

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 10, 2018

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Esarey Ouedraogo, David Trail, Daniel Turner, Chenxi Yu

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Anel, Administrative Assistant II

OTHERS PRESENT: Tim Aden, Josh Daly, Christine Gunther, Dale Rex, Chris Saunders, Jacob Unzicker

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

Chair Fitch called the meeting to order at 7:01 p.m. Roll call was taken and a quorum of the members was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the April 19, 2018 regular Plan Commission meeting was presented for approval. Mr. Turner moved that the Plan Commission approve the minutes as written. Mr. Fell seconded the motion.

Chair Fitch suggested the following changes to the minutes:

- Page 2 - 2nd Paragraph from the Bottom – First Sentence: “Mr. Fell questioned if an architect from the extra territorial jurisdiction area (ETJ) could serve on the proposed board.”

- Page 6 – 3rd Paragraph – Second Sentence: “He felt that the presenters got side trackedked and did not get through all the information they planned to cover.

The minutes were approved as amended by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2331-T-18 – A request by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to modify who may submit an application for various permits and approvals.

Chair Fitch stated that this case was continued to the June 21, 2018 meeting.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2343-SU-18 – A request by Green Street Realty for a Special Use Permit to establish a Mixed Use Retail and Multi-Family Residential building at 1007 West University Avenue in the B-3, General Business Zoning District.

Chair Fitch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report for the case. He began by explaining that the requested special use permit is to allow a residential use component to the proposed mixed-use building. He stated the location for the subject property noting the zoning, existing land use and future land use designation of the site as well as for the adjacent surrounding properties. He described the proposed development and reviewed the requirements for a special use permit according to Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff’s recommendation for approval with the following conditions:

- 1) That the applicant submits a landscape plan prior to issuance of any building permit to ensure that proposed landscaping and screening conforms to the City of Urbana Zoning Ordinance standards for screening and required landscape buffers.
- 2) That the parking underneath the building be screened from view by a wall to the north and east.
- 3) That the development shall be constructed in general conformance with the Preliminary Site Plan and an approved landscape plan.

Chair Fitch asked if the Plan Commission members had questions for City staff.

Mr. Fell asked if parking is allowed in a front-yard setback in the B-3 Zoning District. Mr. Garcia said yes. Parking is allowed 10 feet into the required 15-foot front yard setback if screening is provided.

Mr. Fell questioned how City staff calculated the number of parking spaces that would be required. Mr. Garcia stated that the City recently amended the requirements for parking. He explained that 0.7 parking space would be required per bedroom. For this case, the Planning staff multiplied the number of single-bedroom units by 0.7 and rounded up to the next whole number.

Mr. Trail asked for clarification on where the City staff was requesting walls in Condition #2. Mr. Garcia referred to Exhibit A1.3 and indicated where the walls would be constructed. Mr. Trail wondered what purpose the walls would serve since parking would surround the building on the east and the north. Mr. Garcia said it would help screen some of the parking under the building. Over a period of time when the area would be redeveloped, hopefully there would be more aesthetically pleasing buildings constructed, and it would not be a sea of asphalt.

With no further questions for City staff, Chair Fitch reviewed the procedure for a public hearing. He, then, opened the hearing for public input.

Christine Gunther, owner of 1010 West Clark Street located directly behind the subject property, approached the Plan Commission to speak. She asked if there were any plans to make improvements to the alley. Mr. Garcia stated that there are no improvements planned at this time. Mr. Fitch pointed out that her concern would be part of the record for this meeting. She could also address the City Council at their next meeting about her concerns for improving the alley.

With no further input from the audience, Chair Fitch closed the public input portion of the hearing and opened the hearing for Plan Commission discussion and/or motions.

Mr. Fell inquired about the car-stacking rule behind a drive-through. Mr. Garcia explained that for a fast food use there must be 90 feet from the drive-up window, which essentially means there must be enough space for five cars. The applicant was trying to construct a building that Niro's Gyros could go back into; however, because of the stacking rule and parking requirements, the applicant was not able to make it work. If the applicant wanted to pursue a drive through, then they would need to ask for variances for the stacking lane.

Mr. Trail questioned why the building was designed in the back of the lot and the parking in the front. He wondered if City staff requested it to be designed this way. Mr. Garcia said no. City staff did not request it, and the applicant could speak as to why they designed the building to be constructed on the back of the lot.

Ms. Billman commented that she prefers the building in the back of the lot. While a parking lot is not attractive, having the building on the back of the lot makes it feel less crowded.

Mr. Trail asked what the requirements would be for landscaping the front of the property. Mr. Garcia stated that the applicant would have to provide 1 tree and 3 shrubs for every 40 feet of linear frontage or a fraction thereof.

Mr. Turner stated that he also had the same question about the location of the proposed building on the lot. Mr. Ackerson added that he did as well. Chair Fitch invited the applicant to address the Plan Commission's concern.

Chris Saunders, applicant, approached the Plan Commission to speak. He explained that the design was based on the parking requirements of the City of Urbana. They constructed a building on the same size lot in the City of Champaign with 17 parking spaces, 52 bedrooms and a 4,000 square foot insurance agency on the first floor. They have 100% occupancy with no issues. He talked about the difficulty of providing the required parking for "restaurant use" and the required space for stacking for a drive through to allow Niro's Gyros to remain or for any restaurant on the subject property. They even tried purchasing the adjacent lot, but the University of Illinois Foundation was not willing to sell.

With the difficulty in being able to have a restaurant use and if the City requires the walls to be built, they will have to redesign the location of the proposed building in order to provide the required number of parking spaces. Constructing the walls would take the space of some of the parking spaces they planned to provide in the Site Plan.

Mr. Hopkins wondered since the applicant was talking about redesigning the layout of the property, could the Plan Commission approve the proposed permit request without an accurate Site Plan? Another concern is that there are many other buildings having difficulty in renting out office space in the nearby area, would it be viable to offer more office space? Mr. Saunders felt it would be difficult. They originally planned to provide space for Niro's Gyros to continue operating at the site; however, again, there are problems with providing enough parking and space for stacking.

Chair Fitch thanked the applicant for answering their questions and addressing their concerns. He opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins preferred the building to be located in the back of the lot for the following reasons: 1) There are many unrented office spaces along University Avenue. The likelihood of the first floor being rented would increase if the parking was located in front closer to the street. 2) He did not feel that the Plan Commission could recommend approval of the Special Use Permit as proposed if the applicant plans to redesign the layout because the new design may not be in substantial conformity with the submitted Site Plan.

Mr. Ackerson stated that the issue before the Plan Commission is whether they would allow a residential component of the proposed mixed-use development. He felt that the overall proposal is a good plan. It is a shame that the parking requirements is keeping the existing Niro's Gyros use or any other fast food restaurant from occupying the first floor space. The residential component is located in a good area that has high density, is close to the University of Illinois campus and is on the south side of University Avenue. He felt the proposed development fit into

what the City wants for the area. So, he did not want to hang up the progress of the development based on whether the building is located in the back or front of the lot.

Mr. Garcia stated that the staff typically requests the condition that “the development shall be constructed in general conformance with the Site Plan” as a way to ensure that a developer will do things discussed at the public hearing. He, then, reviewed the other conditions that the Plan Commission could consider.

Mr. Fell wondered if approving the proposed special use permit with the condition that the development shall be constructed in general conformance of the Site Plan negate the applicant’s ability to request a variance for the parking requirements or space for stacking to allow a restaurant use. Mr. Garcia said no. The applicant would be able to seek a variance.

Ms. Billman asked about the timeline for construction. Mr. Saunders hoped to start building this fall and available to rent for the 2019-2020 school year.

Ms. Yu inquired if there was any review of the exterior design of the proposed building. Chair Fitch said no. There is no design overlay for the area the subject parcel is located. He felt that the applicant would build an attractive building so that they could attract tenants.

Ms. Yu asked if it would look similar to the building the applicant constructed in the City of Champaign on Fifth Street and University Avenue. Chair Fitch asked the applicant to re-approach the Plan Commission to address the question. Mr. Saunders came up to the speaker’s table and said yes; however, the proposed development would have a lot more glass.

Mr. Trail wondered what the expected life span of the proposed building. Mr. Saunders replied a long time because they planned to use high quality materials and there are a lot of building codes.

Mr. Fell questioned if the applicant would be allowed to have a second curb cut on the west side of the property that would provide enough space for stacking for a drive through. Vehicles would then exit the property via the alley to the south. Mr. Garcia replied that there is already a second curb cut which is narrower than the curb cut to the east; however, the Site Plan shows it as being closed.

Mr. Hopkins moved that the Plan Commission forward Case No. 2343-SU-18 to the City Council with a recommendation for approval with the following conditions:

- 1) That the site plan achieve the standards and condition of the Zoning Ordinance (screening and parking requirements);
- 2) That the residential be permitted at the proposed number of units and building height;
- 3) That the commercial space be in the configuration that could enable a variance for a restaurant/fast food use.

Mr. Fell seconded the motion.

Mr. Hopkins stated that his intent for Condition #3 was to allow any variance request for parking, stacking, setback, and screening sufficient to enable a restaurant use otherwise the City is encouraging developers/property owners to build spaces that are difficult to rent. The conditions in his motion would allow the applicant to apply for variances needed to allow him to have a restaurant/fast food use or any rentable commercial space.

Chair Fitch asked if the motion intended to keep Conditions 1 and 2 as recommended by City staff. Mr. Hopkins said no. His motion and conditions were intended to replace the conditions recommended by City staff.

Ms. Billman asked if the applicant would still be required to follow the landscape plan. Ms. Pearson replied yes. The applicant would need to follow the Zoning Ordinance, which states the landscaping requirements.

Mr. Garcia suggested instead of Condition #3 referring to commercial space it would refer to the Site Plan. Mr. Hopkins and Mr. Fell agreed to the amended language in Condition #3 of the motion.

Ms. Pearson suggested adding language in Condition #2 to read as such, *“That the residential be permitted in substantial compliance of the proposed number of units and building height.”* This amended language would allow the applicant some flexibility when reconfiguring the layout. Mr. Hopkins and Mr. Fell agreed to the amended language in Condition #2 of the motion.

Mr. Turner questioned whether they should include a condition requiring the construction of the wall to screen the parking. Mr. Hopkins stated that he purposely left the condition out because a wall poses security problems for residential tenants entering/exiting the building, especially in the proposed layout. The residential stairway is located in the back of the building. The applicant could design the columns to look better than walls.

Mr. Trail felt like the Plan Commission was bending over backwards to try to allow a drive through. Would they still be making the extra effort if it were a different business? Mr. Hopkins responded by saying that his logic has nothing to do with Niro’s Gyros. It has to do with the City requiring the applicant to build what he considers an unrentable first floor office space. Food service is a better market use along University Avenue. Mr. Trail believed that it was the City’s way of trying to encourage walk up services, but the City does not do anything else to encourage walking traffic. If we design buildings with drive up for cars and not provide for pedestrian traffic, then the City will be stuck with those decisions for the next 40 to 50 years.

Mr. Ackerson agreed with Mr. Hopkin’s thoughts. He believed that a food service use would be a better fit whether it was Niro’s Gyros or another business. There may be some other types of business uses that would successfully occupy that space. Mr. Saunders noted that Niro’s has not entered into a lease agreement. They have only expressed interest in staying in this location in the new proposed development. A restaurant that needs a lot of parking would not fit into this space. He would also be happy if the City would allow him to have residential on the first floor because he knows that he could rent the space. His opinion is that designs of all current

developments are driven by the parking requirements. They are not driven by pedestrians walking and biking or people riding buses.

Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Trail	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes
Mr. Ackerson	-	Yes			

The motion was approved by unanimous vote. Mr. Garcia noted that this case would be forwarded to City Council on Monday, May 21, 2018.

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 8:04 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission