



## BERNS, CLANCY AND ASSOCIATES

PROFESSIONAL CORPORATION

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**Ms. Bette Anderson**  
713 West Oregon Street  
Urbana, Illinois 61801

**RE: ZONING PLAN CASE 2276-PUD-16 AND PLAN CASE 2277-PUD-1  
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS**

Dear **Ms. Anderson**;

This memo provides information about your concerns with regard to the proposed Residential Planned Unit Development (PUD) Project located at 802, 804, and 806 South Lincoln Avenue and 809 West Nevada Street. We understand you are concerned about the suitability and impact of the proposed development upon the neighborhood. We understand that you are particularly concerned about the adequacy of existing utilities which serve the site: storm sewer drains, sanitary sewers, water main, etc. We also understand that you are concerned about the traffic and parking impacts of the proposed development. As well, we understand that you are concerned that applicable review, public comment, and approval processes adhered to by the City of Urbana may not be appropriate.

At your direction we undertook a review of existing public records concerning the infrastructure which currently serves the site. We also reviewed various technical publications concerning impacts from this type of development upon traffic and parking. We also reviewed the relevant City of Urbana Ordinances and Regulations to compare the proposed project submitted with the City's requirements. Finally, we considered the "LaSalle Factors" that are applicable to the proposed development site to help you determine if the proposal is reasonable and appropriate for this site from a land use zoning perspective.

### COMPREHENSIVE PLAN

It is important to note that the Planned Unit Development is situated at the edge of the "**Lincoln / Busey Corridor**". This corridor is shown in Exhibit C of the Plan Case. The exhibit explicitly states: "Preserve these uses as they now exist while precluding future encroachment of high density buildings into this unique residential area". The PUD waiver requests for floor area ratio, building height, open space ratio, and front yard setbacks all seem to be in conflict with this stated goal of the Comprehensive Plan.

This PUD is reportedly larger than other recent multi-family residential building projects approved in the area. Page two of the Plan Case lists 903 West Nevada Street and the "Nabor House". These developments are 4-story and 3-story respectively. This PUD as submitted is a 5-story building, with a maximum height of 58 feet. All other private structures in this neighborhood are at least 12 feet shorter. Most are below the 35-foot maximum building height established in this zoning district.

## PLANNED UNIT DEVELOPMENT APPROVAL PROCESS

This Plan Case states that because the proposal is one building and one phase of development **Vision Housing** is asking for the preliminary and final review of the PUD to be undertaken at the same time. The Urbana Zoning Ordinance does not prohibit both reviews to be done concurrently. However, it appears that many of the details concerning the project required by the PUD process are missing from the combined applications.

There is no real circulation system that indicates pedestrian, bicycle, and vehicle movement with existing and proposed public right-of-ways or off-street parking, as required by the final development plan submittal requirements. The required preliminary utilities plan does not appear to be in the submitted material. Our research indicates that utility service lines may need to cross streets to connect to adequate water and sanitary sewer utilities. Proposed utility connections are not shown on the site plans, as required by the Ordinance. There are no scaled elevations submitted in support of the application, which is another requirement of the final development plan.

## OFF-STREET PARKING REQUIREMENTS AND NEIGHBORHOOD IMPACT

The Urbana Zoning Ordinance has set requirements to determine the minimum amount of off-street parking an apartment complex such as this must provide. The developer is asking for a waiver for reduced off-street parking that would give this building less than half the number of spaces required by the Zoning Ordinance. According to the Zoning Ordinance, **Lincoln Plaza** is required to provide 83 on-site parking spaces. However, the Plan Case states that this development will provide 36 parking spaces, 3 spaces on grade and 33 spaces in an underground garage. However, the Site Plan does not show 36 parking spaces on-site.

The Zoning Ordinance clearly states that a multi-family residential building needs to provide "No less than 1 (parking space) for every dwelling unit" for efficiency one bedroom and two bedroom apartment units. If the requested parking waiver is approved by the Plan Commission there could be 47 or more cars looking for close available parking either in a public parking lot or on-street parking. The only public parking lot nearby is the University of Illinois Lot C-3. Lot C-3 provides "rental only" parking and is located 0.5 miles from the PUD. It is unlikely to be utilized by a resident of this site. The other option to residents would be to park their cars on surrounding streets. The PUD is located within the West Urbana Neighborhood Parking Zone. This zone was created in 1975 because of an off-street parking shortage.

