was talking about enhancing the parking in the area. He talked to City staff about constructing perpendicular parking spaces along 20-feet of a 40-foot empty lot that he owns, and staff said that he could not do it. He would have to provide an entrance into a parking lot and drivers would need to be able to turn around and head out. This is one of the reasons why he was so appalled to see the parking spaces be constructed down by Coler Avenue.

Kevin Hunsinger, a property owner in the neighborhood and developer in the City of Urbana, commented that parking requirements have always driven the size of a development project. The petitioner is trying to ignore the parking requirements in the proposed case. Page 85 of the Zoning Ordinance specifically states that there cannot be parking in the front yard. Western Avenue has been determined a second front yard. The proposed project cannot obviously meet the design criteria because they are asking for a 40% reduction in the front-yard setback. Although this may be allowed through a bonus provision in the Boneyard Creek Plan, in other scenarios, it is unprecedented in the City of Urbana.

He recommended that the Plan Commission challenge the calculations for the number of required parking spaces. From his experience, there is no way the proposed building would require anything less than 30 parking spaces. On Page 93 of the Zoning Ordinance, it specifies how many parking spaces are required for dormitories, which is a minimum of 14 spaces. The City then needs to address parking for the gymnasium and office spaces. He believes that the project needs to be scaled down to meet the Zoning Ordinance.

Mr. Selvaggio and Mr. Ritz re-approached the Plan Commission to address some of the concerns brought before them. They mentioned that they designed the building within the requirements in the Zoning Ordinance and the bonus provisions provided in the Boneyard Creek Plan. As far as the required number of parking spaces, City staff told them that they would need 13 additional parking spaces. They believe that the only issue they are asking a variance for whether they can do the 90 degree parking versus the parallel parking that City staff recommends.

Mr. Fell inquired as to what construction type the proposed building would be constructed of. Mr. Selvaggio answered that it would be a steel structure with masonry cavity walls. Mr. Fell asked about the sprinkler system. Mr. Selvaggio replied that it would have sprinklers, but he is not sure at this stage what type they would use. Mr. Fell commented that it would make a difference as to whether they call it a three-story building or a four-story building.

Mr. Otto wondered if they had considered providing parking under the proposed building. Mr. Selvaggio said that they had looked into this, but at today's construction rates it would be cost prohibitive.

Mr. Ali re-approached the Plan Commission and mentioned that the proposed project is for students only. There will be an office in the building to provide space for the two resident managers to do their bookkeeping. Management of the building will be handled by staff at the Mosque across the street. He feels the parking issue has been blown out of proportion. The only time they have a parking issue is on Fridays between 1:00 pm and 2:00 pm when they have congregation time. The rest of the time, the existing parking lot is empty. Occasionally, they have additional parking needs when they have extra visitors, but they have worked out an arrangement with nearby churches to share parking lots. They announce to the other churches ahead of time that there may be some people parking in their lots. As mentioned before some of their neighbors park in their lot.

The proposed gymnasium will only be for the students who live in the building. Similar to many apartment complexes that provide work out areas for their residents, the Mosque wants to provide a gymnasium. The public will not be allowed to walk in and use the gymnasium so outside parking will not be needed. Even if the residents have guests visiting there will be enough parking provided across the street at the Mosque.

Mr. Ali pointed out that this will not be an investment property, and they do not intend to sell it. This is more of a community project. The Muslim student population is growing and they believe the need for housing will grow. The annex will always be considered part of the Mosque and this is why they plan to construct a top quality building.

Mr. Lozar re-approached the Plan Commission to state that the average size of a residential house is between 1,400 and 1,500 square feet. The fourth floor of the proposed building will be approximately 6,000 square feet, which means four residential homes could fit into the fourth floor. The building is that big.

Mr. Jassim re-approached the Plan Commission to add that for the last three semesters, the Mosque has leased 20 parking spaces west of Lincoln Avenue to be used by members of the Mosque during two hours on Fridays when they have assembly. They have the capability to rent more if needed because they in turn charge the members of the Mosque who want to rent a space.

Faruq Nelson, member of the Mosque, stated that he is one of the people who have purchased one of the rental parking spaces. The parking spaces are located at the corner of Goodwin and Springfield Avenues and is about one or two blocks west of Lincoln Avenue. He emphasized that the Mosque is not going anywhere and will continue to grow. They need the proposed facilities - if not this one, then it will be a different one. Many Muslim students already live in the nearby apartment complexes because they want to live near the Mosque. The proposed annex is for the benefit of the community and will benefit the residents of the proposed building and for nearby neighbors. It will not be drawing people from far away that are not already coming to the Mosque, so it will not increase the amount of traffic in the neighborhood. The proposed

development is an opportunity for the City to beautify a section of the Boneyard Creek that is currently not very beautiful. This is also an opportunity to make a statement about the ability of Muslims and non-Muslims to live together as neighbors. He encouraged the Plan Commission to approve the request as submitted by the Mosque.

Diane Marlin, of 2203 Boudreau Circle, asked if there would be assigned parking for the 38 residents who would be living in the proposed dormitory. Mr. Jassim replied that most of the students that will want to live in the proposed annex will basically be freshman, so most of them will not have a car. If any of the residents have vehicles, then they will be assigned a parking space in the Mosque parking lot.

Tom Berns, Berns, Clancy and Associates, noted that they were retained to assist in boundary surveys, topographic surveys and evaluation of the Boneyard Creek issues. Berns, Clancy and Associates is proud of the opportunity to assist CIMIC and to provide their technical issues related to the proposed site. To the best of their knowledge, the issues as they relate with the Boneyard Creek have been properly developed and discussed with the City staff extensively. They look forward to the improvements of the Boneyard Creek that are offered through the proposed development project. He believes that this project will be an advantage to the Boneyard Creek process and will positively impact both downstream from the proposed site and the rest of the community.

Mr. Otto asked Mr. Berns to explain the boundary survey. Is it a certified survey? Mr. Berns said yes. The Joseph W. and Sarah A. Sim's Addition was approved as an addition to the City of Urbana a long time ago. The survey monuments have been there for many years. He suspects that there is a fair amount of question from time to time as to the pavements that existed and do now on Western Avenue. This being the former interurban rail line and with Western Avenue not being constructed like a normal street is only provides a different aspect of the City. He is not convinced that it was a good idea to turn a railroad into a public street, but nonetheless, that is what happened. There is no misunderstanding as to which monument they could measure from. He mentioned that anyone who questions the survey that was performed could hire their own surveyors just as CIMIC did by hiring his company. This is not a generality question or an issue of what his company thinks it is. Professional people determine where the property lines exist. The boundary survey and topographic survey have been reviewed and discussed with the City staff, and there is no question about it because it is what professionals deal with.

Mr. Marlin re-approached the Plan Commission. He sees the issue as being that either the property line is three feet further to the south or he lost three feet of his front yard which was only five feet to start with. He feels it behooves the City not for him to hire an engineer but for the City to look at the area from Springfield Avenue to the Boneyard Creek and find where the City right-of-way is located. We are talking about the City essentially ceding whether formally or informally a good chunk of City right-of-way on a very narrow street. The City's documents do not match up with Mr. Bern's survey results.

With no further comment or questions from the members of the audience, Chair Pollock closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Ms. Stake wondered how long the bonus provisions for the Boneyard Creek have been part of the City's zoning. Mr. Myers replied that there have been bonus provisions since the late 1970s, but they are not used very often. Ms. Stake commented that it is wrong for the City to provide bonuses without a developer even having to ask for them. Mr. Myers explained that the petitioner's request has come before the Plan Commission to seek approval of the requested bonus provisions. The Boneyard Creek Commission felt the request was beyond their purview to grant, so the bonus provision requests were forwarded to the Plan Commission.

Ms. Stake inquired as to how the applicant found out about the bonus provisions. Mr. Myers stated that he is not sure how the bonus provisions came about.

Ms. Stake asked where the bonus provisions are located in the Zoning Ordinance. Mr. Myers said it is in Section XIII-4. Special Procedures in the Boneyard Creek District.

Ms. Upah- Bant questioned whether all of the required parking could be located in the Mosque's parking lot. Mr. Myers answered by saying yes except for the handicap parking space, which has to be located on-site.

Mr. Fell asked for clarification on how the number of required parking spaces is calculated. He does not have any hesitation in granting them collective parking for the Mosque and the gymnasium for instance because they will not be used at the same time; same issue for the classrooms. However, it is a little unclear about how much parking is actually required and whether the applicant meets that requirement. He mentioned that he is really uncomfortable with allowing perpendicular parking to the street without the applicant providing adequate space for backing out. He agrees that someone will back into Mr. Marlin's duplex on the north.

Mr. Myers responded that the minimum number of parking spaces required is 63 spaces in total for the campus as a whole. When the applicants first inquired about building the Mosque annex, City staff re-examined how parking was calculated back when the Mosque was built. Just as Mr. Fell suggested, City staff assumes that the campus would not be holding multiple assemblies at the same time, so it would be unlikely that the Mosque holds a service at the same time they would be holding an event in the gymnasium.

Mr. Hopkins commented that the applicant proposes to build an annex at this time. He believes if the Mosque keeps growing, then they will want to build more annexes to the campus again in the future over the next ten to fifteen years. One of the things that the City needs to talk about is how does the proposed annex relate to future developments for CIMIC. Another issue he has is that the proposed development is fronted on a street that is non-conforming. The City of Urbana claims a street that does not meet City standards and is not maintained to City standards. The City is not using part of the right-of-way in conforming to City standards. All of the lots on the north side of Western Avenue are non-conforming between Lincoln Avenue and Coler Avenue. If any one of those buildings is more than 50% destroyed, no buildings can be built on that lot on the north side of the street. The lots that are currently vacant on the north side cannot have buildings built on them because they are non-conforming lots. All of the parking on the north side of Western Avenue is non-conforming. This all means to him that the area will change. In fact, the City's plans and ordinances say that this area should change. He believes that the City,

CIMIC and some of the property owners in the area should get together and figure out a step or scenario past the proposed development so the applicant could build a better building than the current design on the proposed site. Therefore, he suggests that the Plan Commission defer taking action on the proposed request or continue the case to a future meeting.

Chair Pollock inquired as to what the required setback would be for the proposed development from the east property line. Does this proposal meet that? Mr. Myers answered that the minimum side-yard setback for the R-5 Zoning District is five feet. The proposed development meets the side-yard setback to the east and to the south side. There will be 25+ feet on the south side from the property line.

Mr. Otto asked Mr. Hopkins to elaborate on what he meant by a better building. Mr. Hopkins stated that the Plan Commission has some discretion in this case because it is a bonus situation relative to the Boneyard Creek Plan. If this were a straight rezoning request, then they would not have as much discretion and it really would not much matter. However, in this case they do. Parking is a big issue. The setback from the creek is actually an issue. It appears that the City is two buildings away from having a bike path from Lincoln Avenue to Coler Avenue. On the north side of Western Avenue, there appears to be at least two vacant lots that cannot be built upon, so the most logical use for them is to be used for parking. Sometime in the future the whole north side could be parking. If this would happen then the City could vacate Western Avenue and the entire area would be much more efficient. He is only thinking about what the next decisions would be. The most obvious decision is that parking could go somewhere else. If the applicant would know where they planned to build the next building, then the proposed development could be scaled down in size. He believes that there is going to be further growth of this campus.

He also does not believe that they need a 25 foot front-yard setback on Busey Avenue. The City claims that Western Avenue is a street, but it is not really a street and the proposed site is not really a corner lot as the applicant claims. Therefore, he feels that there is discretion on how the building could be laid out. It might even be closer to Western, but with no parking. The applicant could build higher and provide parking on the ground level. There are all kinds of possibilities.

Chair Pollock commented that he believes Mr. Hopkins' analysis of the neighborhood and the area is very astute. However, the Plan Commission is not dealing with all of the houses on the north side of Western Avenue being gone. The applicant has hired architects, who brought a plan to the City for approval. The Plan Commission does not make the final decision. They make a recommendation to the City Council, and they have a responsibility to do so. Even if they are uncomfortable with the scope of the proposed project with the parking issues, with the height of the building, and with other issues that have been mentioned during the public hearing, then the Plan Commission should consider sending the proposed request to the City Council with a recommendation that this particular plan as configured is not appropriate.

Mr. Hopkins responded that he is not suggesting that the applicant cannot do anything at this point until all the other things happen. Since everyone wants to talk about the parking issue, he thinks they should expand the thinking about options for parking that might be added to the

proposed development. He feels that once they do this, then the petitioner might be able to gain a few feet here and there on the proposed lot which in turn improves and solves other problems. Chair Pollock said that this is correct when you look at this as one campus. If people are willing to say that dedicated parking for the proposed facility does not have to be on the proposed lot then it solves one of the major issues. It is clear that the proposed building will be too close to the City's right-of-way and also have perpendicular parking.

Another way of thinking of it, Mr. Hopkins stated that the City owns enough right-of-way to have Western Avenue be a 20-foot street. Or the City could declare it an alley and then there could be perpendicular parking on other lots that are not useful for anything else.

Ms. Upah-Bant does not understand the problem with the additional 12 feet in height. The Hendrick House, which is a block away, is 12 stories tall. There is also an apartment building on the corner of Lincoln Avenue and Springfield Avenue that is clearly at least seven stories tall. The applicant is willing to provide a bike path. So, she does not feel that they can design on the Plan Commission floor to improve the area.

Mr. Hopkins commented that he is reluctant to send a recommendation for approval of the proposed development as submitted before them to the City Council. He does not believe that what the City is giving up and what they would be giving away is a good move for the City. The City would just be making a bigger mess of a mess that the City has already created. Ms. Stake agreed.

Mr. Fell expressed his concern for a 12-foot height variance. The duplex to the north as well as other buildings along the north side of Western Avenue are only one story tall. Having a four story building constructed next to them will impact those residents. He had a similar personal experience living across the street from Leal School. So, he is hesitant to recommend approval of both the front-yard setback reduction and the height increase.

Chair Pollock stated that it is a beautiful facility that is planned for the proposed site. There will be no question that it would be a benefit for the community at large. It will be very imposing to the neighboring residents, and the applicant has taken every square inch of bonus provisions and stretching the requirements. He stated the Plan Commission's options to either continue this case to a future Plan Commission meeting or to send it to the City Council with a recommendation.

Mr. Otto commented that the increase in height provision is not an issue for him. Even Mr. Lozar said that the proposed building would only be 4½ feet taller than his apartment complex to the south. The proposed development is handsome, and over long turn, the character of the neighborhood is going to change. He hoped that the proposed building would be the first of a series of quality buildings developed. He has difficulty because the Plan Commission criteria specify the possibility of a 12 foot bonus; yet, there is a lot of consideration for a non-conforming house across Western Avenue that if it had a descent front-yard setback, the height increase would not be an issue.

It seems like the proposed property is hemmed in a little on three sides by very unusual circumstances, especially since Western Avenue is considered a City street. He understands why the floor separation is important to CIMIC. Enough issues have been raised about the parking requirements. Mr. Jassim mentioned that they have already added 23 parking spaces in addition to what was originally required for the Mosque. However, there are still questions that need to be clarified. Outside of the parking concerns he does not have any major problem with the proposed development.

