

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** January 16, 2025

**TIME:** 7:00 P.M.

**PLACE:** Council Chambers, City Hall, 400 South Vine Street, Urbana, Illinois

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**MEMBERS ATTENDING:** Dustin Allred, Will Andresen, Lew Hopkins, Bill Rose, Chenxi Yu

**MEMBERS ABSENT:** Karen Simms

**MEMBERS EXCUSED:** Andrew Fell, Debarah McFarland

**STAFF PRESENT:** Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II

**OTHERS PRESENT:** Jonathan Thompson

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**A. CALL TO ORDER and ROLL CALL**

Chair Allred called the meeting to order at 7:04 p.m. Roll call was taken, and there was a quorum of the members present.

**B. CHANGES TO THE AGENDA**

There were none.

**C. APPROVAL OF MINUTES OF PREVIOUS MEETING**

There were none.

**D. COMMUNICATIONS**

- Email from Pierre Moulin regarding Plan Case No. 2496-SU-24

**E. CONTINUED PUBLIC HEARINGS**

There were none.

**F. OLD BUSINESS**

There was none.

**G. NEW PUBLIC HEARINGS**

**Plan Case No. 2496-SU-24 – A request by Jonathan Thompson, on behalf of RSCC, LLC, for a Special Use Permit to allow a drive-through for a proposed restaurant at 809 West Green Street in the B-1 (Neighborhood Business) Zoning District.**

Chair Allred opened Plan Case No. 2496-SU-24. Kevin Garcia, Principal Planner and Zoning Administrator, presented the staff report to the Plan Commission. He began by noting the reason for the special use permit request, which is to allow a drive-through for a proposed restaurant. He gave a brief description noting the land use and location of the proposed site as well as the neighboring properties. He talked about zoning of the property and the surrounding area. He showed photos of the property and of the view from the property in all directions. Using Exhibit E, site plan, he talked about the layout of the proposed development indicating where the walk-up window (north side) and the drive-through window (south side) would be located. He stated that the site plan prioritized pedestrian walk-up service over drive-through service. He explained how the proposed use relates to the 2005 Comprehensive Plan. He talked about access and how the site plan relates to the recently completed Lincoln Avenue Study.

Mr. Garcia explained that the Lincoln Avenue Study calls for the following changes to be made to Lincoln Avenue between Green Street and Florida Avenue:

- Four travel lanes plus a center turn lane reduced to two travel lanes plus a center turn lane
- Raised bike lane in each direction
- Parkway between the bike lane and the sidewalk

As a result, he said that the access drives from the proposed site onto Lincoln Avenue would be closed off, which is what the applicant has shown on the site plan. He then talked about the layout of the drive-through and parking.

Mr. Garcia reviewed the requirements for a special use permit from Section VII-4.A of the Urbana Zoning Ordinance. He stated the conditions that the Zoning Board of Appeals placed on approval of a conditional use permit to allow a fast-food restaurant in the B-1 (Neighborhood Business) Zoning District on the site. He presented staff's recommendation for the Plan Commission's recommendation to City Council including the condition that "all the conditions approved by the Zoning Board of Appeals for approval of the conditional use permit be met". He added that if the Plan Commission wanted to add any conditions, they may do so.

He said that he could take questions and mentioned that the applicant was available to answer questions as well.

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

Chair Allred asked for clarification regarding the condition to strongly encourage the applicant to provide outdoor seating and a public restroom, which was recommended by staff and approved by the Zoning Board of Appeals, as to whether the City Council would be voting on this since the Zoning Board of Appeals has final decision for a conditional use permit. Mr. Garcia replied that even though the focus of the City Council is tied to the drive-through as an accessory use, he believed that they could still include this condition.

Mr. Hopkins stated that there is no way this condition could be enforced. Mr. Garcia explained that the Zoning Board of Appeals did not want to make a binary condition that the applicant have to provide outdoor seating and a public restroom because it was kind of up in the air at this point.

Chair Allred stated that it was good that the applicant plans to vacate the access driveways along Lincoln Avenue and removing those points of interaction between cars and pedestrians/bicyclists. He asked if there are any spacing requirements in the City's Manual of Practice that address how far away an access drive should be signaled intersections. Mr. Garcia stated that staff uses the Champaign Urban Area Transportation Study (CUUATS) Access Management Guidelines to determine how far away an access drive should be. The general rule is the furthest away from a stop light is best.

Chair Allred asked if the requirements for stacking lanes in a drive-through are met in the proposed plans. Mr. Garcia said yes they would. Essentially, they are designed for 90 feet, which equals the length of 5 cars. This is established for drive-throughs that have kiosks. In the future, the City may want to refine this to allow for restaurant staff coming out to the vehicles to take orders.

Chair Allred stated that one of the criteria the Plan Commission considers when reviewing a rezoning request is the length of time that a property has been vacant. He asked if this is something that the Plan Commission can consider for the proposed special use permit request. Mr. Garcia replied saying that they may be able to tie it to one of the criteria for a special use permit, such as whether it is conducive to the public convenience to have a property sitting vacant for a really long time.

Mr. Rose asked if the company would also be taking online orders. Mr. Garcia said yes. They have proposed designated parking spaces for people who order online. Mr. Rose felt that this could contribute to additional congestion at the entrance because people who have ordered ahead would not be inclined to drive away if there is already traffic congestion on the lot.

Mr. Hopkins stated that he is having a problem with the level of questions they are asking before the applicant has not yet spoken. Chair Allred stated that he has questions for staff to clarify and then they can ask the applicant to come forward.

Chair Allred asked if it would be possible to restrict the exit onto Green Street to "right turn only". Mr. Garcia stated that City staff had discussed this many months ago. If someone comes off Lincoln Avenue and needs to continue on Lincoln Avenue after getting their order, they would have to turn right onto Green Street and do a u-turn or turn right onto Green Street and go through the neighborhood. If the City forced people to turn right when exiting, then it would create more issues than just allowing them to turn left onto Green Street.

With there being no additional questions for City staff, Chair Allred invited the applicant to approach the Plan Commission.

Jonathan Thompson, in-house counsel for RSCC, the applicant, approached the Plan Commission to speak. He mentioned that he agreed with a lot of what Mr. Garcia had said and that some of the conditions make sense. He pointed out that the reason they are proposing 16 parking spaces versus 10 is because Dutch Bros tends to employ more employees than a typical coffee shop of this size. They will have a couple of employees outside taking orders and more employees working inside. If they have eight employees working and two parking spaces designated for disabilities, then that would not leave many parking spaces for the general public if they only provided 10 spaces. He said it would not aesthetically hurt to have a few more parking spaces, plus they plan to have a screening fence or landscaping to block the view of the neighbors on the east side.

Mr. Thompson stated that he talked with Dutch Bros and they are considering whether they should provide outdoor seating. They are concerned that that outdoor seating will trigger the need for public bathroom(s). The problem with providing public bathrooms is that people try to gain access to the interior of the coffee shop, which is a safety concern for the business.

He stated that Dutch Bros is good with the other four conditions.

Mr. Hopkins asked if Dutch Bros had ever developed a configuration exactly like the proposed layout before. Mr. Thompson stated that he could not say 100% sure; however, he felt certain that they had used this model before.

Mr. Rose asked if Dutch Bros planted itself in signature pedestrian and bicycle locations. Could he give the Commission some examples of where significant accommodation had been made to customers other than with the drive-through. Mr. Thompson replied that he could not speak on other locations. He pointed out that Dutch Bros has proposed the building be situated in a spot that makes it friendly for pedestrians to walk up to the window along Green Street.

Chair Allred asked if there are any plans to screen the stacked drive-through lanes from the activity on Lincoln Avenue. Mr. Thompson stated that they do not have a landscape plan as of yet. It will be developed and worked out with City staff. They would be sure to make it aesthetically pleasing and address any concerns of the City.

Mr. Garcia addressed a question that was asked by Mr. Rose. He explained that Dutch Bros does provide walk up services for pedestrians at many of their locations. As far as he knows, all of their locations have drive-throughs.

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

Mr. Rose commented that in the application, the applicant provided answers to the three criteria required for a special use permit. He finds their answers completely deficient and non-responsive. Their answers fail to identify what the City of Urbana wants and needs out of a property like this. He said that he has real difficulty approving an application that shows this level of deficiency.

Mr. Hopkins stated that he would be voting to reject this application on the premise that he views it to be a completely unsuccessful attempt to create a viable site plan. He pointed out that the Comprehensive Plan specifies what the City intends to have happen in these areas. It identifies this specific property as *Campus Mixed Use* in the Plan. A drive-through specifically does not fundamentally belong at this location. It is an anathema to what the City is trying to do on the edges of the University of Illinois campus and in high concentrated areas. It has the effect of bringing automobiles to an intersection and location where we are trying to avoid adding automobiles that do not need to be there. The City is trying to create a zone where people park when they arrive to town and walk once they have arrived.

He talked about how the site plan does not show a convenient way for people coming from any direction to get to the walk-up window. People will arrive at the corner and then have to walk around Green Street and back up. He said that if they were really designing this for pedestrian access, then there would be pedestrian access, and there is not. It does not make sense that the proposed development would fundamentally be a walk-up and drive-through business.

Mr. Hopkins commented that most of the year, people are not going to sit outside to get a coffee, so the pretention of outdoor seating is almost meaningless. He gave an example of a homeless person using the outdoor restroom every morning at a place nearby. The idea that there may be a public restroom with outside access is nonsense. It is not simply a security question but more about the idea of what this location is about. The idea to have a walk up outdoor as a way to create something that belongs here, in his opinion, is completely unpersuasive. The idea to get the drive-through to work if you simulate movement of automobiles is gridlock nightmare. You come in one location, which may or may not meet the 50-foot throat dimension. You also have some cars coming in to park in the “order online” parking spaces, and the drivers have to walk crossing the traffic exiting the property. He has never seen a drive-through operation that has a two-way exit where the exit traffic has to cross the entry traffic, and he does not believe it is possible. A driver backing out of one of the parking spaces will have to block traffic in both directions coming and going. Therefore, the site plan is completely unworkable.

He said that he is voting against this for two reasons. The first reason is because this business does not belong in this location. The second reason is because the attempt to make it look like it belongs here is a disaster.

Mr. Rose said that his notes say “traffic pattern unworkable”, and it is for some of the reasons that Mr. Hopkins expressed. He also sees a problem with the merging of the two lanes in the drive-through. Mr. Hopkins stated that he did not feel that the merging of the two lanes to be a problem.

Chair Allred stated that he agrees with Mr. Hopkins concerns about the traffic circulation on the proposed site plan. He also has concerns about the entry/exit to the site. Exiting left onto Green Street in an area that is already congested by design with bus traffic, cyclists, and pedestrians creates potentially harmful interactions.

He said that the City has an opportunity to do something better and more closely aligns with what we want to achieve in the Comprehensive Plan.

Mr. Hopkins moved that the Plan Commission forward Case No. 2496-SU-24 to the City Council with a recommendation of denial. Mr. Rose seconded the motion.

Mr. Rose stated that the applicant has design responsibility. The design should be responsive to the three criteria that are expressed. While he finds staff's response to be cogent, staff does not have design responsibility. He finds the applicant's response to be deficient.

Mr. Hopkins stated the following reasons for recommending denial:

1. With regards to the criteria “*that the proposed use is conducive to the public convenience at this location*”, for reasons based on the Comprehensive Plan, a proposed drive-through is not consistent with the intended pattern of mixed use in relation to the University of Illinois at this location.
2. With regards to the criteria “*that the proposed use is designed, located and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare*”, he said that the site plan is unworkable for pedestrians, unworkable for parking for Online Orders and drivers having to walk across vehicular traffic to pick up their orders, unworkable for the entrance because of

cross traffic conflicts, unworkable with exiting on Green Street because of the demand to turn left into the left turn lane, unworkable because of the two way entrance being a gridlock at three points, and unworkable with pedestrian and bicycle traffic.

- 3. With regards to the criteria *“that the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of the district in which it shall be located, except where such regulations and standards are modified by Section VII-7”*, Mr. Hopkins stated that the proposed site plan is inconsistent with the Comprehensive Plan and with the changes that the City is evolving through our plans for this district and for the reconfigurations of the streets on Lincoln Avenue, which the City has done on Green Street already.

Roll call on the motion was as follows:

Mr. Andreson	-	Yes	Mr. Hopkins	-	Yes
Mr. Rose	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes			

The motion passed unanimously with a vote of 5-0.

Mr. Garcia stated that this case would be forwarded to the Committee of the Whole on February 3, 2025.

**H. NEW BUSINESS**

There was none.

**I. AUDIENCE PARTICIPATION**

There was none.

**J. STAFF REPORT**

There was none.

**K. STUDY SESSION**

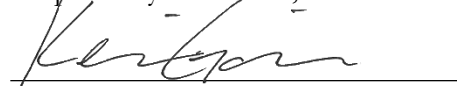
***Imagine Urbana* Comprehensive Plan Draft – Future Land Use Descriptions**

Mr. Garcia showed the updates he had made to the Development Opportunities Map. He talked about potential information to be presented at future meetings.

**L. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:24 p.m.

Respectfully submitted,



Kevin Garcia, Secretary  
Urbana Plan Commission