Further, there does not appear to be any allowance for possible visitor parking. There is no nearby or on-site location where a visitor might reasonably be expected to park. Metered spaces along Nevada Street west of the site are the nearest available visitor parking. The developer has suggested that this site will be marketed towards University of Illinois Students, who are less likely to need or utilize a vehicle. However, the developer does not commit to renting only to University of Illinois students. There is no suggestion that the units could potentially be rented entirely to non-students.

## ACCESSIBLE PARKING

Another concern we identified is that no designated handicap parking spaces have been indicated on the Plan. While there is one space on the ground floor that could be the required 16 feet wide, it is not designated as a handicap accessible on the Plan. What is even more concerning is the Zoning Ordinance requires the PUD to have four (4) handicap accessible spaces for the 83 parking spaces. The current Plan appears to be in conflict with City, State, and Federal accessible parking requirements.

If the developer is given the parking waiver requested, then two of the spaces are required to be accessible, per the Zoning Ordinance. No accessible spaces are currently shown on the Plan and if two (2) accessible spaces are designated, at least one of the 36 parking spaces currently proposed will not be available.

## TRAFFIC IMPACT

As it is today, the traffic on Lincoln Avenue during morning and afternoon rush hours can be quite congested. According to the Institute of Transportation Engineers' Study Trip Generation, during morning and afternoon rush hour an average of 41 and 65 trips respectively would be occurring at the PUD. Nearly all of these trips will likely utilize the Lincoln Avenue / Nevada Street intersection. If these cars are trying to turn onto Lincoln Avenue a line of cars could backup onto Nevada Street quite easily as drivers wait for an opening to merge into traffic. Left turn movements from Nevada Street onto Lincoln Avenue could be particularly challenging due to the traffic flows created by the Nevada Street / Lincoln Avenue signalized intersection. The Champaign Urbana Urbanized Area Transportation Study 2006 Traffic Map shows an average daily traffic of 21,400 cars per day on Lincoln Avenue north of Pennsylvania Avenue and south of Green Street.

If vehicles are unable to exit the PUD site and turn onto Lincoln Avenue in a timely or safe manner, it is likely that they may divert onto Busey Avenue. Such diversions would likely increase traffic on Busey Avenue and neighboring streets. The impact of traffic queues at the Lincoln Avenue / Nevada Street signalized intersection may be significant for traffic exiting Nevada Street from this site.

If inadequate on-site parking is provided many of those living in the PUD will have no other choice but to seek parking along Busey Avenue, Nevada Street, and other nearby streets. This condition will also result in additional traffic flow within the nearby streets as well as on-street parking congestion.

## OPEN SPACE

In reviewing the Urbana Zoning Ordinance requirements about open space, it is not clear to us that the ordinance requirements have been met by the proposed development. The planting area located in the rear of the site at the building "elbow", while open space per se, is not accessible to the residents. Similarly, the open space at the easternmost end of the building is not accessible to the residents. Given the density of the proposed development one must consider to what extent open space areas that are not readily accessible to the residents meets the intent of the Ordinance.

## ORDINANCE SUBMITTAL REQUIREMENTS

A review of the Zoning Ordinance reveals the following Ordinance submittal requirements for PUD sites that do not appear to have been met:

- A specific Site Plan, with Dimensions, does not appear to have been provided.
- A specific Landscape Plan which designates plant materials, fence materials, etc. does not appear to have been submitted for the site.
- Scaled dimensions do not appear to have been submitted for many aspects of the site development.
- Scaled elevations of the building do not appear to have been submitted for any of the building faces. Only conceptual building elevations appear to have been provided.
- A layout of connections for sanitary sewers, electricity, gas, telecom, and other utilities does not appear to have been submitted.
- A basic stormwater drainage system layout and stormwater management plan does not appear to have been submitted. Only a vague reference to below ground stormwater detention beneath the pedestrian plaza has been submitted.
- Specific details concerning security lighting, do not appear to have been submitted.

## DRAINAGE CAPACITY

The PUD site is proposed to drain into the existing 54 inch diameter stormwater drain located along Lincoln Avenue. A below ground stormwater detention basin is proposed to be constructed beneath the pedestrian plaza. However, no information has been provided as to how the on-site stormwater drainage system will be installed. Further, grading and ground slope information has not been provided for the proposed development. It is unclear how drainage from this site will be managed.

Berns, Clancy and Associates conducted a limited study of the Lincoln Avenue Stormwater Drainage Basin for the University of Illinois in 1992. The Lincoln Avenue Basin is quite large and extends north from Florida Avenue to the Boneyard Creek. It is bordered on the east by Lincoln Avenue and extends as far west as Fourth Street in Champaign. The study determined that the existing fifty-four inch diameter storm sewer which follows Lincoln Avenue, would begin to surcharge during a 2-year storm event. Surcharge during a 2-year storm event was estimated to be approximately 3 feet at the Nevada Street / Lincoln Avenue intersection.

Since the time of the 1992 study, the University of Illinois has constructed numerous new buildings and associated parking lots and hard surfaces within the tributary watershed. The new buildings include the Parking Structure / Fire Station, the Campus Recreational Center East Building, the Madigan Lab Building, the ACES Library Building, the Plant Sciences Lab Building, the Temple Hoyne Buell Building, the Alumni Center Building, and several others. Although a small stormwater detention basin was constructed by the University of Illinois immediately west of the McKinnley Health Center, it is not adequate to accommodate all of the additional flow of stormwater runoff resultant from this past construction.

No significant improvements have been made to the 54 inch diameter Lincoln Avenue storm sewer since 1992. It is unlikely that the existing Lincoln Avenue storm sewer has adequate capacity to handle stormwater runoff from the proposed PUD site. Further, the PUD application provides no details concerning the stormwater drainage and detention system proposed for this site. There is only a vague reference to the construction of an underground stormwater basin beneath the proposed pedestrian plaza. Such a basin may not be effective, or even possible to construct if the surcharge flow and elevation conditions identified in the 1992 Report continue to exist, or have gotten worse.

## **SANITARY SEWER CAPACITY**

According to the Urbana Subdivision and Land Development Code, all sanitary sewers must be designed to meet the improvement requirements identified "in the June 1981 Greeley and Hansen Report on the Sanitary Sewer System". In that 1981 Report it is noted that the sanitary sewer lines running along Coler Street downstream from the Nevada Street intersection have insufficient capacity for the maximum flow of wastewater received at that location at that time. The proposed PUD site is currently connected to the Coler Avenue Interceptor Sanitary Sewer via a sanitary sewer located along Nevada Street. Since that Report was published many new apartment buildings have been constructed in the area which have likely increased wastewater flow into the Coler Avenue Interceptor Sanitary sewer. It does not appear that the Coler Avenue Interceptor Sanitary Sewer has sufficient capacity to accommodate the increase in flow of wastewater that will result from the construction of the PUD site as currently proposed.

## ZONING CONSIDERATIONS

As a part of our review of the proposed development we considered factors that relate to the zoning of the site. The Illinois Supreme Court identified various factors that should be considered whenever rezoning is proposed for a site. While not all of those factors may be relevant to this proposal, some are. Various professional groups and planning agencies have identified a series of statements or questions that can help a community determine the suitability of a particular development proposal. We outline some of them below:

**1. Have the procedural requirements for establishment of this development been met?**

It is uncertain if procedural requirements have been met in this case. While the developer's representatives were allowed to testify at length at the May 19, 2016 public hearing, the public was not allowed to cross-examine witnesses. This may not be consistent with procedures normally recommended for this type of zoning case. In addition members of the public were restricted in the time made available to them to provide verbal testimony and evidence. Such restrictions have been deemed unreasonable in the past by the Illinois Supreme Court. They too were not offered for cross-examination by the developer's representatives or the public.

**2. Does the proposed development conform to the intent of the Comprehensive Plan?**

The proposals do comply with many aspects of the Urbana Comprehensive Plan. However, it does not appear to comply with other aspects of the Comprehensive Plan, particularly those related to the preservation of this neighborhood. A building more than 20 feet taller than allowed within the zoning district, with a much higher population density than what is envisioned by the Comprehensive Plan may not be consistent with the Plan.

**3. Is the proposed use consistent with zoning of the site?**

A building that is 23 feet taller than allowed, with a Floor Area Ratio 2 ½ times larger than normal requirements, with an open space ratio that is one third of normal requirements, with front yard setbacks that are 60% of requirements and with less than half of the required parking spaces would not appear to be consistent with the zoning of the site. Every major requirement concerning site development is proposed to be substantially modified.

**4. Will the proposed development be compatible with the established land use pattern in the vicinity?**

Lincoln Avenue tends to serve as the demarcation line between development types. The area south of Green Street and extending to Florida Avenue within the blocks between Lincoln Avenue and Busey Avenue serves as a transition zone between more intense uses to the west, and primarily single family residential uses to the east. However, the building proposed for the site will be the tallest, most dense development along that corridor by a significant factor.

**5. Is the site suitable for the proposed use?**

The lack of adequate capacity for wastewater flow within the Coler Street Interceptor Sanitary Sewer, as well as the lack of adequate capacity within the Lincoln Avenue stormwater drain are problems that may impact the suitability of the site for the more intense development being proposed.

**6. Will the proposed development be injurious to the use and enjoyment of adjacent properties?**

If the site provides insufficient on-site parking extensive disruption to the neighborhood due to street parking may result. Traffic issues at the Nevada Street / Lincoln Avenue intersection may also lead to additional traffic within the neighborhood.

**7. Will the proposed development alter the population density pattern?**

The proposed development contains living quarters for at least twice the number of persons as compared to what would be allowed by the Zoning Ordinance by right.

**URBANA ZONING ORDINANCE PURPOSES**

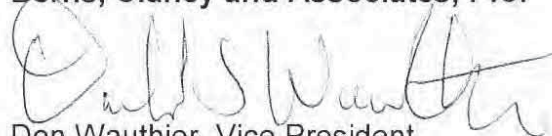
The Urbana Zoning Ordinance includes policies that should be followed whenever new construction or additions are being done. These are similar to the “LaSalle Factors” established by the Illinois Supreme Court and are most likely an interpretation of those factors by the City of Urbana. Many of these policies point toward the “Lincoln Plaza” being incompatible with Urbana’s plans for development within the City. We review the stated relevant items:

- **Item C** states that developments should be working towards the reduction and avoidance of congestion on public streets. While the developer may claim that the request for a reduction in off-street parking will reduce congestion, the developer does not appear to have provided any actual evidence that such a reduction is justified.

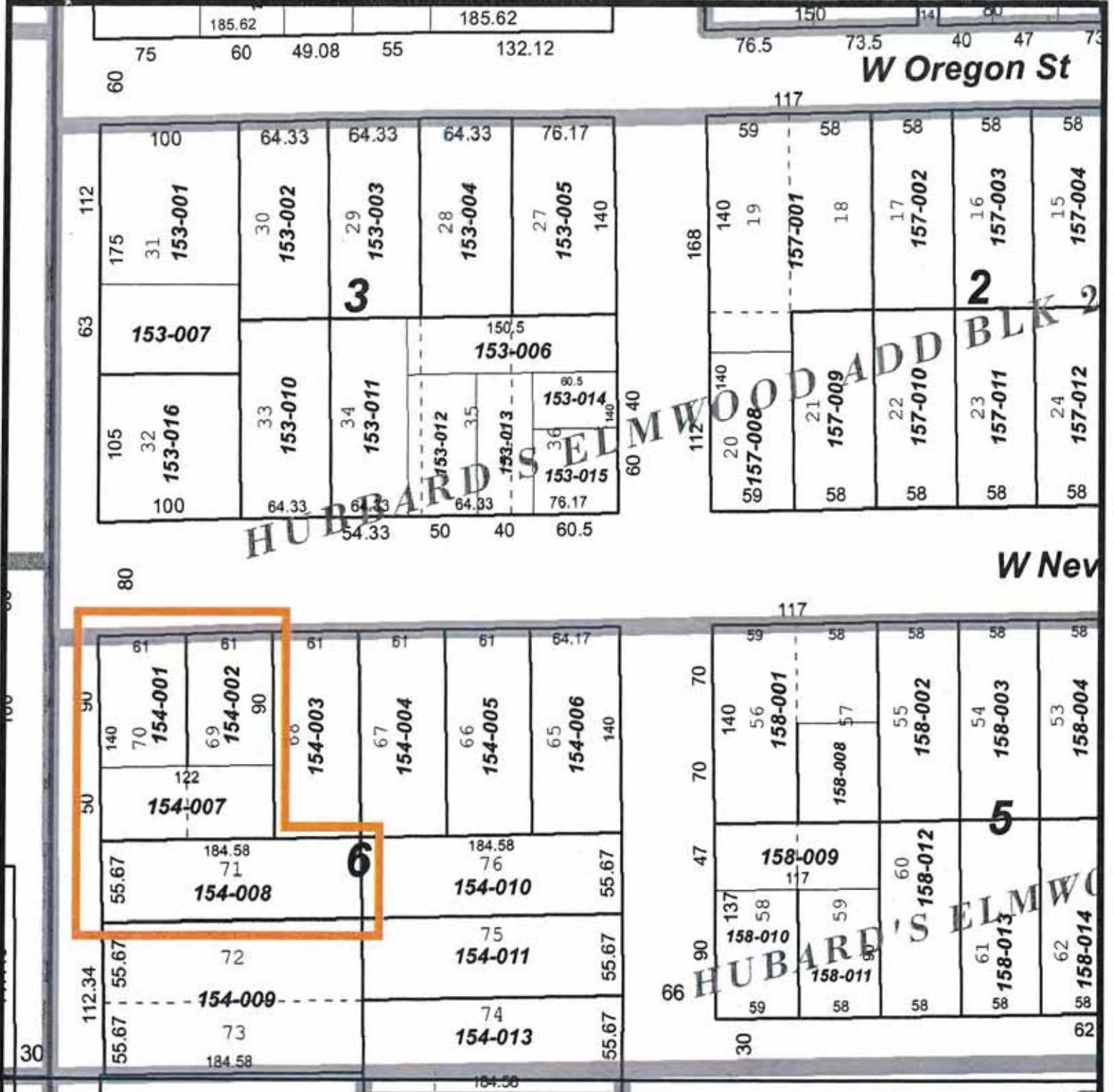
- **Item D** states that developments should promote public health, safety, comfort, and general welfare. The Coler Avenue Interceptor Sanitary Sewer is not adequate according to the Greely and Hanson report. Adding significantly more flow may result in wastewater surcharging onto the ground surface or into the basement of nearby homes. This issue needs to be examined closely.
- **Item E** specifically states that the Zoning Ordinance is intended to regulate the height and bulk of new structures and buildings. The developer is requesting waivers and variances of the standard ordinance requirements that are well beyond the norm. It is unclear whether such changes to the adopted standards are justified.
- **Item F** describes setback lines which is another waiver that the developer is requesting. Again, how such waivers can be justified will need to be considered.
- **Item G** describes the regulation of intensity of lot usage and open spaces. Two (2) more waivers that the developer is requesting is for the Open Space Ratio and the Floor Area Ratio requirements be substantially modified as the design has a high intensity usage of lot area and not much open space besides the "pedestrian plaza".
- **Item I** describes the preservation of the character of the Urbana neighborhoods. A five story apartment complex does not appear to fit into the character of the neighborhood on the eastern side of Lincoln Avenue. The Plan Case lists buildings nearby that are similar. However, most of the buildings listed are located west side of Lincoln Avenue in the "University District". The "Nevadan" building has an entirely different aesthetic and character. The "Nabor House" is also in the "University District" and is only 3 stories tall. A large five story apartment could easily change the character of an area that is primarily filled by two story duplexes, converted houses, sorority houses and three story multi-family dwellings.

We appreciate this opportunity to assist you to evaluate the proposed Planned Unit Development located at the corner of Lincoln Avenue and Nevada Street. Please contact us if we can be of further assistance.

Sincerely,  
**Berns, Clancy and Associates, P.C.**

  
Don Wauthier, Vice President





— AREA OF INTEREST

TAX PARCEL MAP  
FOR PLAN CASE 2276-PUD-16  
AND PLAN CASE 2277-PUD-1  
CITY OF URBANA,  
CHAMPAIGN COUNTY, ILLINOIS



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BASE DATA FROM CHAMPAIGN COUNTY GIS ATLAS  
SHEET 21-17A, REVISED 2008.

SHEET 1 OF 2

DATE: 060716

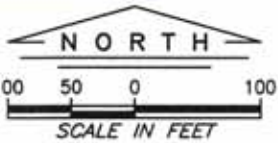
JOB: 7346



1980 GREELEY AND HANSEN REPORT DESIGNATED STORM SEWER AS UNDERSIZED FOR 2-YEAR STORM EVENT

BERNS, CLANCY AND ASSOCIATES REPORT DESIGNATED STORM SEWER AS UNDERSIZED FOR 2-YEAR STORM EVENT

1981 GREELEY AND HANSEN REPORT DESIGNATED SANITARY SEWER AS UNDERSIZED



— AREA OF INTEREST

AERIAL PHOTOGRAPHY FROM CHAMPAIGN COUNTY ORTHOPHOTOGRAPHY DATED APRIL 2011.

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**LEGEND**

- 6"W— REPORTED WATER LINE/SIZE (APPROXIMATE LOCATION)
- 54"ST— REPORTED STORM SEWER LINE/SIZE (APPROXIMATE LOCATION)
- 8"SAN— REPORTED SANITARY SEWER LINE/SIZE (APPROXIMATE LOCATION)
- REPORTED SANITARY SEWER MANHOLE

UTILITY INFORMATION MAP FOR PLAN CASE 2276-PUD-16 AND PLAN CASE 2277-PUD-1 CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS



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JOB: 7346

DATE: 060616

SHEET 2 OF 2