Chair Pollock inquired as to whether there would be enough room to provide the parallel parking as recommended by the City staff without the applicant encroaching on City right-of-way. Mr. Myers said yes; however, it would be on private property but it would be within the front-yard setback along Western Avenue. They would also need to expand the parking lot at the Mosque to provide an additional four spaces across the street. Chair Pollock asked if the Plan Commission could recommend to City Council that there be no parking allowed in the front-yard setback and that all the parking requirements need to be added in at another place except for the required handicap parking. Mr. Myers said that is correct. It's conceivable that one or more spaces might be provided at the southwest corner of the proposed site next to the future bike path.

Mr. Myers reviewed the options of the Plan Commission. They can approve the application; approve it with conditions; deny the application; or forward it to the City Council for action there because the request is beyond what the Plan Commission would be authorized to grant. Chair Pollock commented that he has never seen a case like this come before the Plan Commission in the past.

Chair Pollock questioned if Mr. Myers felt that the bonus provisions being requested are allowed under the Boneyard Creekway Plan. Mr. Myers said yes. Chair Pollock suggested that the Plan Commission needs to make a decision rather than to defer the case to City Council.

Ms. Stake does not agree with allowing the additional height. The applicant could easily put the men and women separate on one level. She would not like to live near a building like this. The proposed building will block the sun and view of the smaller residences nearby. She also does not like the reduction in the front-yard setback.

Chair Pollock then asked Mr. Myers if there was no parking allowed on Western Avenue, would the applicant still need a bonus for a reduced setback on the north if it was considered a side-yard? Mr. Myers replied that if Western Avenue was a side-yard, then it would only require a five-foot setback, which they would meet even with parallel parking.

Mr. Otto stated that they have heard testimony from the neighbor across Western Avenue that even though the City claims Western Avenue to be a street the City treats it like an alley. He feels if the applicant can provide parallel parking on the proposed site without hanging out into City property then he is in favor of allowing it.

Chair Pollock took a straw vote of Plan Commission members to see how many would favor the additional height of the building. Four of the five members raised their hands affirmatively.

Chair Pollock then polled the Plan Commission to see how many would favor of allowing parallel parking provided on the proposed site with a proper setback that would normally be applied to a side-yard along Western Avenue. Four of the five members raised their hands affirmatively.

Chair Pollock remarked that these two are the major issues that they are trying to solve. There are other concerns that the Plan Commission would like City staff to check. They include double checking the calculations for the required number of parking spaces, ensuring that there will be enough space on the Mosque parking lot to expand to provide additional required parking that would not be permitted on the proposed site, provide a more precise Site Plan showing the distance between the southeast corner of the proposed building to the sheet piling of the Boneyard Creek and showing the actual layout of the north edge pavement property line, clarify the accuracy of the survey, and research the height of other nearby buildings and the impact the proposed building height would have on nearby properties. Mr. Myers stated that City staff will do the research as requested and provide the answers at the next meeting.

Chair Pollock mentioned that if they are to consider Western Avenue as a side yard for the applicant then they would need to consider Western Avenue as a side yard for every other corner property on the street. The City needs to be consistent.

Chair Pollock then continued the case to a future meeting.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2142-T-11: Request by the Zoning Administrator to amend Section VI-9 of the Urbana Zoning Ordinance regarding portable storage containers.

The Plan Commission forward this case to the next scheduled meeting due to the late hour.

Plan Case No. 2145-SU-11 – A request by US Cellular on behalf of the Urbana School District for a Special Use Permit to construct a 150-foot monopole telecommunications tower with antennas, and a telecommunications equipment enclosure at 1201 South Vine Street in the City’s CRE, Conservation-Recreation-Education Zoning District.

This case has been forwarded to a future meeting at the request of the petitioner, US Cellular.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission