

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: October 22, 2015

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Maria Byndom, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail, Daniel Turner

MEMBERS EXCUSED: Andrew Fell

STAFF PRESENT: Lorrie Pearson, Planning Manager; Jeff Engstrom, Planner II; Teri Anzel, Administrative Assistant II; Brad Bennett, Assistant City Engineer

OTHERS PRESENT: Rich Castle, Kayla Johnson-Castle, Theodore Doellman, Andrew Fell, Darrel and Linda Foste, Brigitte Pieke, Dennis Roberts, Adrienne Strohm, Brent West

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

Chair Fitch called the meeting to order at 7:30 p.m. Roll call was taken and there was a quorum of the members present.

NOTE: Chair Fitch announced that Mr. Fell recused himself from this meeting because of his involvement in the Boneyard Creekway Case No. CW-2015-04, which was on the agenda under New Public Hearings.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the September 10, 2015, regular meeting were presented for approval. Ms. Byndom moved that the Plan Commission approve the minutes as presented. Mr. Turner seconded the motion. The minutes were then approved as presented by unanimous voice vote.

4. COMMUNICATIONS

- Email from Denis and Aisha Chiaramonte in opposition of Case No. CW-2015-04

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Boneyard Creekway Case No. CW-2015-04: A request by Peter Baksa for the construction of three multi-family apartment buildings to be located at 402, 408 and 412 West Springfield Avenue in the Boneyard Creek District.

Chair Fitch opened the public hearing for this case. Jeff Engstrom, Planner II, presented this case to the Urbana Plan Commission. He began by explaining the request to allow construction of three multi-family apartment buildings along Springfield Avenue in the Boneyard Creek District and how the case came to be before the Plan Commission. He talked about the bonus provisions for increased height and reduced side yard setbacks on each property. He explained that the proposed area was covered in the 1978 Boneyard Creek Master Plan; however, it is outside the subject area covered in the 2008 Boneyard Creek Master Plan. The recommendations of the 1978 Boneyard Creek Plan were incorporated into the 2005 Urbana Comprehensive Plan, and staff follows that plan for guidance in areas outside of the 2008 Boneyard Plan study area.

He reviewed the zoning, current land uses and future land use designation of the proposed properties as well as for the surrounding properties. Referring to Exhibit D, Floodplain Map, he explained how the properties on the block were affected by the floodway and floodplain. He also explained the ownership of the properties on the block. He made reference to the Site Plan and talked about parking and access, the dedicated easement, the preservation of a tree on Lot 3 north of the alley, and the proposed setbacks and height of each building. He reviewed the criteria for approval of a permit from Section XIII-4.C of the Urbana Zoning Ordinance and showed what the 1978 Boneyard Creek Master Plan illustrated for the immediate area.

He noted the two main concerns of the Boneyard Creek Commissioner, which were that the proposed plan would not fulfill the vision of the 1978 Boneyard Creek Master Plan for this area and the preservation of the tree on Lot 3. After consulting with the Boneyard Creek Commissioner and the City Engineer, the Zoning Administrator found that the proposed development met the required criteria and issued a Notice of Intent to Issue a Creekway Permit. One of the City Councilmembers appealed the decision of the Zoning Administrator; therefore, the case was before the Plan Commission for approval. He read the options of the Plan Commission and presented City staff's recommendation.

Chair Fitch clarified the role of the Plan Commission and their options. He, then, asked if the members of the Plan Commission had any questions for City staff.

Mr. Stohr expressed concern about building within the 100-year floodplain. Mr. Engstrom replied that Exhibit D, Floodplain Map, shows both the areas within the floodway and the areas within the floodplain according to the official Federal Emergency Management Agency (FEMA) Map. The applicant had a survey done, and the surveyors disagreed with the FEMA Map. The surveyors felt that most of the proposed development would be out of the floodplain area. In addition, the applicant planned to flood proof each building.

Mr. Engstrom introduced Brad Bennett, Assistant City Engineer. Mr. Bennett stated that property owners are allowed to build within the floodplain; however, to build within the floodway they would have to get a special permit from the State of Illinois. He explained the difference between floodway and floodplain. Property owners are allowed to build within the floodplain as long as they flood proof their building structures. He also explained that the FEMA floodplain and floodway limits are based on computer modelling, so it is possible for owners to have their properties surveyed and based on the elevations, submit a Letter of Map Revision or Letter of Map Amendment to FEMA to get their properties delisted from the floodplain or floodway list.

Mr. Stohr wondered what the difference was between the survey that was done and the FEMA Map that was calculated through the model. Using Exhibit D, Mr. Engstrom showed where the FEMA Map indicates the floodplain to be and where the survey indicates the floodplain border to be along the properties. There was further discussion about the difference. Lorrie Pearson, Planning Manager, pointed out that this case was not about whether the proposed development could be built in the floodplain but more about what was being requested.

Mr. Trail asked if the proposed development represented the maximum footprint that could be developed. Mr. Engstrom answered yes.

There were no further questions for City staff, so Chair Fitch reviewed the procedures for a public hearing and opened the hearing up for public input.

Adrienne Strohm, representative for the applicant, approached the Plan Commission to answer any questions they may have.

Mr. Ackerson inquired about where parking would be available when the City takes over the easement that is being dedicated. Ms. Strohm replied that parking would be moved to the Opera House, which is nearby, when the City begins making plans for improvement to the Boneyard Creek in the immediate area. There would be agreements between the City of Urbana and the owner with regards to parking.

Mr. Stohr asked if Ms. Strohm had anything to add with regards to the previous discussion regarding flood proofing and the floodplain. Ms. Strohm stated that they decided to have a slab-on-grade foundation, and there would be a minimum of 70 feet from the Boneyard Creek.

Mr. Trail wondered if they had talked with City staff about potentially changing the zoning of this area. Mr. Engstrom added that during the initial discussions about this project the possibility of rezoning was discussed and City staff felt that since the proposed development would be in compliance with the current zoning, a Boneyard Creek permit would give them the flexibility they need.

Mr. Trail thought this was an area where the City would want more dense development, and different zoning could achieve that. With different zoning, they might even be able to increase the footprint and the number of units while reducing the height. Mr. Engstrom stated that they had discussed the tradeoffs of potentially rezoning to B-4, Central Business. While rezoning the properties to B-4 would allow for reduced setbacks and an increase in footprint, City staff felt that leaving it zoned B-2, Neighborhood Business-Arterial, would keep the look along the Springfield Avenue corridor and not impact the surrounding single-family homes as much.

Mr. Stohr questioned whether this area would be eligible for flood insurance. Mr. Bennett stated that all three properties would be eligible for flood insurance; however, it was not required in order to develop. If the owner was getting finance to build the project, then the financial institution might require him to obtain flood insurance.

Rich Castle approached the Plan Commission to speak in opposition. He said that he had seen homes in the area with basements that have big cracks. Even the Opera House parking lot and the back wall have cracks. Although the proposed development would be attractive, he did not feel that it would fit in with the character of the neighborhood, which is single-family housing even if some of them are rental properties. Some of the buildings may be twice the height of the existing house next door, in which case, it would impact access to light and air. If this development is allowed, then what will happen to the houses in between each apartment building? Any redevelopment of these houses would require more tall buildings.

Parking would be accessed from the alley, which is currently in need of repair. The property at 412 West Springfield Avenue was not maintained until recently when they demolished the house. There were grass and weeds that were four or five feet tall, so he hoped that the owner will maintain the proposed new development better than he did the previous house.

Theodore Doellman approached the Plan Commission to speak in opposition. He would be living next to one of the proposed apartment buildings, and the increased height of the proposed development would be a lot for this area. The reduced side yards would allow each proposed apartment building to crowd the existing single-family home that is located next door. The proposed development could even potentially lower property values of neighboring properties.

Dennis Roberts approached the Plan Commission to speak in opposition. He began by stating that there is a real need for procedural change in how Boneyard Creek permit requests are decided. The Plan Commission will have to make a decision about this case with the strictest of blinders without being able to ask questions about the overall impact from the proposed project. Topics like soil conservation and the history of this area cannot be used in making a decision. The Plan Commission was only allowed to consider the height and width of the proposed apartment buildings. He believed that bonus provisions should not be awarded without getting any public input.

He talked about the effect of the proposed development on the community. He believed that a two story apartment building should only be two stories in height rather than four stories because each unit will have enclosed balconies. Each property should be reviewed separately. What are the neighboring single-family homeowners going to do? The only option would be to sell to another developer and not to a single-family homeowner.

Property owners can build what they want. The facades of the proposed apartment buildings will not have doors facing the street. Other areas of the City have design review, but this area of the City has fallen through the cracks. The last time this block was planned for was in the 1978 Boneyard Creek Master Plan.

His vision is to increase the density in the area, but to have apartment buildings that look more like single-family homes, such as the ones on Green Street. The proposed development would look like shotgun apartment buildings. He spoke against the height of the proposed project. He believed the proposed development will set a precedent for more of the same type of development.

Mr. Otto questioned if there were any issues that the Plan Commission could base a decision on. Chair Fitch stated that the Plan Commission can consider any information they want and add conditions if they want. The earlier point was that the Plan Commission was not convened to discuss the science of the floodplain but rather to discuss land use. Mr. Roberts added that while there were positive aspects about the proposed development in general, he felt that there was a problem with compatibility in the area in which it would be located, a problem with compatibility of the underlying zoning district, a problem with the height and width and how the buildings would cast shadows, a problem with side-turned buildings with no front doors facing the street, and that more honor should have been used in designing the proposed apartment buildings.

Mr. Trail asked which of the three options of the Plan Commission did Mr. Roberts propose would serve the best to get his issues considered. Mr. Roberts replied that more public input and review would be best.

Darrel Foste approached the Plan Commission to speak in opposition. He stated that he lives on Main Street behind the proposed developments and owns the adjacent properties at 402-1/2, 404 and 406 West Springfield Avenue as well as 102 North McCullough Street. He mentioned a letter in opposition that was submitted by one of his tenants, Denis and Aisha Chiaramonte. He had consulted with Dr. Alberto Nieto, who told him that in order to build a structure in this area, one should put the footings below the level of the Boneyard Creek. This would require a big building. The proposed apartment buildings are too small to withstand the effects of the Boneyard Creek. In twenty years, these apartment buildings will have cracks and issues as well.

With regards to rezoning the area to B-4, Mr. Foste mentioned that he had discussed this with City staff and the applicant, and Mr. Baksa stated that he did not want to be required to have commercial space on his properties. He tried to consolidate his properties with Mr. Baksa's properties; however, they could not agree on a selling price. Now, he is saddled with what to do with his properties if the proposed apartment buildings are approved. His properties may end up being vacant lots.

Mr. Stohr asked if foundations crumble because of moisture. Mr. Foste said no. In the 1960s, the Boneyard Creek was dredged out deeper to accommodate potential flooding. Now, the water table is higher than the creek. Every day, soil particles are slowly moving into the Boneyard Creek.

Bridgette Pieke approached the Plan Commission to speak in opposition. She stated that her concern is with parking. Three more apartment buildings would increase the parking problems in the area. Also, the street is too small to accommodate the amount of traffic on Springfield Avenue. Chair Fitch responded that there had been a transportation corridor study done on Springfield Avenue and there is a long range plan to improve the street.

Brent West approached the Plan Commission to speak in opposition. He spoke against the clashing of the proposed apartment buildings with the neighboring single-family homes. Therefore, he has a problem with the height and width and stated that anyone living in the single-family homes would have problems with the apartment buildings shadowing them.

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

Mr. Trail inquired about the height of the apartment building at 312 West Springfield Avenue. Chair Fitch guessed that it was 35 to 40 feet tall if it is four stories. Mr. Trail stated that while the block has single-family houses, it also has taller buildings. Engstrom noted that there are taller buildings in the neighborhood too, so he did not believe that the proposed apartment buildings would affect the character of the neighborhood. Mr. Engstrom mentioned that there is a four story apartment building on the south side of Springfield Avenue, and the Opera House appeared to be three stories. Ms. Byndom pointed out that these buildings are also on the end; whereas, the proposed apartment buildings would be in between single-family homes, so the effect would be different.

Mr. Hopkins moved that the Plan Commission approve Case No. CW-2015-04 with the conditions as established by the Zoning Administrator. Mr. Otto seconded the motion.

Mr. Hopkins explained his motion by saying that the subject properties are zoned B-2, Neighborhood Business – Arterial, not as residential. From what the Comprehensive Plan and the Zoning Ordinance says, single-family houses are the past and the City has decided that Springfield Avenue is an arterial street with buses, traffic, and businesses along the street. The owner has an investment in the neighborhood because he also owns the existing Opera House.

There was also concern about whether there should be one big apartment building or smaller ones. He disagreed that having a big building up against the street would be compatible for the proposed area. The City wants some single lot buildings and a consolidated two-lot building in this area. The height and setbacks in the proposed development would be part of making this happen. There are plans to improve the Boneyard Creek, which was why the City has ways of inducing property owners to make dedications along the Boneyard Creek without the City paying for them, so we can build the path.

Mr. Otto agreed with Mr. Hopkins. In addition, he addressed the issue of no doors along Springfield Avenue. He agreed with Councilmember Roberts that blank walls were not good; however, the proposed plans do not illustrate blank walls. Instead, the architect proposes to have windows covering 50-60% of the front facades. He likes the aesthetics of the proposed apartment buildings. If the existing single-family homes on the block are crumbling and falling down, then it is only a matter of time before they will need to be redeveloped. If the two owners

of the properties on this block of the street cannot work out a deal, then the City cannot coerce them to. So, he saw no reason not to approve the request.

Mr. Trail stated that he was not convinced that the proposed development was the best design for the area, especially the exclusion of any commercial business. If the City wants to increase the density of the area, the proposed design will not add that many residential units to justify granting the two bonus provisions for height and width. Chair Fitch clarified that both commercial and multi-family residential are allowed in the B-2 Zoning District. Mr. Otto responded that the case before them did not include a change in the zoning, so they have to consider what is before them. The Opera House has commercial space that has been vacant for many years. In order to have commercial in the proposed development, the applicant and owner would have to also provide parking, which would be difficult to do with the narrowness of the properties. Also, the owner would be increasing four rental units to 11 rental units, so it would increase the density in the area.

Mr. Stohr shared Councilmember Robert’s concern for the sideway construction of each building. He believed it would change the character of the neighborhood; therefore, he would prefer to see a different façade that would be more fitting and conforming to the neighborhood. He had concerns about the setbacks and the poor drainage of the soil and the potential for problems of settlement.

Roll call on the motion was as follows:

Ms. Byndom	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	No	Mr. Trail	-	No
Mr. Turner	-	Yes	Mr. Ackerson	-	No

The motion passed by a vote of 5 to 3.

Chair Fitch asked if this decision was final or could it be appealed to the City Council. Ms. Pearson answered that it could be appealed to the City Council. It is officially approved, barring an appeal.

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 9:13 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission