



**DATE:** Monday, February 03, 2025  
**TIME:** 7:00 PM  
**PLACE:** 400 South Vine Street, Urbana, IL 61801

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## AGENDA

Chair: Grace Wilken, Ward 6

**A. Call to Order and Roll Call**

**B. Approval of Minutes of Previous Meeting**

**C. Additions to the Agenda**

**D. Presentations and Public Input**

**E. Staff Report**

**F. Old Business**

- 1. Ordinance No. 2024-12-042:** An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases – CM's Wilken and Kolisetty

**G. New Business**

- 1. Ordinance No. 2025-02-004:** An Ordinance Approving a Major Variance (Bui Porch Stair Front Yard at 501 West Washington Street / Case No. ZBA-2024-MAJ-03) – CD
- 2. Ordinance No. 2025-02-005:** An Ordinance Approving a Special Use Permit (809 W. Green St. / Plan Case No. 2496-SU-24 – Dutch Bros Coffee) – CD
- 3. Ordinance No. 2025-02-006:** An Ordinance Amending Schedule A of Section 23-62 of the Urbana Local Traffic Code Increasing State Speed Limits in Certain Zones (Correcting Errors and Omissions in Schedule A for Various Streets) – PW
- 4. Resolution No. 2025-02-013R:** A Resolution Approving a License Agreement with New Lincoln Square, LLC (six total signs adjacent to Lincoln Square Mall) – PW
- 5. Resolution No. 2025-02-014R:** A Resolution Approving the Equity and Quality of Life (EQL) Program for Fiscal Year 2025 – PW

**H. Council Input and Communications**

**I. Adjournment**

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaininois.us/upty>

## PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

### Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: [citycouncil@urbanaininois.us](mailto:citycouncil@urbanaininois.us). The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

### Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

### Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than two (2) hours, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or

behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

**Accommodation**

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: [CityClerk@urbanaininois.us](mailto:CityClerk@urbanaininois.us)



## MEMORANDUM TO THE CITY COUNCIL

**Meeting:** January 21, 2025 Committee of the Whole  
**Subject:** Supplemental Staff Response to Proposed Ordinance No. 2024-12-042 (An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases)

### Summary

This memo is provided as a supplement to the Initial Staff Response to Proposed Ordinance No. 2024-12-042, which was scheduled to be considered at the January 6, 2025 Committee of the Whole.

### Discussion

#### *Additional Background Information*

Staff have prepared additional background information related to the proposed Ordinance.

The following is a list of technology owned by the Urbana Police Department (UPD) that is capable of being used for surveillance. It should be noted that this list reflects what would be included as “surveillance technology” under the definition in the proposed Ordinance. UPD does not use any of these items for surveillance. Particularly in the case of body-worn cameras (BWCs) and squad car cameras, these are used primarily as police accountability tools.

The technology items are listed in two categories: law enforcement-specific technology and technology available to the general public.

#### Law Enforcement-Specific Technology

- Motorola V700 BWCs (60) – the current set of BWCs is the replacement for the original set that was purchased about five years ago. The use of BWCs by the UPD is required by State law.
- Motorola M500 Squad Car Cameras (15) – purchased at the same time as the current BWCs. These are not required by State law, but are a long-standing best practice.
- SIMSI – SIMSI is a data analytics tool that identifies spatial patterns of human behavior (aggregated not individuals). The purpose of this software is for a one-year pilot to assist with the efficient placement of officers based on existing patterns of potential problems. It is like a more granular and sophisticated set of heat maps.

#### Publicly Available Technology

- Security cameras at 610 Glover (3) – there are two interior cameras and one exterior camera. These cameras provide protection to the Police Department’s evidence storage. One Lieutenant has real-time access to these cameras.
- “Spy” pens (2) – these pens have audio recording capability only. They were purchased to assist the Police officers who were investigating a spying allegation against a School District employee several years ago. These have never been used.
- Mini camera (1) – a camera about the size of a deck of cards. Not in use.
- Trail camera (1) – not in use.
- Night vision monocular – very old; not in use.
- Key fob camera – this is a camera that is made to look like a vehicle key fob. Very old; not in use.
- FLIR Scout III monocular – this is a thermal viewer for night vision. This version has been discontinued by the manufacturer. The City’s monocular is very old and not in use.
- Blink cameras (10-15) – some of these cameras were purchased and some were donated for distribution to members of the community. They are not used by the Police Department.

*Recommendation*

Staff’s recommendation is for the City Council to provide guidance as to any narrowing of the scope of the proposed Ordinance that they would support in order for staff to focus their efforts on further responding to the proposal.

Originated by: Dave Smysor, Deputy Police Chief

Reviewed: Larry Boone, Chief of Police  
Carol Mitten, City Administrator  
Matt Roeschley, City Attorney

Approved: Diane Wolfe Marlin, Mayor



## MEMORANDUM TO THE CITY COUNCIL

**Meeting:** January 6, 2025, Committee of the Whole  
**Subject:** Initial Staff Response to Proposed Ordinance No. 2024-12-042 (An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases)

### Summary

#### *Action Requested*

Based on the complexity of the implications of proposed Ordinance No. 2024-12-042, staff are requesting that the proposed Ordinance be kept in the Committee of the Whole. In addition, staff request that the scope of the proposed Ordinance be narrowed significantly to address Police Surveillance Technology only.

#### *Brief Background*

At the December 16, 2024, Committee of the Whole, Councilmembers Kolisetty and Wilken introduced proposed Ordinance No. 2024-12-042. There had been no prior consultation with staff related to the specific content of the proposed Ordinance. Inasmuch as the December 16 meeting was on the cusp of the winter holiday break, the Mayor requested time for staff to begin to compose a response and the proposed Ordinance was kept in Committee.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

As currently written, the proposed Ordinance would have a significant impact on the operations of the Urbana Police Department (UPD). There would be direct and indirect implications for nearly every aspect of Police operations, including dispatch (through METCAD), record keeping (partially through METCAD), FOIA responses, emergency response, criminal investigations, general communications, training, cross-jurisdictional cooperation, security planning for large-scale outdoor public events, and staffing.

#### *Strategic Goals & Plans*

The proposed Ordinance does not directly address any of the Mayor/Council Strategic Goals for 2024-2025.

*Previous Council Actions*

There are no previous Council actions directly related to this Ordinance or this broad subject matter. The memo attached to the proposed Ordinance (no author initially identified) mentions various efforts that have been made over time by the current Council to regulate the use and purchase of police surveillance technology in Urbana on a much narrower scale.

**Discussion***Additional Background Information*

There are many operational impacts that would result from the proposed Ordinance, which staff are just beginning to examine and assess. As a starting point, we have begun with the factual foundation by identifying what technology and databases would potentially be impacted by this Ordinance. Given the limited availability of staff over the holiday break, we began with a list of databases that are either in use or available for use by the UPD. The list that we have compiled thus far is attached.

The scope of the proposed Ordinance is so broad that myriad other databases potentially implicated have not yet been included in the attached list. These would include databases that are publicly accessible (e.g., LinkedIn, YouTube, etc.) and those that are potentially accessible with a search warrant (e.g., Facebook account information, Google metadata, etc.).

Some information has been provided regarding ordinances that have been implemented in other jurisdictions. These have been represented as being similar in nature to the proposed Ordinance, which draws heavily on input from the American Civil Liberties Union. However, none of the ordinances that we have reviewed thus far is as broad in scope as that proposed here. The ordinances staff has reviewed so far are limited in scope to law enforcement surveillance technology. To date, no similar ordinances have been found from agencies with which UPD most often coordinates, i.e., City of Champaign, University of Illinois, or Champaign County Sheriff's Office.

*Operations Impact*

Staff is not yet prepared to discuss the full breadth of the operational impacts of this proposed Ordinance, but the impacts would be substantial. As mentioned above, they would include dispatch, record keeping, FOIA, emergency response, criminal investigations, general communications, training, cross-jurisdictional cooperation, security planning for large-scale public events, and staffing. Among the most significant effects would be those aspects of Urbana law enforcement that are performed collaboratively. For example, if some database that is used by METCAD was not authorized for use by UPD, and the METCAD Policy Board and Executive Director would not agree to discontinue using it, Urbana's only recourse would be to stand up its own dispatch system, at great expense both financially and from a regional efficiency and effectiveness standpoint.

A more detailed exploration of the operational impact of this proposed Ordinance will be provided in a future memo.

*Policy or Statutory Impacts*

Clearly there are policy implications related to this proposed Ordinance. More time is needed to explore the full extent of the impacts. Among other things, the draft Ordinance calls into question the extent to which the UPD could maintain the confidentiality of its (and its regional partners') law enforcement practices. Likewise, the confidentiality of law enforcement records that would reveal unique and specialized investigative techniques and are exempt from disclosure under FOIA could be eroded or nullified as a result of this proposed Ordinance, potentially subjecting such sensitive investigatory materials to voluntary public disclosure.

Staff are still researching the extent to which the proposed Ordinance would exercise power that is beyond the purview of the Council.

A more detailed exploration of the policy and statutory impacts of this proposed Ordinance will be provided in a future memo.

*Fiscal and Budget Impact*

UPD and the City are not currently staffed at a level to meet all the requirements of the proposed Ordinance. The staff time it will take even to fully explore the proposed Ordinance itself will be substantial amount, particularly on the part of senior UPD staff and the City's Legal Division.

A more detailed exploration of this topic will be provided in a future memo.

*Community Impact*

We recognize that both the substance and timing of this proposed Ordinance are, in part, motivated by a desire to protect certain individuals in our community who could be made subject to federal law enforcement actions related to their immigration status, their efforts to seek reproductive healthcare, their exercise of first amendment rights, or their status as a member of a protected class. Efforts to address related concerns have recently been taken by the State of Illinois through the adoption of Public Act 103-540, which prohibits the sharing of data collected by Automated License Plate Readers (ALPRs) with other state or local law enforcement agencies for the purpose of enforcing any law 1) interfering with a person's right to reproductive healthcare or 2) allowing for detention or investigation of a person based on immigration status. This new state law is limited to the sharing of ALPR data and does not address or prohibit sharing such data with federal law enforcement agencies, but it could provide something of a model or starting point for addressing concerns articulated in the proposed Ordinance in this community.

*Recommendation*

Staff recommend that this item be kept in the Committee of the Whole. There is a tremendous amount of complexity to explore as a result of this proposal. Staff needs time to develop the various topic areas listed above in order to advise Council and the public regarding consequences, both intended and unintended.

We also request that the scope of the proposed Ordinance be narrowed. So far, the Ordinances that have been shared with staff appear to be focused on police surveillance technology and the data it generates. Narrowing the scope of the Ordinance in that way would focus everyone's attention and efforts on the most sensitive area for the community impacts of concern.

At this early stage of the discussion, it would be beneficial for staff to hear a discussion by Council of their distinction between the law enforcement roles of investigating crimes, providing surveillance, and the overlap between the two. Staff's operating assumption is that one of UPD's roles in the community will continue to be to solve crimes. If so, the restrictions proposed by this Ordinance need to be weighed against that expectation.

#### *Next Steps*

Staff will continue to develop responses in the areas outlined above. It is not possible to fully explore all the impacts of the proposed Ordinance by the next Committee of the Whole on January 20, 2025. However, staff will focus on providing a list of technology tools that would be impacted by the proposed Ordinance. In addition, we will continue to review the ordinances that have been implemented in other jurisdictions to understand their scope and staffing requirements. Summaries of the ordinances reviewed by staff will be provided to Council.

#### **Attachments**

List of Law Enforcement Databases

Originated by: Carol Mitten, City Administrator  
Reviewed: Dave Smysor, Deputy Police Chief  
              Matt Roeschley, City Attorney  
Approved: Diane Wolfe Marlin, Mayor

Name of Database	Owner of Database	Purpose of Database
ASEANAPOL Database	ASEANAPOL	Enhances collaboration and intelligence sharing among ASEAN law enforcement agencies.
NIBIN (National Integrated Ballistic Information Network)	ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives)	Links ballistic evidence from crime scenes to specific firearms and suspects.
ATF E-Trace	Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)	Web-based firearms tracing system aiding law enforcement in tracking the history of firearms recovered from crime scenes.
TikTok	ByteDance	Monitors trends and public videos for evidence of crimes or disturbances.
Carfax for Police	Carfax, Inc.	Provides accident and vehicle history reports to support investigations involving vehicles.
Champaign County Warrants Database	Champaign County Sheriff's Office	Tracks outstanding warrants within Champaign County.
Cook County Integrated Criminal Justice Information System	Cook County Government	Integrates criminal justice data across Cook County for better case management.
Dataminr	Dataminr, Inc.	Analyzes social media and public data for real-time alerts on potential threats or public safety concerns.
EPIC (El Paso Intelligence Center)	DEA (Drug Enforcement Administration)	Provides tactical intelligence support for federal, state, and local law enforcement agencies, focusing on drug-related criminal activities and border security.
NADDIS (Narcotics and Dangerous Drugs Information System)	DEA (Drug Enforcement Administration)	Contains drug-related intelligence, including suspect profiles, drug trafficking organizations, and case reports.
ARCOS (Automation of Reports and Consolidated Orders System)	DEA (Drug Enforcement Administration)	Tracks controlled substances from manufacture to distribution, aiding in identifying and preventing diversion into illegal channels.
TECS (Treasury Enforcement Communications System)	DHS (Department of Homeland Security)	Tracks travelers entering and leaving the U.S., monitors customs enforcement, and supports border security.
IDENT (Automated Biometric Identification System)	DHS (Department of Homeland Security)	Stores biometric data, including fingerprints and facial recognition, for identifying individuals entering or exiting the U.S.
SEVIS (Student and Exchange Visitor Information System)	DHS (Department of Homeland Security)	Monitors international students and exchange visitors in the U.S., ensuring compliance with immigration policies.
HSIN (Homeland Security Information Network)	DHS (Department of Homeland Security)	Provides a secure platform for sharing sensitive information between federal, state, and local law enforcement agencies.
ATS (Automated Targeting System)	DHS (Department of Homeland Security)	Analyzes data to identify high-risk cargo, travelers, and conveyances entering the U.S.
DuckDuckGo	DuckDuckGo, Inc.	Provides anonymous searches for investigators gathering OSINT.
DepartmentWare	Envisage Technologies	A personnel management software designed for law enforcement agencies to track certifications, training, and compliance for officers, as well as sharing information between officers and departments.
Schengen Information System (SIS)	European Union	Facilitates information exchange on persons and property across Schengen member states.
Europol Information System (EIS)	Europol	Supports EU law enforcement agencies with data on serious crimes and terrorism.
NCIC (National Crime Information Center)	FBI	Provides information on wanted persons, stolen vehicles, and criminal history records.
CODIS (Combined DNA Index System)	FBI	Enables the matching of DNA profiles to aid in solving crimes.
CJIS (Criminal Justice Information Services)	FBI	Supports a variety of criminal justice services, including fingerprints and criminal background checks.
N-DEx (National Data Exchange)	FBI	Facilitates the sharing of criminal justice data among local, state, and federal agencies.
IAFIS (Integrated Automated Fingerprint Identification System)	FBI	Provides automated fingerprint search capabilities and electronic image storage.
NIBRS (National Incident-Based Reporting System)	FBI	Collects detailed data on each single crime occurrence to provide comprehensive crime statistics.
UCR (Uniform Crime Reporting Program)	FBI	Compiles official data on crime in the United States for law enforcement management.
ViCAP (Violent Criminal Apprehension Program)	FBI	Maintains a nationwide database to collect, analyze, and correlate information on violent crimes such as homicides, sexual assaults, and missing persons, assisting in linking crimes that may cross jurisdictional boundaries.

Geofeedia	Geofeedia, Inc.	Provides location-based social media monitoring to track real-time activity.
YouTube	Google LLC	Monitors uploaded videos for evidence or public safety threats.
Google	Google LLC	Used for OSINT, locating suspects or witnesses, and verifying identities.
ICJIA Data Portal (Illinois Criminal Justice Information Authority)	Illinois Criminal Justice Information Authority (ICJIA)	Offers a wide range of criminal justice data, including crime trends, victimization, and arrest statistics, for use in planning and policy-making.
Illinois Department of Corrections Inmate Search	Illinois Department of Corrections	Provides information on incarcerated individuals within the Illinois prison system.
I-UCR (Illinois Uniform Crime Reporting System)	Illinois State Police	Collects and reports crime statistics for the state of Illinois, helping agencies track crime trends and meet federal reporting requirements.
Illinois Automated Victim Notification System (AVN)	Illinois State Police	Notifies victims and concerned individuals about changes in the custody status of offenders.
Illinois Sex Offender Registry	Illinois State Police	Provides a publicly accessible registry of convicted sex offenders in Illinois, supporting public awareness and investigative efforts.
Concealed Carry License Database	Illinois State Police	Tracks individuals licensed to carry concealed firearms within the state.
Illinois Statewide Terrorism and Intelligence Center (STIC)	Illinois State Police	Serves as a fusion center for sharing intelligence and information related to terrorism and other criminal activities.
Illinois Amber Alert System	Illinois State Police	Facilitates rapid dissemination of alerts for abducted children.
Illinois eCitation Program	Illinois State Police	Streamlines the citation process for traffic and ordinance violations in Illinois.
Wayback Machine (Internet Archive)	Internet Archive	Views historical versions of websites, tracking changes to online content.
Interpol I-24/7	Interpol	Provides secure global police communication and access to databases on criminals and stolen property.
LexisNexis Accurint	LexisNexis Risk Solutions	Provides powerful investigative tools for locating individuals, verifying identities, and uncovering relationships between people, businesses, and assets.
LinkedIn	LinkedIn Corporation (Microsoft)	Used for investigations into professional networks, particularly for white-collar crimes or fraud.
Facebook	Meta Platforms, Inc.	Used for reviewing public posts, groups, and messages to gather information on suspects, victims, or ongoing incidents.
Instagram	Meta Platforms, Inc.	Analyzes images and videos to gather evidence and monitor public accounts.
CrowdTangle	Meta Platforms, Inc.	Tracks content performance and trends to identify patterns relevant to investigations.
Bing	Microsoft Corporation	Used to search for public records, news articles, and OSINT.
NamUs (National Missing and Unidentified Persons System)	National Institute of Justice (NIJ)	Serves as a national repository and resource center for missing persons and unidentified decedent records.
NICB (National Insurance Crime Bureau)	National Insurance Crime Bureau (Private Organization)	Provides tools and resources to combat insurance fraud and vehicle theft, including the VINCheck system for identifying stolen vehicles.
Pipl	Pipl, Inc.	Provides detailed profiles, including public records, contact information, and social media links.
Platelogix	Private Company	Aggregates data from license plate readers (LPRs) to assist in investigations involving vehicle movements.
Social Media Analysis Tools (e.g., X1 Social Discovery)	Private Vendors	Offers tools for collecting and analyzing data from social media platforms to assist with investigations.
Shodan	Shodan, LLC	Searches for devices connected to the internet, such as security cameras or IoT devices.
LEADS (Law Enforcement Agencies Data System)	State of Illinois	Provides Illinois law enforcement agencies with access to criminal justice data.
LEADS (Law Enforcement Agencies Data System)	State of Illinois	Provides Illinois law enforcement agencies with access to statewide criminal justice data, including driver's licenses, vehicle registrations, and wanted persons.
CLEAR by Thomson Reuters	Thomson Reuters	Offers comprehensive data analytics and investigative tools for background checks, locating individuals, and asset identification.

TLOxp by TransUnion	TransUnion	Offers investigative data for law enforcement to locate individuals, track criminal activities, and conduct risk assessments.
IDicore	TransUnion	Offers advanced data fusion and analytics tools to locate individuals, investigate fraud, and perform due diligence. Provides comprehensive reports on people, businesses, assets, and affiliations.
Lost and Stolen Passport Database	U.S. Department of State	Tracks passports reported as lost or stolen to prevent their misuse for travel or fraud.
IVLP (International Visitor Leadership Program Database)	U.S. Department of State	Tracks participants in State Department exchange programs, supporting public diplomacy and security efforts.
SMART (State Messaging and Archive Retrieval Toolset)	U.S. Department of State	Maintains records of diplomatic cables and communications, supporting investigations related to international incidents.
CA-PPT (Consular Affairs Passport Database)	U.S. Department of State (Bureau of Consular Affairs)	Stores passport information for U.S. citizens, including application data, issuance records, and passport status. Used to investigate fraudulent passports and verify identities.
CCD (Consular Consolidated Database)	U.S. Department of State (Bureau of Consular Affairs)	A repository for visa and consular records, including information on foreign nationals applying for visas. Used for identity verification, fraud detection, and screening.
TIPOFF Terrorist Watchlist Database	U.S. Department of State (Bureau of Intelligence and Research)	Maintains records on known or suspected terrorists. Used to support screening efforts for visa applications and international travel.
UNODC SHERLOC	United Nations Office on Drugs and Crime (UNODC)	Provides a platform for sharing information on organized crime, including case law and legislation.
OffenderWatch	Watch Systems, LLC	A comprehensive sex offender registry management system used by law enforcement to track, manage, and share information about registered sex offenders.
Twitter	X Corp. (formerly Twitter, Inc.)	Monitors public tweets for potential threats, criminal activity, and real-time updates.
X1 Social Discovery	X1 Discovery, Inc.	Collects and preserves data from social media for evidence collection and investigations.
Yahoo Search	Yahoo Inc.	Used for locating public information, historical articles, and more.

## MEMORANDUM TO THE URBANA, IL COMMITTEE OF THE WHOLE & CITY COUNCIL

**Meeting:** January 21, 2025 Committee of the Whole

**Subject:** Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Police Surveillance Technology

**From:** Council Members Grace Wilken & Jaya Kolisetty

### Summary

#### *Action requested*

City Council is asked to approve the attached Ordinance, which requires and clarifies the process for procurement and use of policing technology and databases that can be used to monitor, track, and identify specific individuals or groups. This Ordinance codifies the public approval process for specific surveillance technologies or databases; it does not dictate the use of any given technology (that would be voted on by Council).

Overall, the Ordinance establishes the Council approval and public input process for new and existing policing technologies and databases. The attached definitions clarify the relevant types of technology and databases, the Use Report, Use Policy, and Policing Technology Annual Report.

#### *Brief Background & Previous Action*

City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”

City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”

The City of Urbana commissioned the completion of a review of UPD and UFD policies and staffing requirements by Berry Dunn consultants. The report on the first phase of the study included community stakeholder meetings, professional stakeholder meetings, community interest group and individual meetings, and an online survey, all of which included responses from community members showing “a desire for more active transparency” (page 58). The report noted transparency as one of the four pillars of procedural justice and is included in the six pillars of 21<sup>st</sup> Century Policing, and that not providing transparency through community input “can foster mistrust and damage relationships” (page 159).

In, September of 2021, the Urbana City Council was asked to approve a budget amendment, allowing the City to move funds in order to purchase automatic license plate readers. After much discussion and public input, including Town Hall Meetings, the budget amendment failed, with a 4 to 3 vote, in November of 2021. This instance highlighted the fact that there was no procurement policy for police surveillance technology.

During the budget discussions in June of 2023, Council Members Wilken and Evans proposed additional language to the budget ordinance that clarified the intended use of approved funds and required Council approval and due public process for the purchase of certain surveillance technologies. That proposed language failed, with a 5 to 2 vote. There was feedback from Council members on how to improve the language, and comments that they would entertain a discussion about surveillance policy in the future.

In response to the proposed budget language, on the June 26, 2023 City Council meeting, Mayor Marlin stated that, “The city of Urbana will not authorize or purchase Automated License Plate Reader (ALPR) technology, without explicit majority approval from the Urbana City Council. While the prior debate and vote on ALPRs centered on a budget amendment to purchase ALPRs, rather than a general policy statement, the council discussion and 4-3 vote defeating the amendment, made the position of the majority of council very clear.”

The attached Ordinance is a product inspired from years of discussion and thought in the Urbana community. The Ordinance is intended to simply codify the understanding by which the City has been operating for years, and define mechanisms for public reporting. It has undergone some preliminary reviews, and continued feedback and collaboration is welcomed.

#### *Financial Impact*

There is no expected direct financial impact of this Ordinance.

#### *Additional Information & Resources*

Model Legislation from the Policing Project, New York University School of Law (this is similar to the originally proposed Ordinance):

<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5df2acb192c2512f27a73c12/1576185009882/ADAPT+Act.pdf>

General resources on legislation for policing technology from the Policing Project:

<https://www.policingproject.org/policing-technology-model-statutes-and-legislative-resources>

Ordinance on surveillance technology from Boston, MA (these definitions were used for the updated Ordinance):

<https://www.boston.gov/sites/default/files/file/2021/09/Docket%20%230397%20%282%29.pdf>

Boston Police Department 2023 Annual Surveillance Technology Report:

[https://www.boston.gov/sites/default/files/file/2024/07/2023%20City%20of%20Boston%20Annual%20Surveillance%20Reports\\_0.pdf](https://www.boston.gov/sites/default/files/file/2024/07/2023%20City%20of%20Boston%20Annual%20Surveillance%20Reports_0.pdf)

Oakland, CA Ordinance to amend the City Code regarding police surveillance:

<https://cao-94612.s3.us-west-2.amazonaws.com/documents/OMC-9.64-January-2021-005.pdf>

Oakland, CA Privacy Commission – other resources and ordinances:

<https://www.oaklandca.gov/documents/privacy-advisory-board-ordinances-and-resolution>

ACLU Community Control Over Police Surveillance (this is the same group that created the guiding principles that were attached in the packet for the December 16, 2024 Committee of the Whole meeting):

<https://www.aclu.org/community-control-over-police-surveillance#:~:text=The%20proliferation%20in%20local%20police,color%20and%20low%20income%20communities.>

Research on data privacy and communities of color, from the Brookings Institution:

<https://www.brookings.edu/articles/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>

ACLU article on the use of ALPR data by ICE (US Immigration and Customs Enforcement) to target people who have immigrated to the US, including in Illinois and in “sanctuary cities”:

<https://www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data>

Forbes article on lawsuits over license plate readers:

<https://www.forbes.com/sites/larsdaniel/2024/10/22/warrantless-surveillance-federal-lawsuit-challenges-flock-safety-cameras/>

**Attachments**

1. Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases
2. Attachment A, Definitions (Ordinance No. 2024-12-042)
3. Guiding Principles, from Community Control Over Police Surveillance

## MEMORANDUM TO THE URBANA, IL COMMITTEE OF THE WHOLE & CITY COUNCIL

**Meeting:** December 16, 2024, Committee of the Whole

**Subject:** Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Police Surveillance Technology

**Sponsored by:** CM Wilken and CM Kolisetty

### Summary

#### *Action requested*

City Council is asked to approve the attached Ordinance, which requires and clarifies the process for procurement and use of policing technology and databases that can be used to monitor, track, and identify specific individuals or groups. This Ordinance codifies the public approval process for specific surveillance technologies or databases; it does not dictate the use of any given technology (that would be voted on by Council).

Overall, the Ordinance establishes the Council approval and public input process for new and existing policing technologies and databases. The attached definitions clarify the relevant types of technology and databases, the Use Report, Use Policy, and Policing Technology Annual Report.

#### *Brief Background & Previous Action*

City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”

City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”

The City of Urbana commissioned the completion of a review of UPD and UFD policies and staffing requirements by Berry Dunn consultants. The report on the first phase of the study included community stakeholder meetings, professional stakeholder meetings, community interest group and individual meetings, and an online survey, all of which included responses from community members showing “a desire for more active transparency” (page 58). The report noted transparency as one of the four pillars of procedural justice and is included in the six pillars of 21<sup>st</sup> Century Policing, and that not providing transparency through community input “can foster mistrust and damage relationships” (page 159).

In, September of 2021, the Urbana City Council was asked to approve a budget amendment, allowing the City to move funds in order to purchase automatic license plate readers. After much discussion and public input, including Town Hall Meetings, the budget amendment failed, with a 4 to 3 vote, in November of 2021. This instance highlighted the fact that there was no procurement policy for police surveillance technology.

During the budget discussions in June of 2023, Council Members Wilken and Evans proposed additional language to the budget ordinance that clarified the intended use of approved funds and required Council approval and due public process for the purchase of certain surveillance technologies. That proposed language failed, with a 5 to 2 vote. There was feedback from Council members on how to improve the language, and comments that they would entertain a discussion about surveillance policy in the future.

In response to the proposed budget language, on the June 26, 2023 City Council meeting, Mayor Marlin stated that, “The city of Urbana will not authorize or purchase Automated License Plate Reader (ALPR) technology, without explicit majority approval from the Urbana City Council. While the prior debate and vote on ALPRs centered on a budget amendment to purchase ALPRs, rather than a general policy statement, the council discussion and 4-3 vote defeating the amendment, made the position of the majority of council very clear.”

The attached Ordinance is a product inspired from years of discussion and thought in the Urbana community. It has undergone some preliminary reviews, and continued feedback is welcomed.

#### *Financial Impact*

There is no expected direct financial impact of this Ordinance.

#### **Attachments**

1. Ordinance No. 2024-12-042: An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases

2. Attachment A, Definitions (Ordinance No. 2024-12-042)
3. Guiding Principles, from Community Control Over Police Surveillance

Ordinance No. 2024-12-042

**AN ORDINANCE ESTABLISHING APPROVAL, POLICY, AND REPORTING REQUIREMENTS FOR POLICING SURVEILLANCE TECHNOLOGY AND DATABASES**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the City of Urbana reaffirmed its commitment as a sanctuary city in Resolution No. 2016-12-070R, stating that “the City Council and the Mayor will join with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants...” and that “no city employee or official or department or agency of the City of Urbana shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or the investigation is required by a court order...”; and

**WHEREAS**, the City of Urbana adopted the Ten Shared Principles on June 22, 2020 in Resolution No. 2020-06-031R which states “We reject discrimination toward any person that is based on race, ethnicity, religion, color, nationality, immigrant status, sexual orientation, gender, disability, or familial status;” provides support to “build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles” and advocates for “the four pillars of procedural justice, which are fairness, voice (i.e., an opportunity for citizens and police to believe they are heard), transparency, and impartiality”; and

**WHEREAS**, it is the Urbana City Council (“Council” or “City Council”) and City’s responsibility to legislate matters of public safety and accountability to the public, and any new technology or major systems regarding public safety require due public process and approval from City Council; and

**WHEREAS**, the Urbana City Council finds that no decision relating to police technology should be made without collaborative community input and consideration of the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by Article I of the Illinois Constitution and the First, Fourth, and Fourteenth Amendments to the United States Constitution; and

**WHEREAS**, the use of surveillance technologies are known to have had a significant, detrimental impact on civil rights and civil liberties, including those guaranteed by the First, Fourth

and Fourteenth Amendments to the United States Constitution, and thus it is incumbent on the police or other agency seeking to fund, acquire, or use a surveillance technology to expressly identify the potential adverse impacts the technology may have on civil rights and civil liberties and what specific measures it will undertake to prevent such adverse impacts; and

**WHEREAS**, surveillance technologies can create oppressive, stigmatizing environments when used indiscriminately, especially for communities that have historically been disproportionately targeted by their use, such as communities of color, low income communities, and politically active communities; and

**WHEREAS**, the urgency to publicly process the acquisition of surveillance technologies is necessitated by new concerns whether surveillance technologies will be used to apprehend people from out-of-state seeking abortions and other reproductive healthcare in Illinois; people without legal immigration status who seek asylum and would be sought for deportation; peaceful individuals or organizations exercising their rights, including expressing grievances against the government; and people whose race, national origin, ethnic identity, gender identity, sexual orientation, or other protected demographics place them under potential for additional surveillance; and

**WHEREAS**, the need for a public process to acquire surveillance technologies is further required because of the likelihood that federal law enforcement agencies will access any data stored by surveillance technologies; and

**WHEREAS**, as of the passing of this ordinance, there is no current city policy on the use and acquisition of police surveillance technology, and it is therefore necessary to clarify the Council's position on the required processes of public accountability;

**NOW THEREFORE BE IT ORDAINED** by the City Council, of the City of Urbana, Illinois, as follows:

### **Section 1. Approval Process for Policing Technology and Database Acquisition or Use**

(a) The Urbana Police Department must obtain written approval by majority vote of the Urbana City Council prior to purchasing, acquiring, or using any new policing technology or database (as defined in Attachment A of this Ordinance), or using an existing policing technology or database in a new manner not previously approved, which includes linking or cross-referencing existing databases, adding new categories of data to a database, or using new analytic tools on an existing database.

(b) At least sixty (60) days prior to seeking approval of a policing technology or database, the Urbana Police Department shall submit to the City Council and make publicly available a written policing technology or database "Use Report," along with a draft of the proposed

policing technology or database “Use Policy” (as defined in Attachment A of this Ordinance).

(c) The public shall have forty-five (45) days subsequent to filing of the policing technology or database “Use Report” and “Use Policy” to submit formal comments to the City Council.

## **Section 2. Standard for Approval of Policing Technology or Database**

(a) In deciding whether to approve the request, the City Council shall consider whether the public safety benefits of the use of the policing technology or database outweigh the economic, social, and community costs, including potential negative impacts on civil liberties and civil rights and potential disparate impacts on particular communities or groups.

## **Section 3. Reporting and Approval of Existing Policing Technologies and Databases**

(a) For all existing or hereinafter approved policing technology and databases in use, a “Policing Technology Annual Report” will be publicly available and presented to City Council each year, which includes a current copy of the “Use Policy” for each technology and other information included in the definitions in Attachment A.

(b) For all police surveillance technology and databases referenced here that are already in use at the passing of this Ordinance:

(i) The Urbana Police Department shall present to City Council a “Use Report” and “Use Policy” for each technology or database in use, within one hundred twenty (120) days of the passing of this Ordinance, unless otherwise extended with written approval from City Council.

(ii) The existing policing technologies and databases shall require a formal approval process (as outlined in Section 1 and 2 of this Ordinance) as soon as the information on each technology is made available.

(iii) If the Council has not approved the continuing use of the policing technology, including the Use Report and the Use Policy, within one hundred eighty (180) days of its submission to the Council, the Urbana Police Department shall cease its use of the policing technology and the sharing of surveillance data therefrom until such time as Council approval is obtained in accordance with this Ordinance.

## **Section 4. Contractual Agreements Involving Policing Technology & Databases**

(a) It shall be unlawful for the City or any agency to enter into any contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting

provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(b) Prior to approval by City Council for purchasing, acquiring, or using any new policing technology or database, all members of City Council shall be provided a non-redacted copy of any and all contract(s) or other agreement(s) for review for any policing technology or policing database.

(c) It shall be unlawful for the Urbana Police Department to enter into any contract or other agreement that facilitates the receipt of privately generated and owned surveillance data, or government generated and owned surveillance data, to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this ordinance that violate this section shall be terminated as soon as is legally permissible.

**Section 5. Definitions**

The list of relevant definitions is included in Attachment A as part of this Ordinance.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sanderfur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

## ATTACHMENT A

(Ordinance No. 2024-12-042)

### Definitions:

- 1) Exigent Circumstances means the police commissioner or the police commissioner's designee's good faith and reasonable belief that an emergency involving danger of death, physical injury, or significant property damage or loss, similar to those that would render it impracticable to obtain a warrant, requires the use of the Surveillance Technology or the Surveillance Data it provides. The use of Surveillance Technology in Exigent Circumstances shall not infringe upon an individual's right to peacefully protest or exercise other lawful and protected constitutional rights.
- 2) Surveillance means the act of observing or analyzing the movements, behavior, or actions of Identifiable Individuals.
- 3) Surveillance Data means any electronic data collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology acquired by the City or operated at the direction of the City.
- 4) Surveillance Technology means any device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, associational, or similar information specifically associated with, or capable of being associated with, any identifiable individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
  - a) Examples of Surveillance Technology include, but are not limited to:
    1. International mobile subscriber identity (IMSI) catchers and other cell-site simulators;
    2. Automatic license plate readers;
    3. Electronic toll readers;
    4. Closed-circuit television cameras except as otherwise provided herein;
    5. Biometric Surveillance Technology, including facial, voice, iris, and gait-recognition software and databases;
    6. Mobile DNA capture technology;
    7. Gunshot detection and location hardware and services;
    8. X-ray vans;
    9. Video and audio monitoring and/or recording technology, such as surveillance cameras;
    10. Surveillance enabled or capable light bulbs or light fixtures;
    11. Tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network;

12. Social media monitoring software;
13. Through-the-wall radar or similar imaging technology;
14. Passive scanners of radio networks;
15. Long-range Bluetooth and other wireless-scanning devices;
16. Thermal imaging or “forward-looking infrared” devices or cameras;
17. Electronic database systems containing Surveillance Data about Identifiable Individuals;
18. Radio-frequency identification (RFID) scanners; and
19. Software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software.

b) Surveillance Technology does not include the following devices, software, or hardware, which are exempt from the requirements of this ordinance, unless the devices, hardware, or software are modified to include additional surveillance capabilities:

1. Routine office hardware, such as televisions, computers, and printers, that are in widespread public use and will not be used for any surveillance or surveillance-related functions;
2. Parking ticket devices (PTDs) and related databases;
3. Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is used for manually capturing and manually downloading video and/or audio recordings;
4. Cameras installed in or on a police vehicle;
5. Cameras installed pursuant to state law authorization in or on any vehicle or along a public right-of-way solely to record traffic violations or traffic patterns, provided that the Surveillance Data gathered is used only for that purpose;
6. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
7. City databases that do not and will not contain any Surveillance Data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology;
8. Manually-operated technological devices that are used primarily for internal City communications and are not designed to surreptitiously collect Surveillance Data, such as radios and email systems;
9. Parking access and revenue control systems, including proximity card readers and transponder readers at City-owned or controlled parking garages;
10. Card readers and key fobs used by City employees and other authorized persons for access to City-owned or controlled buildings and property;
11. Cameras installed on City property solely for security purposes, including closed-circuit television cameras installed by the City to monitor entryways and outdoor areas of City-owned or controlled buildings and property for the purpose of

controlling access, maintaining the safety of City employees and visitors to City buildings, and protecting City property;

12. Security cameras including closed-circuit television cameras installed by the City to monitor cashiers' windows and other cash-handling operations and to maintain the safety of City employees and visitors to such areas;
13. Cameras installed solely to protect the physical integrity of City infrastructure; or
14. Technology that monitors only City employees in response to complaints of wrongdoing or in order to prevent waste, fraud, or abuse of City resources.

(a) ~~“Policing technology” shall mean any system used as part of a policing function, including software or electronic devices, that is capable of collecting, retaining, or analyzing information associated with or capable of being associated with any specific individual or group, including but not limited to audio, video, images, text, meta-data, location, spectral imaging, or biometric information.~~

~~(i) “Policing technology” or “police surveillance technology” includes, but is not limited to: artificial intelligence and machine learning; cell site simulators; automated license plate readers (ALPRs); biometric surveillance; gunshot detectors; facial recognition software; drones; electronic toll readers; closed-circuit television cameras; mobile X-Ray; surveillance enabled light bulbs; thermal imaging systems; predictive policing software; social media analytics software; unmanned surveillance drones; audio or video recorders that are capable of transmitting or can be accessed remotely; tools, including software and hardware, used to gain access to a mobile device, computer, computer service, or computer network; long range Bluetooth and other wireless scanning devices; and radio frequency I.D. (RFID) scanners or software designed to integrate or analyze data from individuals. This definition is not intended to be a limited or exhaustive list and includes future technologies that are developed after the passing of this Ordinance.~~

~~(ii) “Policing technology” does not include: routine office technology, such as televisions, computers, email systems and printers, that is in widespread public use; manually operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; and internal police department computer aided dispatch or record management systems, unless the systems are equipped with predictive analytics capabilities.~~

(b) ~~“Policing database” shall mean any system used as part of a policing function that is capable of accessing, storing, cataloging, or analyzing information associated with or capable of being associated with any specific individual or group, including but not limited to audio, video, images, text, meta-data, location, spectral imaging, or biometric information.~~

~~(i) “Policing database” includes, but is not limited to: fingerprint databases; DNA databases; gang databases; automated license plate reader databases; criminal history databases; and any other database controlled or covered by contract or other agreement with the Urbana Police Department that is capable of being associated with any specific individual or group. This definition is not intended to be a limited or exhaustive list and includes future technologies that are developed after the passing of this Ordinance.~~

~~(ii) “Policing database” does not include: systems for storing case files; systems for office and clerical purposes; or investigative information that is not tagged to a specific individual, or cannot be used to identify specific individuals.~~

(c) “Use Report” shall mean a publicly released, legally enforceable written report that includes, at a minimum, the following:

- (i) Information describing the policing technology and how it works;
- (ii) Information on the proposed purpose(s) of the policing technology;
- (iii) If the policing technology will not be uniformly deployed throughout the city, what factors will be used to determine where the technology will be deployed or targeted;
- (iv) The fiscal impact of the policing technology;
- (v) An assessment of whether use of the policing technology will have an unwarranted disparate impact on protected classes and demographics, as defined in the Illinois Civil Rights Act of 2003, the Urbana Human Rights Ordinance, and other relevant laws and policies.
- (vi) An assessment identifying any potential adverse impacts the policing technology, if deployed, might have on civil liberties and civil rights, and what specific, affirmative measures will be implemented to safeguard the public from the potential adverse impacts.

(d) “Use Policy” shall mean a publicly released, legally enforceable written policy governing the use of the police technology that, at a minimum, includes and addresses the following:

- (i) What specific purpose(s) the policing technology is intended to advance.
- (ii) Description of the authorization for use of the policing technology: specifically, what legal and procedural rules will govern each authorized use; what potential uses of the police technology will be expressly prohibited such as the warrantless surveillance of public events and gatherings; and how and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the police technology be analyzed and reviewed.
- (iii) Description of data collection, protection, and retention: specifically, what types of surveillance data will be collected, captured, recorded, intercepted, or retained by the police

technology; what safeguards will be used to protect surveillance data from unauthorized access; for what maximum limited time period the surveillance data will be retained; and by what process the surveillance data will be regularly deleted after the retention period.

(iv) Description of data sharing: specifically, which governmental agencies, departments, bureaus, divisions, or units will be approved for data sharing; how such sharing is necessary for the stated purpose and use of the policing technology; and what mechanisms will ensure any entity sharing access to the policing technology or surveillance data complies with the applicable surveillance use requirements within the Urbana “Use Policy” and does not further disclose the surveillance data to unauthorized persons and entities.

(e) “Policing Technology Annual Report” shall mean a written report on each policing technology in use over the past year that is publicly released at least once per year and shall, at a minimum, include the following:

(i) A summary of how each policing technology and database was used.

(iii) Total annual costs for each police technology and database, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.

(iii) How often collected surveillance data was shared with and received from any external persons or entities; under what legal standard(s) the information was disclosed; and the justification for the disclosure(s).

(iv) A summary of complaints or concerns that were received about each policing technology and database.

(v) The results of any internal audits, any information about violations of the Use Policy, and any actions taken in response to complaints or concerns.

(vi) Justification for the continued use of each technology and database and safeguards to protect civil liberties, privacy, and against discrimination.



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**Community Control Over Police Surveillance – Guiding Principles**

*The Community Control Over Police Surveillance effort, including the legislation being sponsored in connection with it, is guided by the below principles. Legislation may vary from city to city to reflect local concerns and circumstances.*

**Surveillance technologies should not be funded, acquired, or used without express city council approval:** Surveillance technologies should not be funded, acquired or used without the knowledge of the public and the approval of their elected representatives on the city council. Agencies seeking to use a previously acquired surveillance technology in a new manner must also receive specific city council approval of the new use(s).

**Local communities should play a significant and meaningful role in determining if and how surveillance technologies are funded, acquired, or used:** When used indiscriminately, surveillance technologies create oppressive, stigmatizing environments, especially for communities that are disproportionately targeted by their use, such as communities of color, low income communities, and politically active communities. Rather than allowing the police to unilaterally decide if and how surveillance technologies may be acquired and used, we believe local communities and their elected officials should be empowered to make those determinations.

**The process for considering the use of surveillance technologies should be transparent and well-informed:** The city council should not approve the funding (including submitting applications), acquisition, or deployment of any surveillance technologies without holding a public hearing. To facilitate a well-informed public debate, far in advance of the hearing, the police or other agency seeking to use the surveillance technology shall publically report on, among other things, the technology to be acquired, its capabilities, how precisely it would be used, how its data would be preserved and protected, its acquisition and operational costs, and how potential adverse impacts on civil rights and civil liberties will be prevented.

**The use of surveillance technologies should not be approved generally; approvals, if provided, should be for specific technologies and specific, limited uses:** Prior to the public hearing, the police or other agency seeking to acquire and/or use a surveillance technology must identify the technology and its proposed uses with specificity, so they can be debated with specificity. It should be unlawful for the police or any other agency to use a

surveillance technology that has not been expressly approved, or to deploy an approved surveillance technology in a manner that has not been expressly and precisely approved.

**Surveillance technologies should not be funded, acquired, or used without addressing their potential impact on civil rights and civil liberties:** Historically, government surveillance has had a significant, detrimental impact on civil rights and civil liberties, including those guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution. In recognition of this fact, prior to holding a public hearing, the police or other agency seeking to fund, acquire, or use a surveillance technology should expressly identify the potential adverse impacts the technology may have on civil rights and civil liberties and what specific measures it will undertake to prevent such adverse impacts.

**Surveillance technologies should not be funded, acquired, or used without considering their financial impact:** Prior to holding a public hearing, the police or other agency seeking to fund, acquire, and/or use a surveillance technology should provide information on the surveillance technology’s financial benefits and costs, including its acquisition and annual operational costs.

**To verify legal compliance, surveillance technology use and deployment data should be reported publically on an annual basis:** A public approval process for the acquisition and use of surveillance technology will be of limited value unless the city council and public can verify the legal requirements pertaining to its use, including those regarding the protection of civil rights and civil liberties, have been adhered to. Annual reporting requirements will empower the city council and public to monitor the use and deployment of approved surveillance technologies.

**City council approval should be required for all surveillance technologies and uses; there should be no “grandfathering” for technologies currently in use:** The same public approval process for the acquisition and use of new surveillance technologies should be applied to surveillance technologies that are currently in use. Any technologies and existing uses that are not expressly approved pursuant to a transparent, community-focused process should have to be discontinued.



## MEMORANDUM TO THE CITY COUNCIL

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** Supplemental Staff Response to Proposed Ordinance No. 2024-12-042 (An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases)

### Summary

This memo is provided as a second supplement to the Initial Staff Responses to Proposed Ordinance No. 2024-12-042.

### Discussion

#### *Additional Background Information*

Following the introduction of proposed Ordinance No. 2024-12-042 (An Ordinance Establishing Approval, Policy, and Reporting Requirements for Policing Surveillance Technology and Databases) on December 16, 2024, City staff have undertaken to analyze and better understand the potential impact of the proposal. Part of that work has entailed the identification of current technologies used by the Urbana Police Department that would be subject to the processes and procedures outlined in the proposed ordinance. Another component of the work done by City staff to understand the proposal has been to review similar or related ordinances adopted by other communities across the United States for the purpose of gathering information concerning their scope, application, procedural components, and other content in order to better inform public discussion about proposed Ordinance No. 2024-12-042.

Staff have reviewed similar ordinances or administrative policies adopted by the following communities:

- Boston, MA
- Berkeley, CA
- Cambridge, MA
- Davis, CA
- Grand Rapids, MI
- Lawrence, MA
- Madison, WI
- Nashville, TN
- New York, NY
- Oakland, CA

- Palo Alto, PA
- San Francisco, PA
- San Francisco Bay Area Rapid Transit District
- Santa Clara County, CA
- Seattle, WA
- Somerville, MA
- Yellow Springs, OH

A document containing additional information about each of the above communities and their respective ordinances and regulations is attached to this memorandum as Attachment 1. This document is a spreadsheet containing relevant information culled from each community's ordinance, as well as additional information about each community for context. The information from the respective ordinances is summarized and discussed in this memorandum.

### Surveillance Technology

One point of emphasis in the review of other ordinances was to ascertain the types of technology they encompass and regulate. A common aspect among the overwhelming majority of the ordinances and policies reviewed was that their scope was limited to or focused on "surveillance technology." "Surveillance technology" also seems to be defined very similarly across communities, with far more parallels than variations.

Definitions of "surveillance technology" typically contemplate the regulation of tools, systems, and devices used to monitor, collect, or analyze information about individuals or groups. Below are common elements and examples found in local definitions:

### Common Features of "Surveillance Technology"

- **Technology Used for Monitoring:** Many definitions include technologies designed to monitor individuals or their activities, whether in public or private spaces.
- **Data Collection and Processing:** Includes systems that collect, store, and analyze data such as images, audio, or biometric information.
- **Intent and Purpose:** Definitions often specify the intended use of surveillance technology, such as crime prevention, public safety, or general monitoring.
- **Broad or Specific Scopes:** Some ordinances use broad terms to encompass all monitoring tools, while most others contain lists of specific technologies subject to the ordinance.

### Examples from Other Local Ordinances

#### **San Francisco, CA**

- Defines "surveillance technology" as "any software, electronic device, system, or tool used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory, or similar information on individuals."

- Explicitly excludes common office equipment (e.g., printers, telephones) unless used for surveillance purposes.

### **Oakland, CA**

- Similar to San Francisco but emphasizes technologies “capable of monitoring and identifying individuals” and includes tools like license plate readers, drones, and facial recognition software.

### **Seattle, WA**

- Defines surveillance technologies as “any electronic device, software program, or hosted software solution that is designed to monitor, track, or analyze behavior or data about identifiable individuals or groups.”
- Excludes everyday technology such as body cameras unless used in conjunction with surveillance systems.

### **Somerville, MA**

- Broadly includes “technologies that collect, analyze, or process personal or location information,” with a specific ban on facial recognition technology.

### Specific Technologies

Specific technologies commonly included in “Surveillance Technology” ordinances include the following examples:

- Facial recognition systems
- Automated license plate readers (ALPRs)
- Video and audio recording devices
- Biometric tracking systems (e.g., iris or fingerprint scanners)
- GPS tracking systems
- Drones or unmanned aerial systems
- Social media monitoring tools

### Common Exclusions

Most ordinances explicitly exclude technologies not used for surveillance purposes, including the following:

- Standard office equipment
- Parking ticket systems
- 911 dispatch systems
- Personal communication devices (e.g., phones) unless configured for surveillance

### Other Common Elements Among “Surveillance Technology” Ordinances and Regulations

- Approval by a city council or elected governing body prior to purchase, acquisition, or agreement to such technology.
- Some larger cities have a two-step approval process that includes prior approval by an appointed committee or board prior to review and approval by the governing body.
- “Surveillance Use Policy.” Nearly every ordinance reviewed calls for the adoption of a “surveillance use policy” governing and setting forth the parameters and protocols for using such technologies.
- Annual reporting on use of “surveillance technology” following approval.
- About half of all ordinances and regulations reviewed require public hearings as part of the approval process in front of the elected body. Others contemplate approval via resolution or as part of the budget approval process.
- Most ordinances contain exceptions to the approval requirement for exigent or emergent circumstances involving law enforcement investigations that necessitate the temporary use of specific technologies that might otherwise fall within the scope of the ordinance.
- Nearly half of the ordinances reviewed contain outright prohibitions on the use of facial recognition technology.
- Finally, approximately half of the ordinances reviewed apply specifically to police departments or law enforcement applications, while the other half apply more broadly to any departments of the organization that utilize applicable technology.

#### *Recommendation*

Staff’s recommendation is for the City Council to provide guidance as to any narrowing of the scope of the proposed Ordinance that they would support in order for staff to focus their efforts on further responding to the proposal.

Originated by: Matt Roeschley

Reviewed: Carol Mitten, City Administrator

Approved: Diane Wolfe Marlin, Mayor

Community	Population	Form of Govt	Form of Regulation / Year Adopted	Scope and Common Procedural Components	Temp Exception for - Exigencies or Emergencies?	Exception for Technical Patch/Updates to Existing/Approved Software?	Facial Recognition Prohibition?	Compliance Approval for Technology Already in Use?	Scope	Required Approvals	Public Hearing Requirement?
<a href="#">Boston</a>	700,000	Mayor / Council	Ordinance / 2021	"surveillance technology" "surveillance use policy" "annual surveillance report" "	Yes	Yes	No	No	All city departments	City Council - cost/benefit test	No
<a href="#">Berkeley</a>	125,000	Council / Manager	Ordinance / 2018	Prior authorization; "surveillance technology"; "surveillance use policy"; anything new - purchase, use, agreement to use, other acquisition; ongoing annual reporting	Yes	No	Yes	Yes	All city departments	Police Review Commission re: use policy; City Council re: technology; Council cost/benefit test	No
<a href="#">Cambridge</a>	115,000	Council / Manager	Ordinance / 2018	"surveillance technology"; "annual surveillance report"; "surveillance use policy"	Yes	Yes	Yes	Yes	All city departments	City Council - cost/benefit test	Yes (required for passage of all ordinances)
<a href="#">Davis</a>	70,000	Council / Manager	Ordinance / 2018	"surveillance technology"; "annual surveillance report"; "surveillance use policy"	Yes	No	No	Yes	All city departments	City Council - cost/benefit test	Yes
<a href="#">Grand Rapids</a>	200,000	City Manager/Commission	A.P. 2015; rev 2022	"surveillance equipment"	Yes	No	No	No	All city departments	City Commission - best interests test	Yes
<a href="#">Lawrence</a>	100,000	Council / Manager	Ordinance / 2018	"surveillance technology" "surveillance use policy" "annual surveillance report"	Yes	No	No	Yes - approval of pre-existing uses	All city departments	City Council - cost/benefit test	Yes
<a href="#">Madison</a>	270,000	Mayor / Alder	Ordinance / 2020	"surveillance technology" "annual surveillance technology report"	Yes	Yes	Yes	Only if change in use of existing tech	All city departments	City Council - cost/benefit test	No - Budget request or resolution
<a href="#">Nashville</a>	715,000	Mayor / Council	Ordinance / 2017; amend 2023	"deployment of surveillance technology in public rights-of-way" "surveillance technology"	*Exception for temporary use in police investigations	No	No	No	Only for LPRs and R-O-W sensors	City Council - cost/benefit test	Yes
<a href="#">NYC</a>	8,400,000	Commission	Ordinance / 2020	"surveillance impact and use policy"	No	No	No	Yes	Police	Police Commissioner	No
<a href="#">Oakland</a>	430,000	Mayor / Council	Ordinance / 2021	"surveillance technology" "annual surveillance report" "surveillance use policy" "surveillance impact report"	Yes	No	No; but prohibits Biometric Surveillance	Yes	Police	Privacy Advisory Commission; City Council - cost/benefit test	No
<a href="#">Palo Alto</a>	70,000	Council / Manager	A.P. 2018; rev 2020	"surveillance technology" "surveillance use policy" "annual surveillance report"	No	No	No	No	Police	City Council - cost/benefit test	No
<a href="#">San Francisco</a>	810,000	Mayor/Council	Ordinance / 2019	"annual surveillance report" "surveillance impact report" "surveillance technology" "surveillance technology policy"	Yes	No	Yes	Yes	Police	Board of Supervisors	Yes
<a href="#">S.F. Bay Area Rapid Transit</a>	7,700,000	Board of Directors	Ordinance / 2018	"surveillance technology" "surveillance annual report" "surveillance use policy" "surveillance impact report"	Yes	No	No	Yes	Entire organization	Board of Directors - cost/benefit test	Yes
<a href="#">Santa Clara County</a>	1,900,000	Board of Trustees	Ordinance / 2016	surveillance technology "surveillance annual report" "surveillance use policy" "surveillance impact report"	Yes	No	No	Yes	All county departments	Board of Trustees - cost/benefit test	No
<a href="#">Seattle</a>	770,000	Mayor / Council	Ordinance / 2017; rev 2018	surveillance technology "surveillance annual report" "surveillance use policy" "surveillance impact report"	Yes	Yes	No	No	All city departments	City Council	No
<a href="#">Somerville</a>	85,000	Mayor / Council	Ordinance / 2019	surveillance technology "surveillance annual report" "surveillance use policy" "surveillance impact report"	Yes	Yes	Yes (different ordinance)	No	Police	City Council	No
<a href="#">Yellow Springs</a>	3,500	Council / Manager	Ordinance / 2018	surveillance technology "surveillance annual report" "surveillance use policy" "surveillance impact report"	Yes	No	No	Yes	All village departments	Village Council - cost/benefit test	Yes (required for passage of all ordinances)



**MEMORANDUM TO THE MAYOR AND CITY COUNCIL**

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** An Ordinance Approving a Major Variance (Bui Porch Stair Front Yard at 501 West Washington Street / Case No. ZBA-2024-MAJ-03)

**Summary**

*Action Requested*

City Council is being asked to consider a major variance to reduce the required front yard from 15 feet to 10 feet to allow construction of porch stairs on a home addition at 501 West Washington Street, in the R-2 (Single-Family Residential) Zoning District.

*Zoning Board of Appeals Recommendation*

On January 15, 2025, the Zoning Board of Appeals (ZBA) reviewed and voted unanimously to recommend that Council approve a major variance to reduce the required front yard to 10 feet, with the condition that construction be in general conformance with the submitted site plan.

**Relationship to City Services and Priorities**

*Impact on Core Services*

Construction of the porch stairs and the building addition would have no impact on City services.

*Strategic Goals & Plans*

This would continue to be a single-family residential use, which is in line with the 2005 Comprehensive Plan’s designation for the future use of this property as “Residential.”

*Previous Council Actions*

None.

**Discussion**

The attached Zoning Board of Appeals Staff Report and Minutes of the January 15, 2025, ZBA meeting (Attachment 2) contain additional background information and discussion.

*Fiscal and Budget Impact*

None.

*Community Impact*

No members of the public testified at the January 15, 2025, ZBA public hearing. Staff received one objection to the variance.

*Recommendation*

The legal criteria to grant any variance requires that there be a special circumstance or practical difficulty related to a parcel or structure that makes adhering to the Zoning Ordinance difficult or impossible. Granting a variance is unwarranted without special circumstances or practical difficulties. Neither the applicant, staff, nor the ZBA found any special circumstances or practical difficulties in this case.

Staff recommends that City Council deny the major variance, because the threshold condition for a variance is not met.

While the request will not cause harm to the neighborhood and is more visually appealing than alternatives that comply with the Zoning Ordinance, a variance is not the proper mechanism to achieve the desired outcome. If City Council approves the variance request, it will need to articulate a special circumstance or practical difficulty. There is a blank in the draft ordinance for this finding, otherwise, the ordinance is not legally sufficient.

*Next Steps*

If approved, staff will record the major variance with the Champaign County Recorder's Office, and the applicant may apply for building permits.

Independent of the outcome of this particular request, staff would like to draft an amendment to the Zoning Ordinance in the near future to amend the setback requirements of porch stairs allow them to encroach into a minimum required yard to the same extent that porches themselves are allowed to encroach and to allow further encroachment if needed to bring the rise/run of the stairs up to current Building Code standard. If City Council is open to considering an amendment to the Zoning Ordinance, staff would bring a draft amendment to Plan Commission for their review.

**Attachments**

1. An Ordinance Approving a Major Variance (Bui Porch Stair Front Yard at 501 West Washington Street / Case No. ZBA-2024-MAJ-03)
2. Zoning Board of Appeals Staff Report and Minutes (January 15, 2025)

Originated by: Marcus Ricci, AICP, Planner II

Reviewed: Kevin Garcia, Principal Planner  
William Kolschowsky, Senior Management Analyst/Assistant to the City Administrator

Approved: Carol Mitten, City Administrator

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Bui Porch Stair Front Yard at 501 West Washington Street / Case No. ZBA-2024-MAJ-03)

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

**WHEREAS**, Long Bao Bui requests a major variance to reduce the required front yard from 15 feet to 10 feet to allow construction of porch stairs on a home addition at 501 West Washington Street, in the R-2 (Single-Family Residential) Zoning District; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on January 15, 2025, in Case ZBA-2024-MAJ-03; and

**WHEREAS**, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

**WHEREAS**, the Zoning Board of Appeals voted five ayes and zero nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance, with one condition; and

**WHEREAS**, the City Council finds that the requested variance conforms with the major variance procedures in Section XI-3.C.2.(e), of the Urbana Zoning Ordinance; and

**WHEREAS**, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The special circumstances or practical difficult associated with this parcel is \_\_\_\_\_, which makes it difficult to comply with the Zoning Ordinance. City Council find that granting the variance would not unreasonably hinder or impair the public interest.
2. The requested variance would serve as a special privilege because other properties must comply with the minimum front yard requirement, although seven of the nine other properties on the blockface do not comply with this requirement.
3. The requested variance would remedy a situation created by the original construction of the house, which provided an unprotected front entry with a small landing and narrow stairs.
4. The proposed porch stairs would not change the essential character of the neighborhood, as seven of the other nine homes on the blockface have street-facing stairs that encroach into the required front yard.
5. The proposed porch stairs would not create a nuisance at this time or in the future, and may reduce a lighting nuisance to the west neighbor.
6. The requested variance is the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request for a street-facing front entry, larger landing, and additional living space.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

In Case No. ZBA 2024-MAJ-03, the major variance requested by Long Bao Bui, to reduce the required front yard from 15 feet to 10 feet is hereby approved in the manner proposed in the application with the following condition: that construction must be in general conformance with the attached site plan, entitled “501 West Washington Street – Addition” (Attachment 1). The major variance described above shall only apply to the property located at 501 West Washington Street, more particularly described as follows:

Lot 5 in Block 2 of Van Doren's Addition to the City of Urbana, Illinois, as per Plat recorded in Plat Book "C" at Page 176, situated in the City of Urbana, Champaign County Illinois

Commonly known as 501 West Washington Street  
P.I.N.: 93-21-17-326-010

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this date day of Month, Year.

AYES:

NAYS:

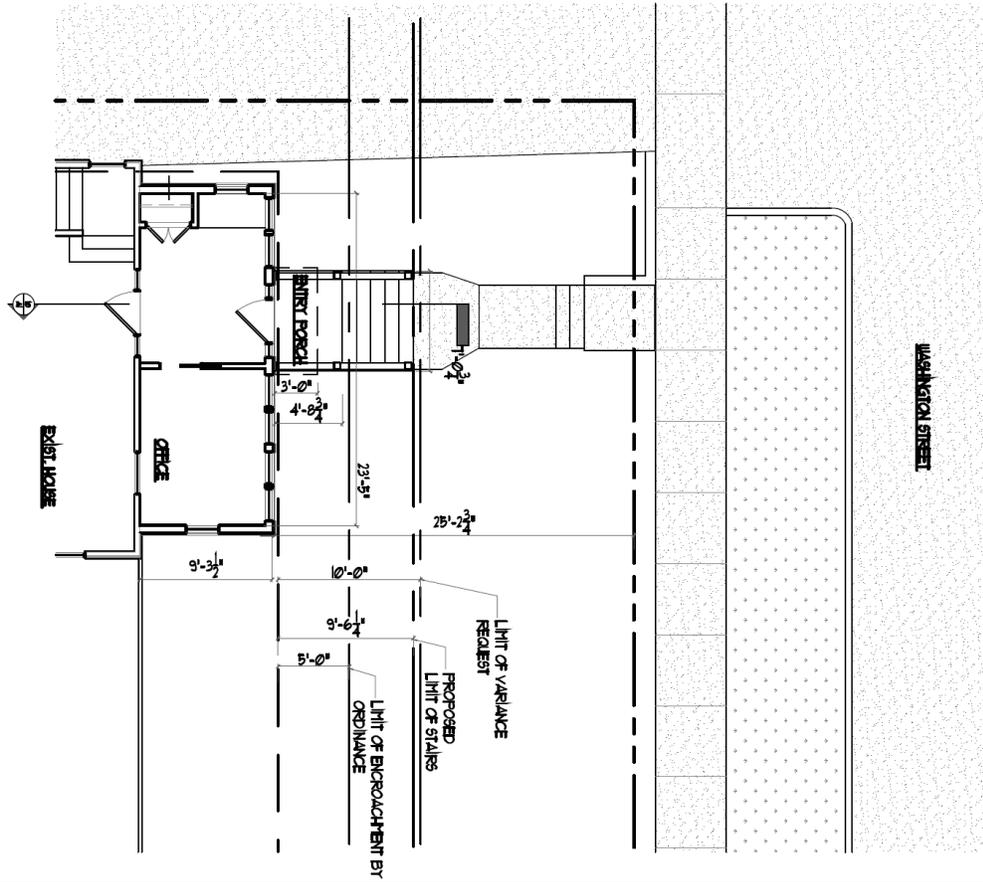
ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

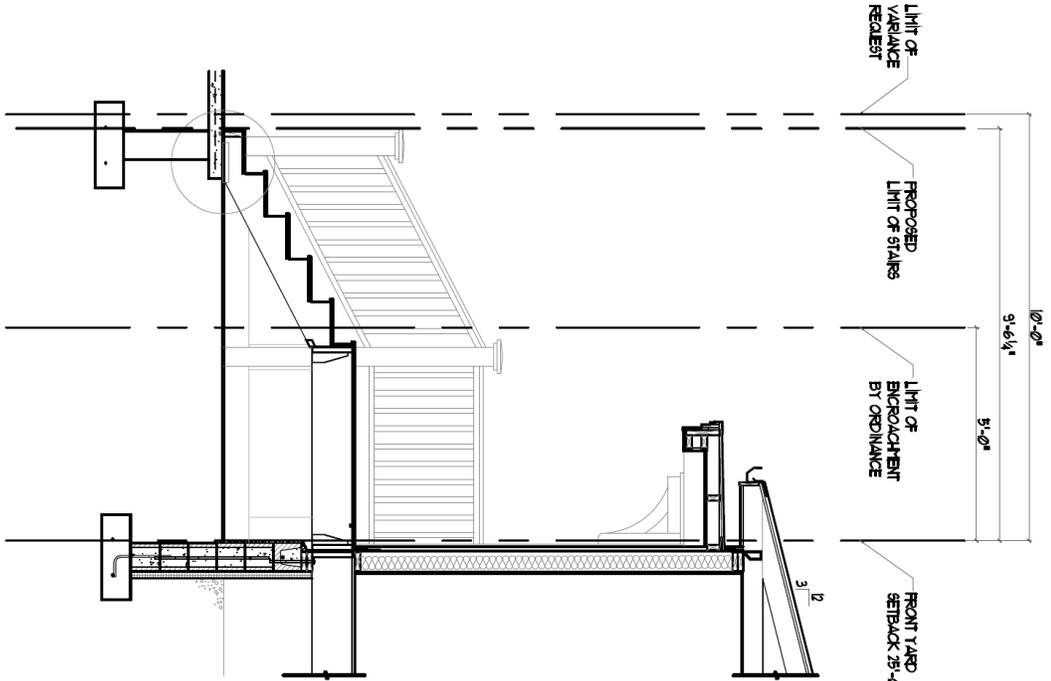
**APPROVED BY THE MAYOR** this date day of Month, Year.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

2 PROPOSED FLOOR PLAN  
 A1 SCALE: 1/4" = 1'-0"  
 NORTH



3 SECTION THRU ADDITION  
 A1 SCALE: 1/4" = 1'-0"



A1	501 WEST WASHINGTON STREET ADDITION 501 WEST WASHINGTON URBANA, ILLINOIS 61802	These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancy shall be brought to the notice of the Architect prior to the commencement of any work.	<b>ANDREW FELL</b> ARCHITECTURE AND DESIGN 616 NORTH HICKORY STREET, SUITE 101 CHAMPAIGN, ILLINOIS 61820 PHONE: 217.353.2880 WWW.ANDRUEFFELL.COM EMAIL: andrewfell@comcast.net	PROJECT # _____ DATE: _____ REVISION: _____
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**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

m e m o r a n d u m

**TO:** Urbana Zoning Board of Appeals  
**FROM:** Marcus Ricci, AICP, Planner II  
**DATE:** November 20, 2024  
**SUBJECT:** **ZBA-2024-MAJ-03:** A request by Andrew Fell, on behalf of Long Bao Bui, for a Major Variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street in the R-2 (Single-Family Residential) Zoning District.

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**Introduction**

On behalf of Long Bao Bui, Andrew Fell requests a major variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street in the R-2 (Single-Family Residential) Zoning District.

The Urbana Zoning Ordinance requires the Zoning Board of Appeals (“ZBA”) to review the variance application and hold a public hearing. The Board may recommend approval to City Council by a 2/3 majority vote, or approval with conditions to City Council by a 2/3 majority vote, or deny the request. The Board should either accept the specific staff findings or articulate their own specific findings based on the application’s criteria.

Staff recommend the ZBA deny the major variance request.

**Background**

The two-story house (1,680 ft<sup>2</sup>) on this 8,406 ft<sup>2</sup> property was built in 1912. It includes a detached 342 ft<sup>2</sup> garage. Side and rear porches were added between 1973 and 1988. The applicant purchased the property in 2020 in its current configuration. The 6-foot-deep by 8-foot-wide (48 ft<sup>2</sup>) front porch is outside the required front yard: its small landing (3-foot-deep by 3-foot-wide; 9 ft<sup>2</sup>) and stairs come off the southwest corner of the porch – outside the required yard – and then proceed northeast and north to connect to the front sidewalk leading to Washington Street.

The owner wants to replace the porch, landing and stairs with a 9-foot by 25-foot (225 ft<sup>2</sup>) building addition, outside the required 25-foot front yard. The proposed larger replacement landing – 4.75-foot-deep by 7-foot-wide (35 ft<sup>2</sup>) – would encroach the allowed five feet into the required front yard. The proposed replacement steps – shifted eight feet to the northeast – would extend an additional five feet north for a total encroachment of ten feet into the required front yard. While new porches and porch stairs are allowed to encroach into a required yard up to five feet, the proposed 10-foot encroachment is 40 percent of the required front yard, and therefore requires a major variance.<sup>1</sup>

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<sup>1</sup> Urbana Zoning Ordinance, Section VI-5.3 (2024). Yards. “Access to buildings and outdoor living areas when consisting of uncovered stairways, stairway landings, and stoops...of a building constructed prior to November 6, 1950, may encroach up to five feet into a required yard, but not within six inches of a property line.”

**Description of Site and Area**

The property is located on the south side of West Washington Street.<sup>2</sup> The following table identifies the current zoning, and existing and future land use of the site and surrounding.<sup>3</sup>

Direction	Zoning	Existing Land Use	Future Land Use
Site	R-2 (Single-Family Residential)	Single-family residential	Residential
North	R-2 (Single-Family Residential)	Single-family residential	Residential
East	R-2 (Single-Family Residential)	Single-family residential	Residential
South	R-2 (Single-Family Residential)	Single-family residential	Residential
West	R-2 (Single-Family Residential)	Single-family residential	Residential

Table 1. Zoning and Land Use

**Discussion**

The applicant wants to replace the porch with a building addition that would provide a street-facing front entry, larger landing, and additional living space. The new vestibule would still have a front door facing the street, with a larger landing and wider stairs directly connecting with the existing concrete walk leading to the street, rather than continuing to step down to the west and then turning northeast and then north, as in the current configuration. While it would be possible to build the proposed addition with steps facing west – which would not require a variance – the request would allow a more direct path from the house to the sidewalk.<sup>4</sup>

The applicant states that the proposed work would be in character with the neighborhood because neighboring properties have stairs leading directly to the street: “This is a street of houses with wide and welcoming front yards, that present an open and inviting atmosphere to the street.” They state that “having front stairs that are not on the front of the house seems rude and uninviting.”

Staff reviewed the ten properties on this block face and found almost all have porches; one porch appears to encroach into the 25-foot required front yard. Seven of the other nine homes have porch stairs that lead directly to the street *and* encroach into the required yard (Exhibit E – Photos). Half of the homes have more “foresteps” – a second set of steps at the property line – than the subject property, which then requires fewer steps – and less front yard encroachment – nearer the porch.

The zoning requirements for this property – and all R-2-zoned properties – have changed significantly over the decades. The house was constructed 28 years before zoning was established in the city in 1940, and, until 1986, required yards did not apply to steps, terraces, and fences.<sup>5</sup> In 1986, the Zoning Ordinance was amended to create required yards, but allowed landings and stairs of pre-1951 buildings to encroach 4.5 feet into a required yard. It also allowed open porches to encroach up to 5 feet if they were at least 5 feet from the property line.<sup>6</sup>

In 2015, the Ordinance was again amended to allow landings and stairs of pre-1951 buildings to encroach *five* feet into a required yard with the added condition of being at least six inches from the property line. It continued the porch allowance to encroach five feet into a required yard. It added

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<sup>2</sup> Exhibit A – Location and Land Use; Exhibit E – Site Photos.  
<sup>3</sup> Exhibits A, B, and C.  
<sup>4</sup> Exhibit D – Application.  
<sup>5</sup> Urbana Zoning Ordinance, Section 34.66 Yard Exemptions (1970).  
<sup>6</sup> Urbana Zoning Ordinance, Section VI-5. Yards (1986).

## ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting Page G1.

another allowance that “When replacing or upgrading an existing porch and/or porch stairs...the replacement porch/stairs may be constructed *in the location of the existing porch/stairs* but no closer than six inches from any property line...The porch stairs may further encroach the minimum amount required to bring the rise/run of the stairs up to current Building Code standards.”<sup>7</sup>

Staff believe that the intent of the latter amendment was to accommodate the need to allow stairs to encroach further into a required yard when the Building Code required more or larger stairs. However, this clause does not apply to the current request because the proposed replacement landing and stairs are not *in the exact location* of the existing landing and stairs: they are approximately eight feet away. Although the presumed intent of the clause is to allow porches and stairs to be constructed within six inches – or zero inches – of a property line, the conditions placed on this allowance are very strict. If there were no requirement that the new stairs be “in the location of the existing porch/stairs”, the proposed stairs would be allowed without a variance, as they would still be 15 feet from the property line.

### Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings of fact based on variance criteria. The Zoning Board of Appeals must determine, based on the evidence presented, whether there are special circumstances or special practical difficulties that exist in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest.

The following is a review of the criteria outlined in the ordinance, followed by staff analysis:

1. *There are special circumstances or special practical difficulties with reference to the parcel concerned in carrying out the strict application of the ordinance.*

Neither the applicant nor staff claim any special circumstances or practical difficulties of the parcel that impair carrying out the strict application of the ordinance.

Staff find this this criterion not met. However, staff find that granting the variance would not unreasonably hinder or impair the public interest.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

Neither the applicant nor staff claim that the variance requested is necessary, as the new stairs could be built descending to the west and then turn north towards the street as they currently do, or descend to the west directly to the access drive; this would require significantly reducing the size of the addition. However, the applicant asserts that this would render the new stairs unseen from the street, which would be out of character with all but one of the homes on the block face. Staff agree with this assertion.

Although allowing the proposed stairs to encroach into the required front yard would be in keeping with the character of the neighborhood, it would still be a special privilege because there are no special circumstances, and other homes must comply with the front yard requirement.

Staff find this criterion not met.

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<sup>7</sup> Urbana Zoning Ordinance, Section VI-5. Yards (2015).

# ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting Page G1.

- 3. The variance requested is not the result of a situation or condition having been knowingly or deliberately created by the petitioner.*

Because the current configuration provides safe egress, and another configuration to provide additional living space, a wider landing and stairs is possible *without a variance*, staff consider the situation as being created by the petitioner. However, staff do agree that the requested variance would provide a configuration with more living space and a more direct path to the street.

Staff find this criterion not met.

- 4. The variance will not alter the essential character of the neighborhood.*

The proposed porch stairs would not alter the essential character of the neighborhood, as seven of the other nine properties on the block face have porch stairs that encroach into the required front yard.

Staff find this criterion met.

- 5. The variance will not cause a nuisance to the adjacent property.*

The proposed porch stairs would not create a nuisance at this time or in the future. The applicant states that it may reduce a potential lighting nuisance for the west neighbor because it would eliminate the need to illuminate west-facing stairs leading toward the shared driveway.

Staff find this criterion met.

- 6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The requested variance represents the minimum deviation from the Zoning Ordinance's requirements to accommodate the request to provide a street-facing front entry, larger landing, and additional living space. The other alternative the applicant considered was having the front entrance on the west face of the addition, which would defeat the goal of having the front entry face the street. It would also reduce the amount of living space produced because the addition would have to be shortened to provide enough space for the new landing, and possibly stairs heading west.

Staff find this criterion met.

Overall, staff found there are no special circumstances of the parcel, in reference to carrying out the strict application of the Zoning Ordinance. Staff found three of the six criteria weigh in favor of granting the variance, and found three criteria weigh against granting it. Staff also find that granting the variance would not unreasonably hinder or impair the public interest.

## Public Notice and Input

Staff published a legal ad in The News-Gazette to notify the public of the request and public hearing 15 days prior to the Zoning Board of Appeals meeting. Staff sent letters to 56 neighboring property owners (within 250 feet of the subject property) notifying them of the request, and posted a public hearing sign on the property. Staff received no public input.

## Summary of Findings

On behalf of Long Bao Bui, Andrew Fell requests a major variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street in the R-2 (Single-Family Residential) Zoning District.

## ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting Page G1.

1. There are no special circumstances or practical difficulties associated with this parcel that make it difficult to comply with the Zoning Ordinance. Staff find that granting the variance would not unreasonably hinder or impair the public interest.
2. The requested variance would serve as a special privilege because other properties must comply with the minimum front yard requirement, although seven of the nine other properties on the block face do not comply with this requirement.
3. Although another configuration that would not require the requested variance could provide additional living space, a larger landing and wider stairs, the requested variance would create an addition with more living space.
4. The proposed porch stairs would not change the essential character of the neighborhood, as seven of the other nine homes on the block face have street-facing stairs that encroach into the required front yard.
5. The proposed porch stairs would not create a nuisance at this time or in the future, and may reduce a lighting nuisance to the west neighbor.
6. The requested variance is the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request for a street-facing front entry, larger landing, and additional living space.

### Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2024-MAJ-04: a major variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard:

1. Forward the case to City Council with a recommendation to **approve** the variance as requested based on the findings outlined in this memo; or
2. Forward the case to City Council with a recommendation to **approve the variance with certain terms and conditions**; or
3. **Deny** the variance request.

If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variances on findings other than those articulated herein, they should articulate findings accordingly.

### Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **DENY** the proposed major variance in case ZBA-2024-MAJ-04.

There are no special circumstances that make complying with the ordinance difficult, and variances are not given simply because a petitioner does not want to comply with the Zoning Ordinance.

Attachments: Exhibit A: Location Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map

**ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting**

Page G1.

Exhibit D: Variance Application with Site Plan

Exhibit E: Site Photos

cc: Andrew Fell, Applicant  
Long Bao Bui, Owner

**Exhibit A - Location & Land Use**



Case: ZBA-2024-MAJ-03  
Subject: Porch Stairs Major Variance  
Location: 501 West Washington Street  
Applicant: Andrew Fell, Applicant

- /// Subject Property
- Natural Resource-based
- Residential
- Commercial
- Industrial
- Institutional
- Transportation

**Exhibit B - Zoning**



Case: ZBA-2024-MAJ-03  
Subject: Porch Stairs Major Variance  
Location: 501 West Washington Street  
Applicant: Andrew Fell, Applicant

- /// Subject Property
- CRE
- R-2
- R-1
- R-7

### Exhibit C - Future Land Use



Case: ZBA-2024-MAJ-03  
Subject: Porch Stairs Major Variance  
Location: 501 West Washington Street  
Applicant: Andrew Fell, Applicant

//// Subject Property

## Exhibit D - Application



### APPLICATION FOR ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. For the current fee, please refer to the most recent version of the City's "Schedule of Fees - Excluding Liquor License Fees", which can be found at <http://www.urbanainillinois.us/fees>.

The Applicant is also responsible for paying the cost of legal publication fees. The News-Gazette will bill the applicant directly. Legal ad publication fees vary from \$75.00 and up.

**NOTE: Fields marked with an \* must be completed.**

**NOTE: If additional space is needed to complete any field, please mark "See Attached" and attach the response at the end of this application.**

#### PROPERTY INFORMATION

Address/Location of Subject Site\* **501 West Washington**

Parcel/PIN # of Subject Site **93-21-17-326-010**

Lot Size **8406 s.f.**

Current Zoning District **Choose an Option from the Drop Down List R-2 (Single-Family Residential)**

Current Land Use (*vacant, residence, grocery, factory, etc*)\* **single Family Residence**

Proposed Land Use\* **Single Family Residence**

Legal Description

~~XXXXXXXXXX~~ **Lot 5 in Block 2 of Van Doren's Addition to the City of Urbana, Illinois, as per Plat recorded in Plat Book "C" at Page 176, situated in the City of Urbana, Champaign County Illinois.**

#### APPLICANT INFORMATION

Name of Applicant\* **Andrew Fell**

Applicant Business Name **Andrew Fell Architecture and Design**

Applicant Mailing Address

Street # \* **515**

Street Name\* **North Hickory**

Apartment #, Suite #, Etc. **Suite 101**

City\* **Champaign**

State\* **IL**

Zip\* **61820**

Applicant Email Address\* **permits@andrewfell.com**

Applicant Phone\* **217-363-2890**

Multiple Applicants\* No

Yes

**NOTE: Please attach documentation of additional applicants names and contact information.**

Property Interest of Applicant(s)\* **Architect**



## Exhibit D - Application

### OWNER INFORMATION\*

This property has one owner.

This property has multiple owners

**NOTE:** Please attach documentation of additional owners names and contact information.

Owner Name\* **Bao Bui**

Owner Business Name

Owner Mailing Address

Owner Street #\* **501**

Street Name\* **West Washington**

Owner Apartment #, Suite #, Etc.

Owner City\* **Urbana**

State\* **il**

Zip\* **61801**

Owner Email Address\* **amish\_outlaw@gmail.com**

Owner Phone\*

### CONSULTANT INFORMATION

If you are working with an architect, engineer, surveyor, site planner, or attorney, please fill in their information below.

Architect Name **Andrew Fell**

Architect Company **Andrew Fell Architecture and Design**

Architect Mailing Address **515 North Hickory, Suite 101, Champaign, IL 61820**

Architect Email Address **permits@andrewfell.com** Phone **217-363-2890**

Engineer Name

Engineer Company

Engineer Mailing Address

Engineer Email Address Phone

Surveyor Name

Surveyor Company

Surveyor Mailing Address

Surveyor Email Address Phone

Attorney Name

Attorney Company

Attorney Mailing Address

Attorney Email Address Phone

## Exhibit D - Application

### REQUEST INFORMATION

Permit Type\* **Variance - Major**

Purpose for Request\* **Other**

Describe in Detail the Purpose for Request\* **Request a major variance to reduce the required front yard by 10 feet, To allow for stairs to access the new porch to be constructed within the existing front setback. No other building element is requested to encroach. It is noted that "stairs" in this case includes any associated framing, railings, guardrails, etc., but does not include the landing. The landing is within the allowed encroachment.**

**With no Variance, these stairs are required to come up from the westwern side.**

Describe the proposed use and its activities. In other words, what do you plan to do? Are there existing buildings you will use, change, or demolish? Will you build new buildings? What activities will take place on site, and where? If you're planning a business, what will your hours of operation be?\*

**Existing open entry Porch is being replaced with conditioned space to include a new entry vestibule and a small office area. Outside the new Vestibule are a landing and associated stairs. The landing extends into the frnt yard setback, but <sup>within</sup> ~~by~~ the allowable amount. The stairs extend further beyond the exceptable limit of the ordinance the Site setbaks, but the steps encroach. This Variance request is to allow for the construction of the actual steps within the fornt setback.**

**The landing and stair combined extend 9'-6.25" into the front yard setback**

**Note that the request is for a 10'-0" encroachment to provide some variation in construction.**

Appeal, advance to: Page 6

Conditional Use Permit, advance to: Page 7

Variance, advance to: Page 8

## **Exhibit D - Application**

### **REASONS FOR VARIANCE**

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

See Attached

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

See Attached

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

See Attached

Explain why the variance will not alter the essential character of the neighborhood.

See Attached

Explain why the variance will not cause a nuisance to adjacent property.

See Attached

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

See Attached

## Exhibit D - Application

**NOTE:** Contact the Planning Division if you need assistance: [planning@urbanaininois.us](mailto:planning@urbanaininois.us) or 217.384.2440.

### ATTACHMENTS

Please include any attachments relevant to your request: supporting documents, site plans, photos, etc.

### CERTIFICATION BY THE APPLICANT\*

- I certify all the information provided in this application and any attachment(s) are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.
- I acknowledge that by submitting this application, I am granting permission for City staff to post a temporary yard sign announcing the public hearing to be held for my request on the property. I further acknowledge that my electronic or digital signature on this application has the full legal effect as that of my written signature.

Applicant's Signature\*

Date\* 9/23/24

### PLEASE RETURN THE APPLICATION ONCE COMPLETED TO:

By emailing an pdf copy to [Planning@urbanaininois.us](mailto:Planning@urbanaininois.us)

Or

By mailing a paper copy to:

**City of Urbana**  
**Community Development Department Services**  
**Planning Division**  
**400 South Vine Street**  
**Urbana, IL 61801**

## Exhibit D - Application

### 5. REASONS FOR VARIATION

*Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.*

The addition to this residence is in keeping with the character and aesthetics of the overall neighborhood. The addition of a vestibule brings the house more into comparable elements with the others around it which have wide expansive covered porches or enclosed additions on this side of their residence.

All the components of the design fit within the required setbacks ( or encroach an appropriate amount) with the exception of the actual steps. The landing is within the allowable encroachment, however the actual steps extend further.

*Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other properties in the same district.*

While it is absolutely true that the steps to this new entry could be redesigned to fit within the existing Zoning Parameters, it would be a detriment to the design and practical use of the steps. The steps would need to come off the landing and turn to the west to go to grade. This leaves the stairs virtually unseen from the street and the existing concrete walk to the house would make no sense.

Where we have the stairs placed allows the continued use of the existing concrete walk up to the house. We will augment the walk at the point of interface with the steps.

*Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the petitioner).*

This is a condition where the 'Average' setback is in play. Staff has confirmed that the Averages Setback appropriate at this location is 25'. Our particular property is set back further than others on the block face, and is skewed somewhat by the 'average'.

A portion of the Setback issue is the direct result of Re-zoning some areas and having to find an appropriate way to 'normalize' planning requirements in areas where the variables are great (wildly varying existing setbacks). There was no consistent method to resolve this issue in the previous Zoning change, so varying conditions exist.

*Explain how the variance will not alter the essential character of the neighborhood.*

This Variance will keep the house more in the character of the neighborhood.

This is a street of houses with wide and welcoming front yards, that present an open and inviting atmosphere on the street. Having front stairs that are not on the front of the house seems rude and uninviting.

## Exhibit D - Application

The reality is that the ‘bulk’ of the work placed within the setback is miniscule and is composed only of open steps. The existing large setback additionally minimizes the physical and visual impact of the stair extension.

*Explain why the variance will not cause a nuisance to adjacent property.*

The resulting condition will be one that exists on virtually every other property in the neighborhood.

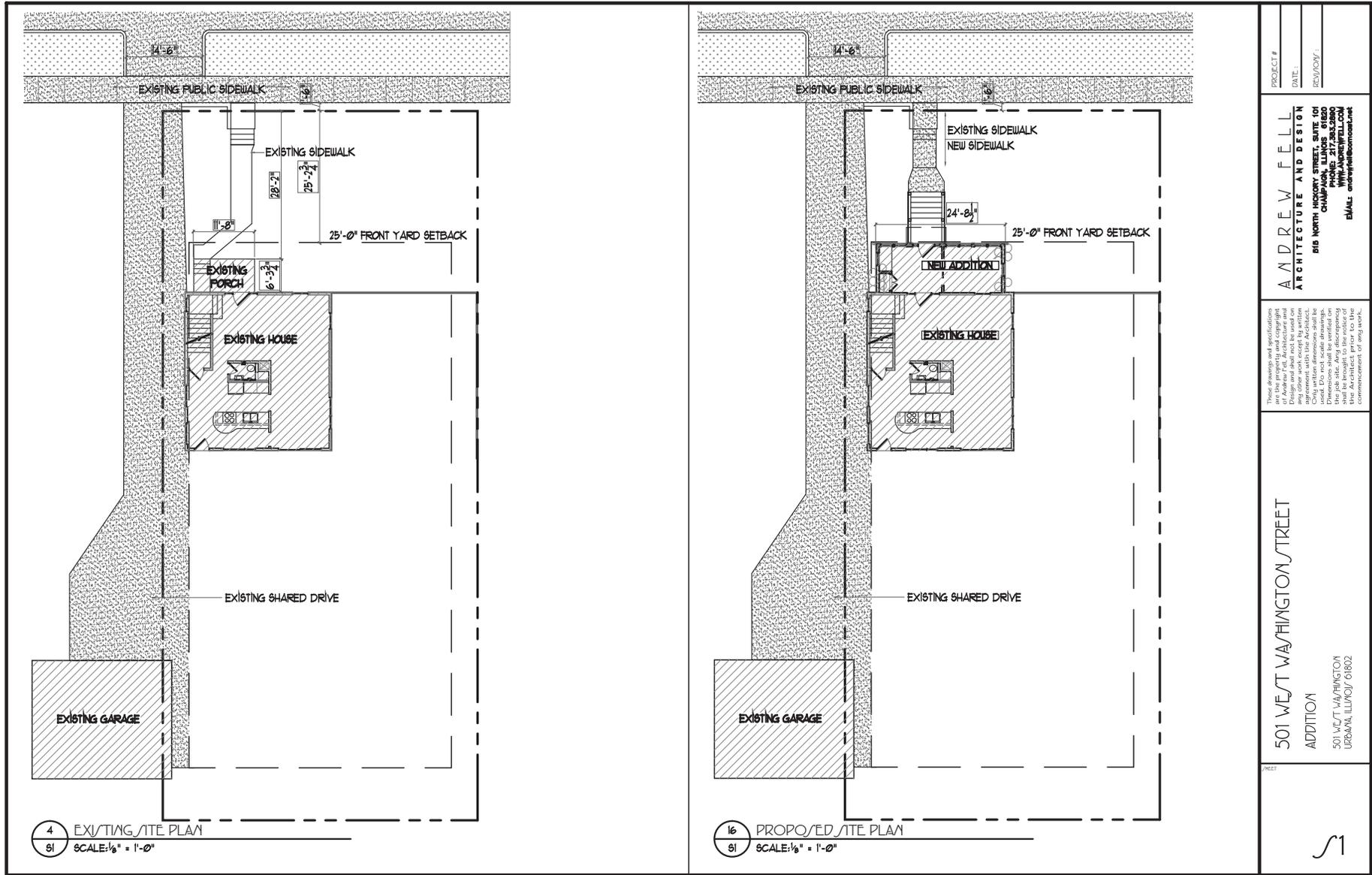
Having a visitor need to walk up to the side of the house (meaning he is also at the side of the neighbor’s house) to get to the stairs to reach the front door seems counterproductive, and a large nuisance to the neighbor. Additionally – in order to create this walkway and entrance with any sense of safety and security, some pretty intensive lighting needs to be directed towards the neighbor’s house. This is an obnoxious condition for the neighbor to endure.

*Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.*

This request represents the minimum deviations necessary to incorporate the steps and no more (except for a few inches of minimal breathing room). Actually, deeper steps would be a better design solution, but would increase the encroachment, so that element was abandoned.

To reiterate, a portion of the request is to be a better neighbor and not introduce lighting directed at other Zoning Lots.

## Exhibit D - Application - Site Plan



PROJECT #	DATE:	REV/NOV/
<b>ANDREW FELL</b> <b>ARCHITECTURE AND DESIGN</b> 1000 W. WASHINGTON STREET, SUITE 101 CHICAGO, ILLINOIS 60606 PHONE: 312.283.2800 WWW.ANDREWFEEL.COM EMAIL: andrew@andrewfell.com		
These drawings and specifications are the property of Andrew Fell, Architect and shall not be used or reproduced in any form without the written consent of Andrew Fell, Architect. Dimensions shall be verified on site. All work shall be in accordance with the Architect's specifications and shall be subject to the review and approval of the local authority having jurisdiction.		
501 WEST WASHINGTON STREET ADDITION 501 WEST WASHINGTON URBANA, ILLINOIS 61802		
S1		



**Exhibit D - Application - Renderings**



Exhibit D - Application - Renderings



Exhibit E – Site Photos

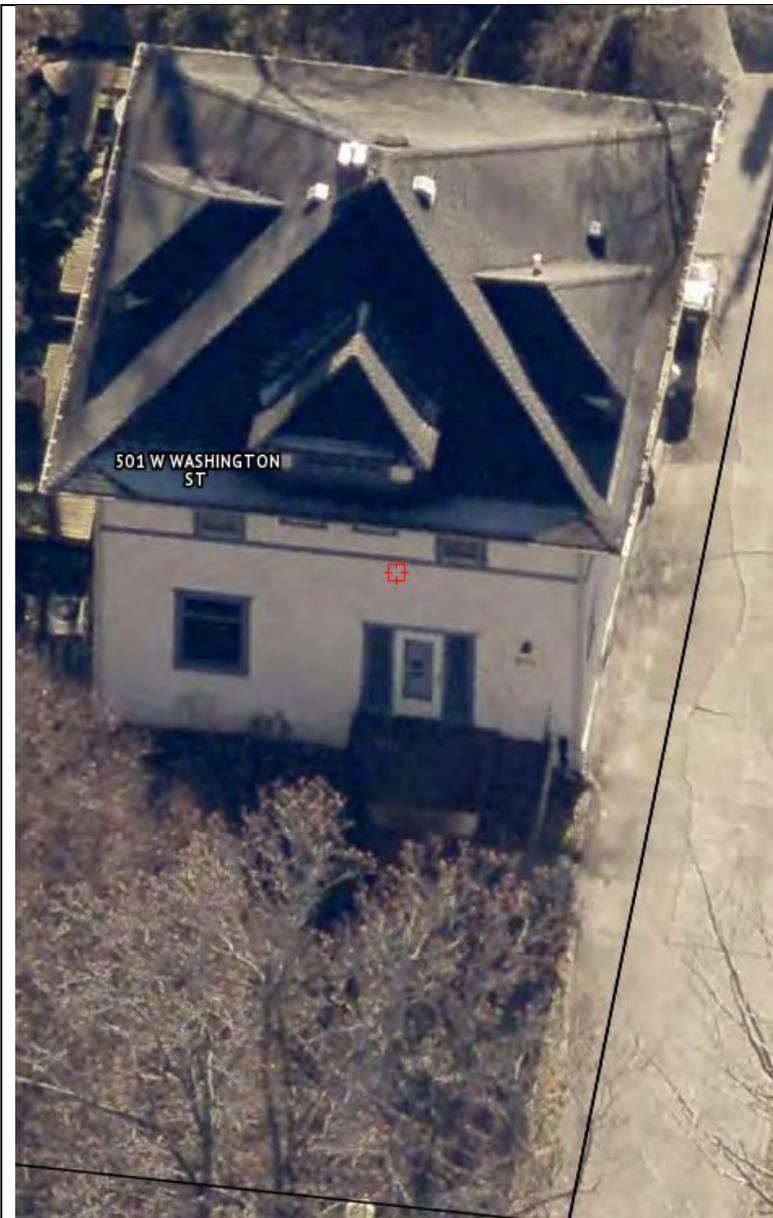


Figure 1. Subject property, facing south



Figure 2. Subject property, facing east

Exhibit E – Site Photos



Figure 3. 401 W. Washington



Figure 4. 403 W. Washington



Figure 5. 405 W. Washington



Figure 6. 407 W. Washington

# ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting

Item G1.

## Exhibit E – Site Photos



501 W. Washington (subject property)



503 W. Washington



505 W. Washington



507 W. Washington

**Exhibit E – Site Photos**



509 W. Washington



511 W. Washington

# ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting Page G1.

**Ricci, Marcus**

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**From:** Jan Kalmar <XX>  
**Sent:** Monday, November 18, 2024 11:21 AM  
**To:** !Planning  
**Subject:** "ZONING BOARD OF APPEALS - PUBLIC INPUT" - 501 West Washington Street - Comments

**\*\*\* Email From An External Source \*\*\***

Use caution when clicking on links or opening attachments.

Thank you for contributing to the Civic good by being a part of the Zoning Board.

The request for a major variance at 501 W Washington I would not like to see granted. Washington street is heavily used and many walk these sidewalks to the various local schools, the university, and for leisure. A variance would mean the two households, both with several cars, which use this driveway would have more limited visibility to keep pedestrians safe. Also, McCullough street makes a t-intersection here, further exasperating the crashes this may cause. Please, vote against this.

Thank you,  
Jan Kalmar  
608 W Nevada St, Urbana, IL 61801

January 15, 2025

**MINUTES OF A REGULAR MEETING**

**URBANA ZONING BOARD OF APPEALS**

**DRAFT**

**DATE:** January 15, 2025

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

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

**MEMBERS ATTENDING:** Joanne Chester, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

**MEMBERS EXCUSED:** Matt Cho, Adam Rusch

**STAFF PRESENT:** Kevin Garcia, Principal Planner and Zoning Administrator; Marcus Ricci, Planner II; Teri Andel, Planning Administrative Assistant II

**OTHERS PRESENT:** Geoff Bant, Joanne Budde, David Chang, Andrew Fell, Jonathan Thompson

**CALL TO ORDER and ROLL CALL**

Chair Welch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was declared present.

**WRITTEN COMMUNICATIONS**

- Email from Bao Bui, applicant for Case No. ZBA-2024-MAJ-03
- Email from Jan Kalmar in opposition of Case No. ZBA-2024-MAJ-03

**NEW PUBLIC HEARINGS**

**ZBA-2024-MAJ-03 – A request by Andrew Fell, on behalf of Long Bao Bui, for a Major Variance to allow a porch stair to encroach 10 feet into the required 25-foot front yard at 501 West Washington Street in the R-2 (Single-Family Residential) Zoning District.**

Chair Welch opened Case No. ZBA-2024-MAJ-03. Marcus Ricci, Planner II, presented the case to the Zoning Board of Appeals. He reviewed the options of the Zoning Board of Appeals and presented City staff's recommendation for denial.

Mr. Ricci explained the purpose for the proposed major variance and gave a brief history of the proposed site. He showed an illustration of the existing porch versus the proposed porch. He noted the land uses and zoning of the subject property and of the surrounding properties. He showed a rendering of the proposed building with the addition, porch landing and stairs. He discussed the proposed variance and reviewed the variance criteria from Section XI-3 of the Urbana

January 15, 2025

Zoning Ordinance. He showed photos of other homes on the same block and noted that all but one of them had steps facing the street. He reviewed the notification process for this case. He reviewed the options of the Zoning Board of Appeals again and restated staff's recommendation. He added that if the Zoning Board of Appeals recommended approval of the variance request that they include the condition that, "Construction generally comply with the submitted construction plans".

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Ms. Chester asked for clarification on the concrete steps down by the sidewalk. Mr. Ricci explained that if the elevation of the porch is higher than the elevation of the sidewalk, without the three or four concrete steps at the sidewalk, the porch steps would need more space and a longer stairway to compensate for the difference in elevations. This means there would be a higher likelihood that the stairway would encroach even more into the minimum front yard.

Ms. Chester noticed that some of the houses in the photos showed a landing before the stairs coming down to the sidewalk, and other homes just have stairs. Is it allowed to have no landing? Mr. Ricci replied that would be a Building Code question.

Ms. Chester noticed that the house to the west of the proposed site is essentially the same, and it has an open porch. She asked if the fact that it is an open porch changes anything. Mr. Ricci stated that he would have to check to be sure, but he believes the stairs would be considered legally non-conforming because the combination of porch and stairs goes past the 5 feet that is allowed.

With there being no further questions for City staff, Chair Welch opened the public hearing for public input. He invited the applicant to speak.

Andrew Fell, applicant on behalf of Long Bao Bui, approached the Zoning Board of Appeals to speak. He apologized for having to continue the case from the November meeting. He thanked Mr. Ricci for doing an excellent and thorough job presenting the case to the Board.

Mr. Fell stated that he believed staff's decision to recommend denial of the case is because staff has to follow the Zoning Ordinance. Staff's job is pretty black and white to follow the Ordinance, and the Zoning Board of Appeals' job is to interpret all of the gray areas. If there were not any gray areas, then we would not need the Zoning Board of Appeals.

Mr. Fell went on to state that the issue is we have a house that was built in 1912 and a Zoning Ordinance overlaid on that decades later. He said that by its very nature a zoning ordinance has to be pretty generic in its rulings and what it does and blanketly apply them in places where they should not be applied. This is why we have non-conforming properties. He said his opinion is that this neighborhood [West Urbana] is where the blanket zoning falls apart the most, because we have houses that were built a very long time ago. Some of the houses were built on larger lots and have shared driveways and are already encroaching too far into the required setbacks.

Mr. Fell stated that as a designer they never want to have to come before the Board and ask for a special condition, but this is a case where he feels the decision for the design is appropriate for the house and for the neighborhood. It is clear when looking at the photos of the houses on the block that the proposed house's façade is pretty abrupt and severe. The proposed design is intended to bring the look of the proposed home more into character with the neighborhood.

January 15, 2025

He pointed out that the encroachment would only be for the stairs. The proposed addition and landing for the porch would meet the setback requirements. They could turn the stairs to face towards the neighbor rather than towards the street; however, he and the property owner both feel that makes the porch become unwelcoming. This also makes visitors have to approach the front stairs to get to the house via the shared driveway, which is also part of the neighbor's property. He said that this is not an appropriate way to treat a neighbor, especially in this neighborhood. He said that he felt this case is a perfect example of why the Zoning Board of Appeals exists.

Mr. Fell addressed the question about a landing being required or not. He explained that the Building Code requires a level landing for 3 feet on each side of a door. He further explained that a person is allowed to have a step down directly onto the landing from the door. He and the property owner choose to design the landing to be the same level as the floor inside the new addition even though having a step down at the door would reduce the encroachment by 12 inches.

Ms. Uchtmann asked if any of the other homes on the block have an enclosed porch or are they mostly all open porches. Mr. Fell recalled that most of the porches are open. There may be one that is enclosed.

Mr. Warmbrunn mentioned the email they received from Jan Kalmar, which states that the proposed variance would create a safety concern for pedestrians as residents in both homes that share the driveway back out with their vehicles. Mr. Fell stated that he did not know if they exited the driveway face forward or if they backed out.

Ms. McLaughlin asked how far it was between the proposed front addition to the sidewalk. Mr. Fell replied that it is 16 feet from the edge of the proposed encroachment to the sidewalk. The sidewalk is 5-foot wide, and there is another 5 or 6 feet from the other side of the sidewalk to the parkway. He said that a parking space is 18 ½ feet long.

Mr. Ricci said that he responded to Ms. Kalmar's email stating that although the stairs for the porch would be closer to the sidewalk than the existing stairs, the proposed stairs would still be 15 feet from the property line and front sidewalk and 27 feet from the street.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened it up for discussion and/or motion(s) by the Zoning Board of Appeals.

Kevin Garcia, Principal Planner and Zoning Administrator, clarified that if the Zoning Board denied the case, it would not be forwarded to Committee of the Whole. The case would then end at the Zoning Board of Appeals level.

Mr. Warmbrunn interpreted that while staff is recommending denial of the variance request, it does still meet some of the criteria. Mr. Garcia explained that the request does not meet the initial criteria, which is whether there is some sort of practical difficulty or a special circumstance. The City does not grant variances because it is something people want to do or even because it is the most beautiful thing to do. The request needs to meet the minimum criteria first of all.

Ms. Uchtmann commented that it does seem from the rendering that it would be a pleasing addition rather than having the plain face of the house facing Washington Street.

# ATTACHMENT 2: Staff Report and Minutes of 1/15/2025 ZBA Meeting

Page G1.

January 15, 2025

Ms. McLaughlin moved that the Zoning Board of Appeals forward Case No. ZBA-2024-MAJ-03 to the City Council with a recommendation for approval with the condition that construction must be in general conformance with the Site Plan that is attached in the written staff report based on the findings outlined in the written staff memo. Ms. Uchtmann seconded the motion.

Mr. Warmbrunn stated that he planned to vote for this to forward it to City Council so they can decide what to do with the case.

Roll call on the motion was as follows:

Ms. McLaughlin	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes			

The motion was approved by unanimous vote of 5-0.

Mr. Ricci stated that Case No. ZBA-2024-MAJ-03 would be forwarded to Committee of the Whole on February 3, 2025.



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanainillinois.us](http://www.urbanainillinois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** An Ordinance Approving a Special Use Permit  
(809 W. Green St. / Plan Case No. 2496-SU-24 – Dutch Bros Coffee)

### Summary

#### *Action Requested*

City Council is being asked to consider a special use permit for a drive-through as an accessory use to a fast-food restaurant (Dutch Bros Coffee).

#### *Plan Commission Recommendation*

The Plan Commission reviewed the proposed special use permit on January 16, 2025, and voted unanimously to recommend denial to City Council.

#### *Zoning Board of Appeals Action*

A conditional use for the principal use of the site for a fast-food restaurant was unanimously approved by the Zoning Board of Appeals on January 15, 2025.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

Approval of the special use permit will have no direct impact on City services.

#### *Strategic Goals & Plans*

The 2005 Comprehensive Plan identifies the future land use of the site as “Campus Mixed-Use”. As detailed in the attached staff report to Plan Commission, the proposal is somewhat responsive to that designation; however, the Plan Commission found that the proposal is not consistent with the Comprehensive Plan (see *Discussion* below).

#### *Previous Council Actions*

N/A

### Discussion

While the staff report to the Plan Commission recommended approval of the special use permit, the Plan Commission expressed several concerns related to the site plan, especially related to circulation of automobile traffic on-site and at the entry/exit drive along Green Street. The Plan Commission also expressed concerns that a drive-through at this location does not match the intent of the current

(2005) or draft (*Imagine Urbana*) Comprehensive Plans, or the B-1, Neighborhood Business, zoning designation of the property.

In articulating their findings recommending denial of the proposal to Council, the Plan Commission stated that:

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”, 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”, 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.

The Plan Commission’s findings highlight inconsistencies between the Comprehensive Plan and zoning, in that the purpose and intent of the Campus Mixed-Use future land use and the B-1 zoning classification are largely incompatible. The Campus Mixed-Use designation includes design and density expectations that are difficult to meet in the B-1 District.

However, the zoning in place is the appropriate point of departure for this discussion about the suitability of the proposed drive-through use. In fact, as highlighted in the staff report to the Plan Commission, the proposed use moves the use of this site in the direction intended for the Campus Mixed-Use designation in several important ways.

The proposed drive-through coffee shop provides a commercial use adjacent to residential use. (Mixed-use need not always be on the same site to achieve the objectives of the land use designation.) The site would be converted from one that is exclusively auto-oriented with multiple curb cuts on both Lincoln Avenue and Green Street, to one that is much more pedestrian-oriented. Both the placement of the building and the elimination of all but one curb cut help accomplish this.

Staff finds that the criteria for the drive-through in this zone are met. Practically speaking, it is important to recognize that there are constraints on this site in the short-term that affect the usability of this property for other compatible purposes in this zone. On the zoning side, the type of density and use contemplated by a Campus Mixed-Use designation are not achievable under the existing zone, yet attempts to introduce greater density on the east side of Lincoln Avenue have not been supported in the past. On the development side, the cost of site acquisition has been increased by restrictive covenants related to use that the contract purchaser has had to pay to modify. A low-density, low-intensity use for a site this valuable is unlikely to materialize.

The lease to Dutch Bros is for 15-years, after which time the restrictive covenants also reportedly lapse. Depending on the demand for residential and/or mixed-use development at that time, the circumstances might then be ripe to achieve the full potential contemplated by the Campus Mixed-Use designation. In the meantime, however, staff recommends that Dutch Bros drive-through use would make an appropriate improvement to this corner site.

#### *Recommendation*

City Council is being asked to consider the special use permit application. The Plan Commission voted unanimously, five ayes to zero nays, to recommend that Council deny the application. The staff report to the Plan Commission placed a greater emphasis on the special use criteria specific to the B-1 district and recommend approval.

#### *Next Steps*

If approved, the applicant may apply for buildings permits to develop the site for Dutch Bros.

If Council denies the application, staff recommends rezoning the property to CMU, Campus Mixed-Use, to match the intent of the Comprehensive Plan and to make the property more likely to be redeveloped.

#### **Attachments**

1. An Ordinance Approving a Special Use Permit (809 W. Green St. / Plan Case No. 2496-T-24 – Dutch Bros Coffee)
2. Plan Commission Staff Report (January 16, 2025)
3. Draft Plan Commission Minutes (January 16, 2025)
4. Letter from applicant “Re: Development Concerns of Dutch Bros Coffee at proposed site of 809 W. Green Street” (January 29, 2025)

Originated by: Kevin Garcia, Principal Planner, Zoning Administrator

Reviewed: William Kolschowsky, Senior Management Analyst / Assistant to the City Administrator

Approved: Carol Mitten, City Administrator

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(809 W. Green St. / Plan Case No. 2496-SU-24 – Dutch Bros Coffee)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, Jonathan Thompson, on behalf of RSCC, LLC, has petitioned the City for approval of a special use permit to allow a drive-through at 809 West Green Street; and

**WHEREAS**, the Zoning Ordinance requires a special use permit for drive-through as an accessory use to a Fast Food Restaurant in the B-1, Neighborhood Business, Zoning District; and

**WHEREAS**, the proposed accessory use would be conducive to the public convenience, as the site location and the site design make it easily accessible by people walking, biking, driving, or taking the bus; and the two-lane drive-through, and the closing of access from Lincoln Avenue, should also minimize inconvenience to the public; and

**WHEREAS**, the proposed accessory use would not be injurious or detrimental to the B-1 zoning district, or injurious to the general public, as first, the two-lane drive-through will minimize the chances that cars will queue in a detrimental way; second, it has been designed to eliminate automobile access on Lincoln Avenue, which has more traffic (and thus, more potential for public harm) than Green Street; and finally, it has been designed so that automobile access to the drive-through is from the northeastern corner of the site, which is the least-problematic place to put it; and

**WHEREAS**, the proposed accessory use would conform to the regulations and standards of, and preserve the essential character of, the B-1 zoning district; and

**WHEREAS**, the proposed drive-through use is generally consistent with the 2005 Comprehensive Plan; and

**WHEREAS**, after due publication, the Urbana Plan Commission held a public hearing on January 16, 2025, and voted with five (5) ayes, and zero (0) nays to forward Plan Case 2496-SU-24 to the Urbana City Council with a recommendation to deny the request for a special use permit; and

**WHEREAS**, approval of the special use permit, with the condition set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that section of the Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

A Special Use Permit is hereby approved to allow a drive-through as an accessory use to an approved Fast Food Restaurant at 809 West Green Street, with the following conditions:

1. The development shall generally conform to the submitted site plans and elevations in Ordinance Attachment A;
2. The number of automobile parking spaces shall be 16 at most;
3. At least six bicycle parking spaces shall be provided;
4. A landscaping plan shall be required prior to construction. At a minimum, the plan should include some combination of bushes and shrubbery on the western side of the lot, between the right-of-way and the drive-through lanes;
5. Outdoor seating areas shall be provided; and
6. Restrooms shall be available for customers.

TRACT 1: BEGINNING AT A POINT 54 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 3 OF THE JOSEPH W. SIM'S ADDITION OF OUTLOTS TO THE TOWN, NOW CITY OF URBANA, AND RUNNING THENCE EAST 151.74 FEET, THENCE NORTH 16.18 FEET, THENCE WEST 65 FEET, THENCE NORTH 43.82 FEET, THENCE WEST 86.74 FEET, THENCE SOUTH 60 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

TRACT 2:

PARCEL A: THE WEST 86.74 FEET OF LOT 3 IN JOSEPH W. SIM'S ADDITION OF OUTLOTS TO THE TOWN, NOW CITY OF URBANA, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 8 OF DEEDS, PAGE 328, EXCEPTING THE SOUTH 114 FEET THEREOF; AND

PARCEL B: A FURTHER PORTION OF SAID LOT 3 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A, THENCE EAST 65 FEET, THENCE SOUTH 176 FEET, THENCE WEST 65 FEET, THENCE NORTH 176 FEET TO THE POINT OF BEGINNING, THE LAST 132.18 FEET, MORE OR LESS BEING ALONG THE EAST LINE OF SAID PARCEL A.

AND EXCEPTING THEREFROM THE FOLLOWING:

1) A PORTION OF SAID PARCEL A DESCRIBED AS BEING ALL THAT PART OF PARCEL A NORTH OF THE SOUTH LINE OF THE NORTH 3 FEET OF SAID PROPERTY; AND WEST OF THE EAST LINE OF THE WEST 5 FEET OF SAID PROPERTY; AND INCLUDING A TRIANGULAR SHAPED TRACT HAVING A SIDE 22.0 FEET IN LENGTH COINCIDING WITH SAID SOUTH LINE, AND ANOTHER SIDE 18.00 FEET IN LENGTH COINCIDING WITH SAID EAST LINE; CONTAINING 1104.12 SQUARE FEET, MORE OR LESS, AND

2) THE NORTH 3 FEET OF THE SAID PARCEL B CONTAINING 195.0 SQUARE FEET, MORE OR LESS.

SITUATED IN THE COUNTY OF CHAMPAIGN AND STATE OF ILLINOIS

P.I.N.: 92-21-17-103-001

Address: 809 West Green Street, Urbana, Illinois

**Section 2.**

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

---

Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this date day of Month, Year.

---

Diane Wolfe Marlin, Mayor

SITE INFORMATION

BUILDING SQ. FT.:	950 S.F.
PARKING STALLS:	16 SPACES
PROTECTED QUEUING:	21 CARS
SITE ACREAGE#:	±.61 AC.
SITE SQ. FT.±:	±26,696.92 S.F.

DEVELOPER

COMPANY:	DUTCH BROS COFFEE
NAME:	CODY HERBSTER
PHONE:	312.859.8328

DESIGNER

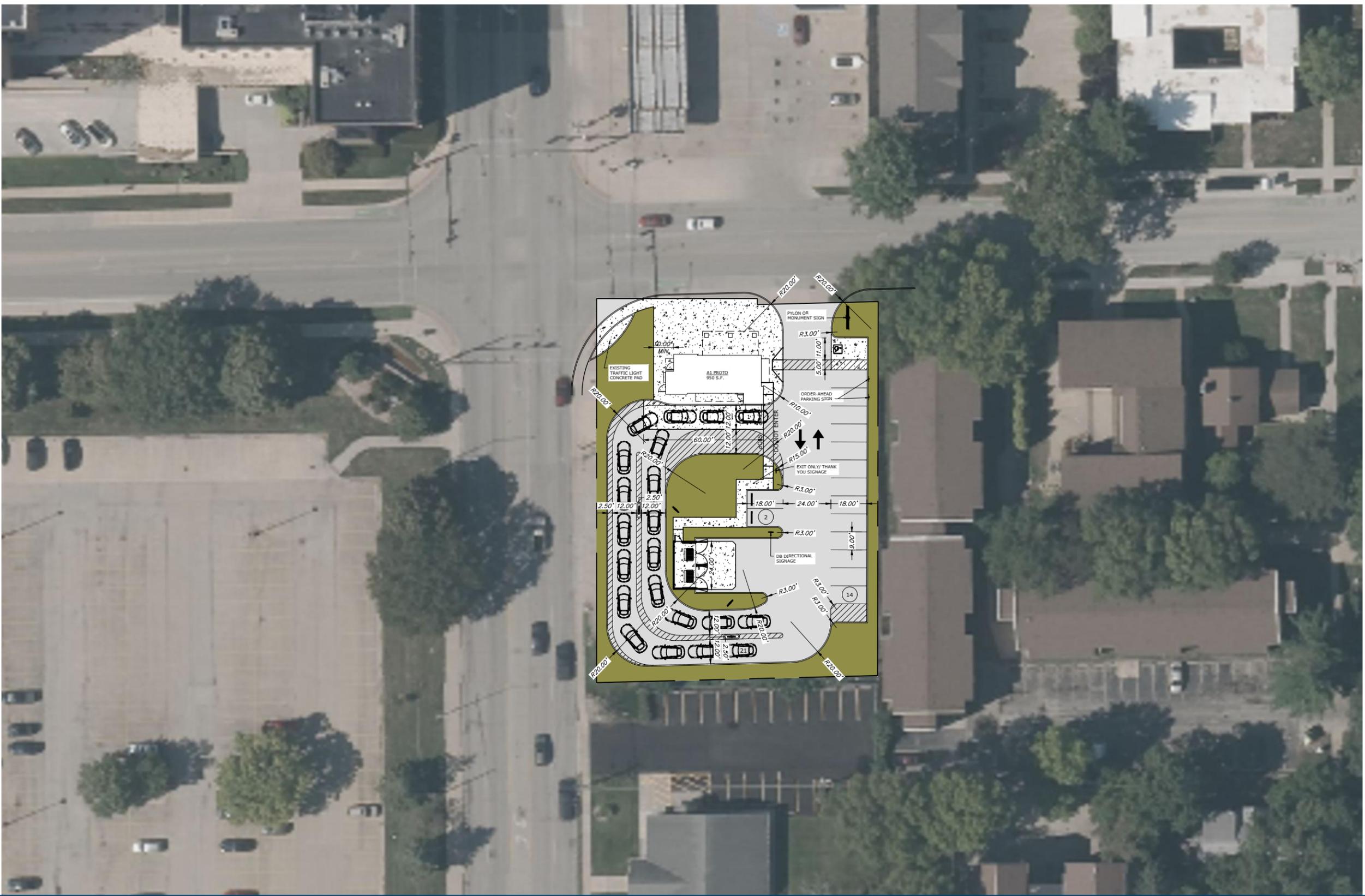
COMPANY:	CORALIC, LLC
NAME:	EDIN CORALIC
PHONE:	314.578.4953

ARCHITECT

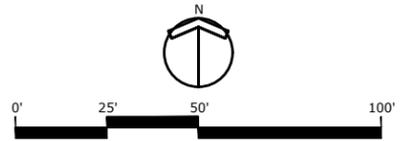
COMPANY:	CORALIC, LLC
NAME:	EDIN CORALIC
PHONE:	314.578.4953

DISCLAIMER

SITE PLAN PREPARED WITHOUT BENEFIT OF TITLE OPINION, DEED RESTRICTION, OR SURVEY. SITE SUBJECT TO CHANGE PENDING ALL STATE AND CITY ORDINANCES OR DEED RESTRICTIONS. BUILDING AND SITE SIGN LOCATION, SQUARE FOOTAGE, AND TYPE SUBJECT TO CHANGE PENDING ALL STATE AND CITY ORDINANCES OR DEED RESTRICTIONS.



Ordinance Attachment A



SITE PLAN W/ CARS

# Dutch Bros. Coffee

IL0301\_Urbana (809 W Green St)

12/6/2024





**ARCHITECT**  
CORALIC, LLC  
EDIN CORALIC  
9700 MACKENZIE ROAD, STE. 222,  
ST. LOUIS, MO 63123  
p. 314.578.4953  
edin@coralicarchitecture.com

**STRUCTURAL ENGINEER**  
JAMES C. KREHER  
JIM KREHER  
208 N. MAIN STREET,  
COLUMBIA, IL 62236  
p. 618.281.8505  
jimk@kreherengineering.com

**MEP ENGINEER**  
CASE ENGINEERING  
MATT CASE  
796 MERUS CT.  
FENTON, MO 63026  
T. 636.349.1600 F. 636.349.1730  
mcase@caseengineeringinc.com

**EXTERIOR FINISH SCHEDULE - PROTOTYPICAL w/ CANOPY**

ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
<b>ZONE 1 (BODY)</b>				
1A	EIFS	DRYVIT	OUTSULATION EIF SYSTEM	COLOR: BLDG DB DARK GRAY
1B	EIFS	DRYVIT	OUTSULATION EIF SYSTEM	COLOR: BLDG DB LIGHT GRAY
<b>ZONE 2 (TOWER)</b>				
2	FIBER CEMENT SIDING	NICHIHA	ILLUMINATION AWP 1818 W/ MATCHING PANEL CORNERS	COLOR: BLDG DB BLUE
<b>ZONE 3 (BASE)</b>				
3	BRICK VENEER AND SILL	INTERSTATE BRICK	MODULAR 3 5/8"-2 1/4"-7 5/8"	COLOR: MIDNIGHT BLACK - TO MATCH DEVELOPMENT STANDARDS
<b>ZONE 4 (FRAMED CANOPY)</b>				
4	FASCIA	WESTERN STATES METAL ROOFING	T-GROOVE, 10"	3 SIDES; COLOR: BLDG DB DARK GRAY
5	SOFFIT	HEWN ELEMENTS	NATURAL NORTHWESTERN SPRUCE	1x6, T&G, 1/8" REVEAL, SEALED
6	COLUMNS	INTERSTATE BRICK	MODULAR 3 5/8"-2 1/4"-7 5/8"	COLOR: MIDNIGHT BLACK - TO MATCH DEVELOPMENT STANDARDS

NOTE: GC TO PROVIDE 3"x2" SMOOTH DOWNSPOUTS, AND ALL NECESSARY ADAPTORS, AT AWNING AND CANOPY LOCATIONS; COLOR: BLDG DB DARK GRAY

(1A) EIFS DB DARK GRAY

(1B) EIFS DB LIGHT GRAY

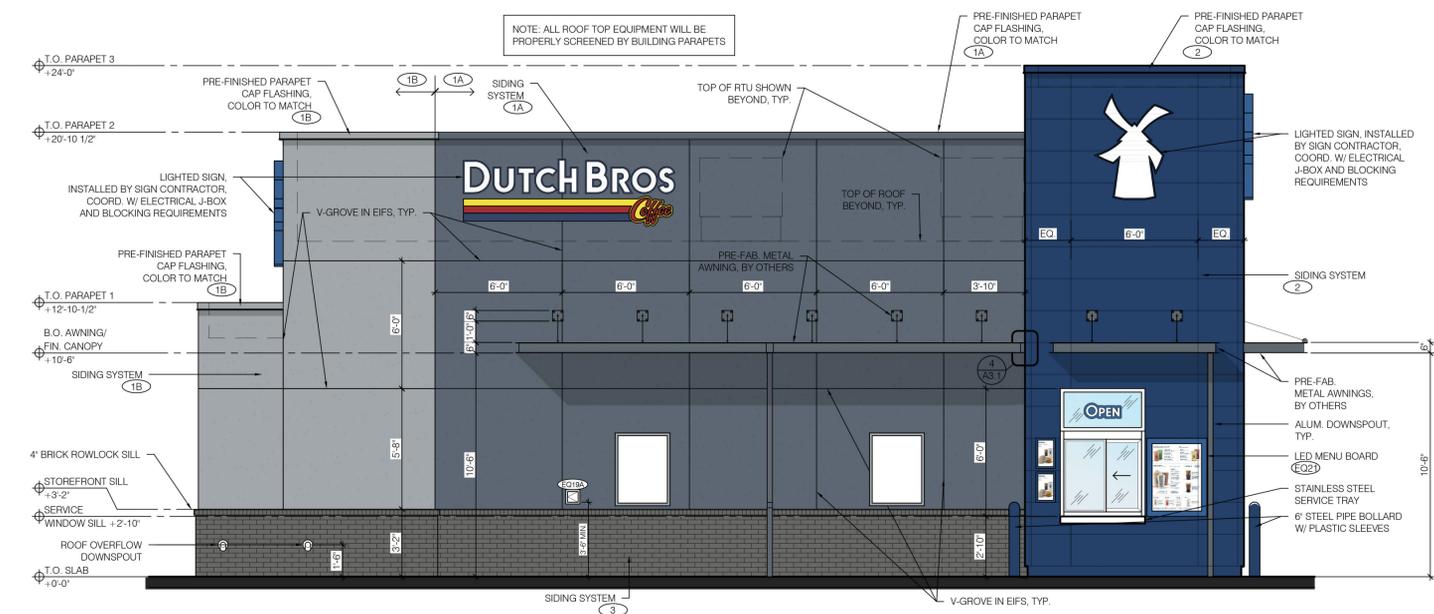
(2) NICHIHA FIBER CEMENT BOARD (SW DB BLUE)

(3) BRICK VENEER MIDNIGHT BLACK

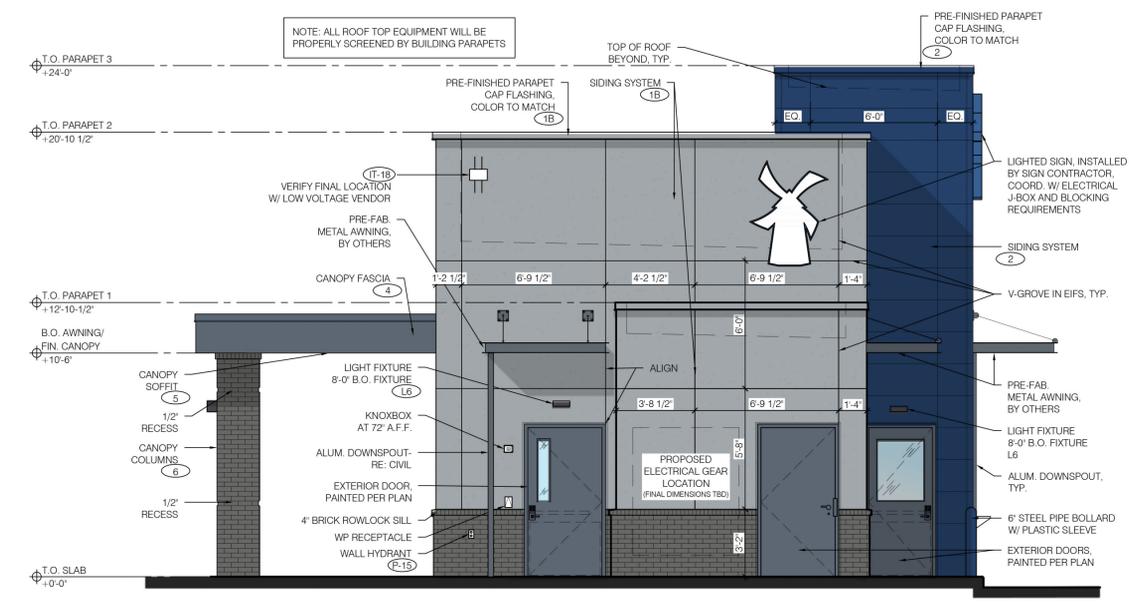
(4) METAL TRIM- FASCIA/ PAINT DUTCH BROS DARK GRAY

PRE-FINISHED CLEAR ANODIZED ALUM. STOREFRONT

(HEWN) SOFFIT MATERIAL UNDER THE LARGE CANOPY



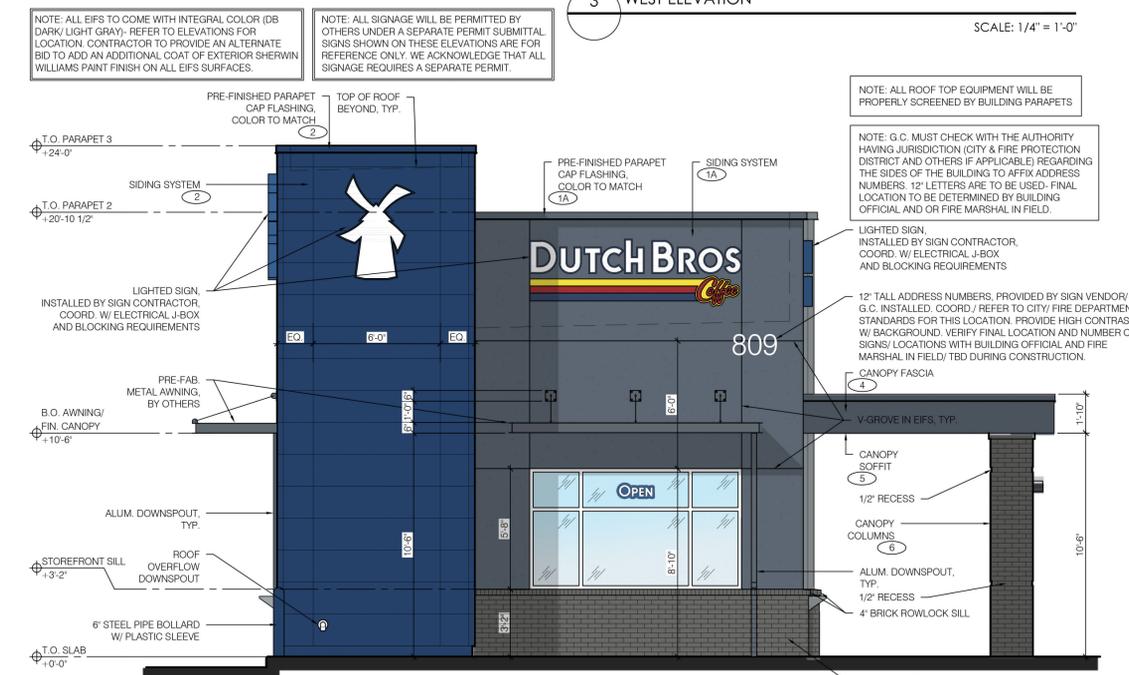
**4 SOUTH ELEVATION - DRIVE-THRU WINDOW** SCALE: 1/4" = 1'-0"



**3 WEST ELEVATION** SCALE: 1/4" = 1'-0"



**2 NORTH ELEVATION - WALK-UP WINDOW** SCALE: 1/4" = 1'-0"



**1 EAST ELEVATION** SCALE: 1/4" = 1'-0"



**Project No: IL0301**  
Dutch Bros Coffee  
New Freestanding Store  
809 W GREEN STREET,  
URBANA, IL 61801  
for: Dutch Bros Coffee  
110 SW 4th St, Grants Pass, OR 97156

ISSUED FOR PERMIT XX.XX.XX

REV.	DATE	DESCRIPTION

SHEET NAME:

BUILDING ELEVATIONS

SHEET NUMBER:

**A6.1**

\*The name DUTCH BROS. and all associated logos, distinctive designs, content, information, and other materials featured, displayed, contained herein, and made available by Dutch Bros. including but not limited to, the "look and feel" of the establishments and products, all text, images, colors, configurations, graphics, designs, illustrations, photographs, and pictures (collectively, the "Materials") are owned by and/or licensed by DB Franchising USA, LLC and are protected by copyright, trademark, trade dress, patent, and/or other intellectual property rights and unfair competition laws under the United States and foreign laws.



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

### *Planning Division*

### m e m o r a n d u m

**TO:** The Urbana Plan Commission

**FROM:** Kevin Garcia, Principal Planner

**DATE:** January 10, 2025

**SUBJECT:** **Plan Case 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.

### Introduction

Jonathan Thompson, on behalf of RSCC, LLC, requests a special use permit to allow a drive-through for a proposed restaurant at 809 West Green Street. Section VIII-5.G of the Zoning Ordinance requires a special use permit for any drive-through facility in the B-1, Neighborhood Business, Zoning District. The site was most recently a gas station and convenience store, but that closed in 2021 and the site has been vacant since then.

The property is currently owned by Mac's Convenience Stores, LLC, which also owns the Circle K directly north of the site, across Green Street, as well as the other Circle K stores in the Champaign-Urbana area. The applicant plans to purchase the property if their requests for special and conditional use permits are approved.

Section VIII-5.G states: *“Drive-through facilities for any use in the B-1, Neighborhood Business Zoning District shall be considered accessory to the principal use and shall require the granting of a Special Use Permit...”*

The proposed principal use is a “Fast Food Restaurant”, which requires a conditional use permit from the Zoning Board of Appeals (ZBA). There will be a public hearing for that request at the ZBA meeting on Wednesday, January 15, 2025. It is likely, therefore, that by the time of the Plan Commission hearing, the principal use question will be resolved. Regardless, it is the duty of the Plan Commission to focus on whether or not to recommend a drive-through as an accessory use at this site.

The Plan Commission must review the special use permit application, hold a public hearing, and make a recommendation to the City Council. The City Council must then approve, approve with certain conditions, or deny the request.

### Background

#### Description of the Site and Surrounding Properties

The site is approximately 27,000 square feet (0.62 acres); it is located at the southeast corner of Green Street and Lincoln Avenue. It is directly east of the University of Illinois campus, and sits kitty-corner to Hendrick House. For around 30 years, from the early 1990s to 2021, the site held a gas station and convenience store, most recently a Circle K.

Nearby uses include housing (northwest, northeast, east, and southeast), a gas station/convenience store (north), a church (south), and the University of Illinois (west). The table below shows 2005 Comprehensive Plan future land use designations of the site and surrounding land (Exhibits B and C).

**Table 1. Zoning, Existing Land Use, Future Land Use Designation**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>Site</b>	B-1, Neighborhood Business	Vacant (former Gas Station/Convenience Store)	Campus Mixed-Use
<b>North</b>	B-1, Neighborhood Business	Gas Station/Convenience Store	Campus Mixed-Use
<b>East</b>	R-5, Medium High Density Multiple-Family Housing	Apartments	Multifamily
<b>South</b>	R-5, Medium High Density Multiple-Family Housing	Church	Campus Mixed-Use
<b>West</b>	R-5, Medium High Density Multiple-Family Housing	Parking / University of Illinois	Institutional

**Proposed Use/Activities**

The proposed use is for a Dutch Bros coffee shop, which would have walk-up and drive-through service. There will be no interior seating; however, the applicant has stated that there will be exterior seating, and restrooms in the building will be available for customers. According to the application (see Exhibit D), Dutch Bros<sup>1</sup> is the fastest-growing quick-service restaurant in America. They sell coffee and coffee drinks, other soft drinks, and a few snacks.<sup>2</sup>

Typically, Dutch Bros sites are auto-oriented in their design. In preliminary discussions with the applicant, City staff expressed a desire for a more “pedestrian-oriented” and “urban” site plan, given that the location is both zoned for neighborhood business and is in a neighborhood and location where many people walk, bike, ride scooters, and take transit. The proposed site plan is responsive to staff’s desires, with the building placed near the corner of Lincoln Avenue and Green Street, with direct connections between the building and the sidewalk, with parking at the eastern edge of the site, and with the drive-through to the south of the building. While there is no bike parking shown on the plans (which are preliminary), staff recommend that bike parking for at least six bicycles be provided as a condition of approval.<sup>3</sup> Staff also recommend that Plan Commission consider reducing the amount of automobile parking.

**Discussion**

**Comprehensive Plan**

The 2005 Comprehensive Plan designates this property for “Campus Mixed Use” future land use:

*The Campus Mixed-Use classification is intended for limited areas that are close to campus. These areas promote urban-style private development with a mix of uses that commonly include commercial, office and residential. Design Guidelines shall ensure that developments contain a strong urban design that emphasizes a pedestrian scale with buildings close to the street, wide sidewalks, and parking under and behind structures. The design and density of development should capitalize on existing and*

<sup>1</sup> See: <https://www.dutchbros.com/>

<sup>2</sup> See: <https://www.dutchbros.com/menu>

<sup>3</sup> Only one bicycle parking space would be required based on the requirements of the Zoning Ordinance.

*future transit routes in the area. Large-scale developments containing only single uses are discouraged within this classification.*

The proposal aligns to some extent with the future land use description. It provides a commercial use in close proximity to residential uses (i.e., a “horizontal” rather than “vertical” mix). While the proposed building is relatively small with respect to size of the lot, and does not provide the density of development envisioned by the future land use description, its placement on the site and the overall site design are responsive to the desire for pedestrian-scale buildings close to the street. The parking is not behind or under the building, but it is placed to the eastern edge and to the interior of the site, rather than adjacent to the street. The amount of parking proposed is 60 percent higher than required; this could be reduced to the minimum to better match the intent of the Comprehensive Plan and the B-1 district (see “Parking” section below).

Furthermore, given the development regulations of the B-1 district and minimum parking requirements, it would be difficult to build a vertical mixed-use building, or anything else that is very dense, on the site.

## **Site Plans**

### ***Access***

Currently, the site is designed almost exclusively for access by car. The frontages along Green Street and Lincoln Avenue are, to a large extent, very wide driveways, so there are many potential conflict points between people driving and people walking on the sidewalk, or biking in the bike lane along Green Street, and between people pulling out of the site onto Lincoln Avenue. The proposed site plan would eliminate many of those conflict points by consolidating automobile access to one point along Green Street. This should make it safer to walk, bike, and drive to the site, and past the site, and would entirely eliminate any conflict points along Lincoln Avenue. Furthermore, by placing the building close to the corner of Lincoln Avenue and Green Street, it will make walking and biking to the site more convenient.

### ***Drive-Through***

The proposed drive-through has two lanes, which is typical for Dutch Bros locations. Dutch Bros uses two lanes to reduce wait times for customers, with the setup allowing employees to take orders from both lanes before merging into a single line for order pickup.<sup>4</sup> This is similar to other fast-food chains, including the 7Brew location at University Avenue and Broadway Avenue in Urbana.

While a two-lane drive-through may appear to be less desirable than a single-lane drive-through when first considered, two lanes will allow more queueing of cars on-site and will reduce the likelihood that cars queue so much that the driveway, sidewalk, bike lanes, or travel lanes along Green Street are blocked. In Urbana, the single-lane drive-throughs at Starbucks (at Schnucks) and Jimmy John’s (at Broadway and University Avenues) have consistently had such stacking issues over the years. In this case, a two-lane drive-through is preferable, given the amount of traffic (i.e., people) that pass by the site.

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<sup>4</sup> See “Site Plan w/Cars” in Exhibit E for how this would work on the site.

### ***Parking***

The proposed site plan includes 16 parking spaces, which is six more than the 10 that are required for a 950-square-foot restaurant.<sup>5</sup> Most of the parking is along the east side of the lot, and would need to be screened with a fence or landscaping since there are apartments on the lot to the east.<sup>6</sup>

Urbana's parking requirements for restaurants are the same regardless of whether a restaurant is a "sit-down" or "fast-food" restaurant, which has historically resulted in fast-food restaurants being required to provide more parking than they need.<sup>7</sup> In addition, the proposed fast-food restaurant will not have any indoor seating, so the need for parking would likely be even less than for a fast-food restaurant with indoor seating. Providing 10 parking spaces would likely be adequate; providing 16 spaces, as proposed, does not appear to be justified.

The Zoning Ordinance requires one bike parking space for the site, based on the size of the building. While not shown on the plans, which are preliminary, staff recommend parking for at least six bicycles, given the location and amount of bike traffic in the surrounding area.

### ***Open Space and Landscaping***

The site currently has no usable open space. While the B-1 district does not require any open space, the proposed site plan would add some usable open space to the northwest corner of the site, which is the most desirable location for it, being near the intersection of two important streets.

Staff recommend that, as a condition of approval, a landscaping plan be required prior to construction. The Plan Commission may suggest elements that the plan should include, at a minimum, some combination of bushes and shrubbery should be provided on the western side of the lot, between the right-of-way and the drive-through.

### **Requirements for a Special Use Permit**

According to Section VII-4.A. of the Urbana Zoning Ordinance, an application for a special use permit shall demonstrate the following:

1. *That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience. The site location, at the corner of two prominent streets, and the site design make it easily accessible by people walking, biking, driving, or taking the bus. The placement of the building near the corner of Lincoln Avenue and Green Street and connecting the outdoor seating and walk-up ordering area to the sidewalk along Green Street, will make it especially convenient for people walking or biking to the site. The two-lane drive-through, and the closing of access from Lincoln Avenue, should also minimize *inconvenience* to the public.

Staff find this criterion met.

---

<sup>5</sup> All restaurants require one parking space per 100 ft<sup>2</sup> of floor area within the building (exterior seating areas are excluded).

<sup>6</sup> There is currently a fence along that property line that could be retained to provide the required screening.

<sup>7</sup> More parking spaces tend to be used, and for a longer period of time, at "sit-down" versus "fast-food" restaurants, due to the nature of the businesses.

*2. 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.*

The proposed drive-through use is designed so that it will not be unreasonably injurious or detrimental to the public. First, it is a two-lane drive-through, which will minimize the chances that cars will queue in a detrimental way (e.g., by blocking the sidewalk). Second, it has been designed to eliminate automobile access on Lincoln Avenue, which has more traffic (and thus, more potential for public harm) than Green Street. Finally, it has been designed so that automobile access to the drive-through is from the northeastern corner of the site, which is the least-problematic place to put it.

Staff find this criterion met.

*3. 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.*

The B-1 district "...is intended to provide commercial areas of limited size...for the convenience of adjacent residential areas, for needs occurring regularly or frequently." For those who drink them, coffee and other caffeinated beverages are frequent needs (daily, sometimes multiple times daily). While a drive-through would certainly serve customers who do not necessarily live adjacent to the site, the site had been designed in such a way that nearby residents who walk or bike to the site will have the most convenient access to it.

In addition, the site is located on a prominent street corner where many people pass by every day who do not live in the immediate area; that should not preclude a use that serves those people in addition to the immediate neighborhood, despite the intent of the district being focused on serving nearby residents.

The accessory use drive-through (and principal use fast-food restaurant) both meet the applicable regulations and standards of the district.

Staff find these criteria met.

In response to the requirements in Section VII-4.A. of the Zoning Ordinance, the Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size or yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting; and
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

## Summary of Findings

1. The proposed use would be conducive to the public convenience, as the site design and placement of the drive-through would make it easily accessible by people walking, biking, driving, or taking the bus.
2. The proposed project would not be injurious or detrimental to the B-1 zoning district, or injurious to the general public, as it will minimize the chances that cars will queue in a detrimental way, will eliminate automobile access on Lincoln Avenue, and has been designed so that automobile access to the drive-through is from the northeastern corner of the site, which is the least-problematic place for access.
3. The proposed project would conform to the regulations and standards of, and preserve the essential character of, the B-1 zoning district.
4. The proposed project is generally consistent with the 2005 Comprehensive Plan and the future land use designation of Campus Mixed-Use.

## Options

The Plan Commission has the following options in Plan Case 2496-SU-24:

1. Recommend approval of the special use permit without any conditions.
2. Recommend approval of the special use permit with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the City's municipal code.
3. Recommend denial of the special use permit. If the Plan Commission elects to do so, it must articulate the findings supporting its denial.

## Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed special use permit in Plan Case No. 2496-SU-24, with the following conditions:

1. The development shall generally conform to the submitted site plans.
2. The number of automobile parking spaces shall be reduced to 10.
3. At least six bicycle parking spaces be provided.
4. A landscaping plan is required prior to construction. At a minimum, the plan should include some combination of bushes and shrubbery on the western side of the lot, between the right-of-way and the drive-through lanes.

- Attachments:
- Exhibit A: Location Map
  - Exhibit B: Zoning Map
  - Exhibit C: Future Land Use Map
  - Exhibit D: Application for Special Use Permit
  - Exhibit E: Site Plans
  - Exhibit F: Elevations
  - Exhibit G: Site Photos

**MINUTES OF A REGULAR MEETING****URBANA PLAN COMMISSION****DRAFT****DATE:** January 16, 2025**TIME:** 7:00 P.M.**PLACE:** Council Chambers, City Hall, 400 South Vine Street, Urbana, Illinois**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**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 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



RSCC Group  
10540 North Second Street  
Machesney Park, IL 61115  
(815) 633-6161  
[www.RSCCGroup.com](http://www.RSCCGroup.com)

Item G2.

January 27, 2025

City Council of Urbana Illinois  
1101 N. Coler Avenue  
Urbana, IL 61801

Re: Development Concerns of Dutch Bros Coffee at proposed site of 809 W. Green Street

Dear City Council,

On behalf of RSCC Group, I am writing to address the concerns raised regarding the proposed Dutch Bros Coffee development project. Below, we have organized our responses to each key concern for clarity.

**1. “Traffic of the site plan is completely non-workable.”**

**“Concerns about potential traffic issues both within the site and along Green Street as vehicles enter and exit.”**

- The site has been specifically designed to handle projected traffic volumes efficiently. Dutch Bros Coffee currently operates close to 1,000 sites across the U.S., and this proposed configuration is their most successful and thoroughly tested for optimal traffic flow.
- The current traffic counts are as follows: Data obtained from State of Illinois GIS Traffic Map.
  - Green Street East bound 2,400 vehicles per day.
  - Green Street West bound 3,900 vehicles per day.
  - Lincoln Avenue North bound 13,100 vehicles per day.
  - Lincoln Avenue South bound 12,400 vehicles per day.
- Three of the traffic flow patterns: Vehicles heading east on Green Street, north and south traffic from Lincoln Ave would enter the site on a right-in-turn basis which is the quickest form of a turning movement at a given intersection.



- Previous site had open access to the entire site from both Green St. and Lincoln Ave.
  - This site has a single input and a single output. This results in one car entering and exiting the site at any given moment.
  - Dutch Bros Coffee does not use menu boards to take orders. They have staff on site taking orders with iPads, resulting in an efficient order and serve process, creating a smooth flow of vehicles. They operate close to 1,000 drive-thru locations and have mastered the speed and efficiency of their sites to meet their customers' needs.
- 2. “Doubts as to whether a drive-thru was appropriate for this location and aligned with the city’s goals for this area.”**
- The current site has been a vacated Gas Station for roughly 5 years.
  - The current site has a history of contamination.
  - This site will receive an NFR letter from the State of Illinois in the next 60 days
  - The property has restrictive covenants on uses for the corner. It currently restricts food and beverage use of any kind.
  - RSCC Group was able to negotiate the removal of restrictive covenants for this use.
  - Due to the significant investment required for property acquisition and covenant removal, a traditional walk-up café model would not be economically viable at this location. Industry data shows that drive-through quick-service restaurants generate 40-60% higher revenue compared to standard walk-in establishments, making this model essential to the project's financial sustainability and long-term success in the community.
  - It is my understanding that the neighbors on the East side of Lincoln Avenue prefer a low-density solution for this corner. The building is 1033 square feet and the busiest hours of the day are 11am – 2pm.
  - RSCC Group would consider this an interim use that is a drastic improvement compared to an abandoned gas station and a transition to use property that satisfies long-term objectives.



RSCC Group  
10540 North Second Street  
Machesney Park, IL 61115  
(815) 633-6161  
[www.RSCCGroup.com](http://www.RSCCGroup.com)

Item G2.

3. **“We strongly recommend that there be outdoor seating and restrooms made available to customers in final plan.”**
  - Dutch Bros Coffee has committed to an outdoor seating area and restroom access for those utilizing that space.
  - Dutch Bros Coffee will create an attractive area to enjoy their product and the day.
  - Dutch Bros Coffee becomes part of the community. They are active in philanthropic activities and organizations and are a true asset to any community.
  
4. **“Will Dutch Bros Coffee utilize this site without a drive thru?”**
  - No.
  - This is our preferred first site in the Champaign-Urbana marketplace and one of the first in downstate Illinois. We have identified an alternative site in an adjoining marketplace.

We trust this detailed response addresses the concerns raised by the Council. We welcome any additional questions and would be pleased to provide further information or clarification as needed. We look forward to collaborating with the City Council to ensure this project's success and positive impact on the Urbana community. If any more concerns arise, we would be happy to help talk through them and we look forward to working with you all.

Sincerely,

RSCC Group



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanaininois.us](http://www.urbanaininois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** An Ordinance Amending Schedule A of Section 23-62 of the Urbana Local Traffic Code Increasing State Speed Limits in Certain Zones (Correcting Errors and Omissions in Schedule A for Various Streets)

### Summary

#### *Action Requested*

City Council is being asked to pass the attached ordinance to correct errors and omissions in Schedule A of the Urbana Local Traffic Code for various streets.

#### *Commission Recommendation*

During its December 10, 2024 meeting, the Traffic Commission unanimously voted to recommend the changes to Schedule A of the Urbana Local Traffic Code as proposed in the attached ordinance. The unapproved minutes from this meeting are attached, along with the original public comments on Schedule A and the revised version of Schedule A that was published after addressing the public comments. Also attached is an annotated map of Urbana to illustrate the proposed changes to posted speed limits.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

Establishing and posting maximum speed limits on streets is a core service provided by the City, as granted by the Illinois Vehicle Code (625 ILCS 5/11-604).

*Strategic Goals & Plans* N/A

*Previous Council Actions* N/A

### Discussion

#### *Additional Background Information*

In Illinois, the maximum speed limit on a street in an urban district is 30 miles per hour (mph), unless the local authority (e.g., the City) modifies the speed limit with an ordinance. In general, most streets under the City's jurisdiction are within an urban district, as defined by 625 ILCS 5/1-214. The Illinois Vehicle Code allows the City to set the speed limit for an urban district street as low as 20 mph or as high as 55 mph. Alterations of the speed limit should not occur more than six (6)

times per mile along a street, and the change in speed between adjacent zones should not exceed 10 mph.

Sections 23-62 and 23-64 of the Urbana Local Traffic Code, and their corresponding Schedules A and Q, list the street segments in the City with increased or decreased speed limits, respectively. Charlie Smyth, a former Urbana City Clerk and Council Member, completed an independent review of Schedules A and Q on his own initiative. After finding apparent errors and omissions, he provided detailed comments to the City, which are included as an attachment. The Engineering Division of Public Works reviewed Mr. Smyth's comments, confirming much of his findings, and identifying additional omissions in Schedule A. The most common problem found was that a currently posted speed limit did not have a corresponding ordinance. In the absence of an ordinance to increase or decrease the speed limit on a certain street, the speed limit defaults to 30 mph.

Some errors and omissions in Schedule A were addressed administratively, because the corrections did not require Council action. Examples included removing a street segment from Schedule A that had a posted speed limit of 30 mph (not necessary to list), correcting an error in an ordinance citation, and correcting an error in a street segment's beginning and ending locations. In one case (Windsor Road from Susan Stone Drive to High Cross Road), the posted speed limit was less than that established by ordinance, and the posted speed limit was changed (from 40 mph to 45 mph) to correspond with the ordinance. Some street segments posted for 35 mph but without an ordinance were reviewed by the Engineering Division and changed to a posting for 30 mph as the more appropriate speed limit: Philo Road from Fairlawn Drive to Colorado Avenue, Main Street from Lierman Avenue to University Avenue, and Pfeffer Road from Washington Street to Main Street Spur.

The Engineering Division published an update to Schedule A to the City's website in late November 2024, which included the administrative corrections described above and identified which street segments were lacking an ordinance to support the posted speed limit. Most of these street segments that lack an ordinance are listed in the attached ordinance to codify the currently posted speed limit. Maintaining the currently posted speed limit in the absence of an ordinance is a temporary regulation allowed by Section 23-22 of the Urbana Local Traffic Code. A temporary regulation is allowed for up to 90 days, giving until the end of February 2025 to pass a corrective ordinance.

The speed limit on Lincoln Avenue from Bradley Avenue to Olympian Drive is currently posted for 40 mph, but there is no ordinance to support this. When reviewing the speed limit at this location, the Engineering Division considered that Lincoln Avenue south of Killarney Street is a regionally high priority segment for safety improvements because of its poor crash record. Between Bradley Avenue and Killarney Street, Lincoln Avenue has higher bus and pedestrian traffic, with pedestrians crossing the four lanes of traffic on Lincoln Avenue at unprotected locations (away from the

signalized crosswalks at Killarney Street and Bradley Avenue). By contrast, north of Anthony Drive, Lincoln Avenue passes through a relatively rural setting with no sidewalks and fewer access points. Considering these factors, the Engineering Division recommended lowering the speed limit on Lincoln Avenue from Bradley Avenue to Anthony Drive from 40 mph to 35 mph. This recommendation was approved by the Traffic Commission at its December 10, 2024 meeting. The proposed change to the speed limit on Lincoln Avenue has not been implemented yet and is pending Council approval of the attached ordinance.

#### *Recommendation*

City Council is being asked to pass the attached ordinance to correct errors and omissions in Schedule A of the Urbana Local Traffic Code for various streets.

#### *Next Steps*

If the attached ordinance is passed, staff will update Schedule A of Section 23-62 accordingly, and the posted speed limit on Lincoln Avenue (Bradley Avenue to Anthony Drive) will be lowered from 40 mph to 35 mph.

#### **Attachments**

1. Ordinance No. \_\_\_\_: An Ordinance Amending Schedule A of Section 23-62 of the Urbana Local Traffic Code Increasing State Speed Limits in Certain Zones (Correcting Errors and Omissions in Schedule A for Various Streets).
2. Map of Changes to Posted Speed Limits
3. December 10, 2024 Meeting Minutes (Unapproved) of the Traffic Commission
4. Public Comments on Schedule A of the Urbana Local Traffic Code (September 12, 2024)
5. Schedule A of the Urbana Local Traffic Code (November 27, 2024)

Originated by: John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SCHEDULE A OF SECTION 23-62  
OF THE URBANA LOCAL TRAFFIC CODE  
INCREASING STATE SPEED LIMITS IN CERTAIN ZONES**

**Correcting Errors and Omissions in Schedule A for Various Streets**

**WHEREAS**, the City of Urbana (“Urbana”) is an Illinois home rule unit of local government pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and the statutes of the State of Illinois; and

**WHEREAS**, the Illinois Vehicle Code (625 ILCS 5/11-604) grants authority to a municipality to establish absolute maximum speed limits on all streets which are within its corporate limits and which are under its jurisdiction; and

**WHEREAS**, the City of Urbana has adopted a local traffic code, which is set forth in its ordinances as Chapter 23; and

**WHEREAS**, an audit of Schedule A of Section 23-62 of the local traffic code has identified certain zones on various streets having currently posted speed limits that vary from the speed permitted by state law without a corresponding ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

Section 1. Schedule A of Section 23-62, entitled “Increasing State Speed Limits in Certain Zones”, of Article V of the Urbana Local Traffic Code, shall be and is hereby amended by **ADDING** to that schedule the following parts of streets where the maximum speed limit shall be higher than the speed permitted by state law:

<u>Name of Street</u>	<u>Between</u>	<u>And</u>	<u>Speed Limit (mph)</u>
Airport Road	US Route 45	Willow Road	40
High Cross Road	University Avenue	Interstate Route 74	40
Lincoln Avenue	Bradley Avenue	Anthony Drive	35
Lincoln Avenue	Anthony Drive	Olympian Drive	40
Olympian Drive	Lincoln Avenue	West City Limits	45
Perkins Road	Richard Drive	Rowena Drive	35
Philo Road	Colorado Avenue	Windsor Road	35
Windsor Road	Philo Road	570' east of Susan Stone Drive	40

Section 2. Schedule A of Section 23-62, entitled “Increasing State Speed Limits in Certain Zones”, of Article V of the Urbana Local Traffic Code, shall be and is hereby amended by DELETING from that schedule the following parts of streets where the maximum speed limit shall be higher than the speed permitted by state law:

<u>Name of Street</u>	<u>Between</u>	<u>And</u>	<u>Speed Limit (mph)</u>
Windsor Road	Philo Road	150' east of Susan Stone Drive	40

Section 3. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

AYES:

NAYS:

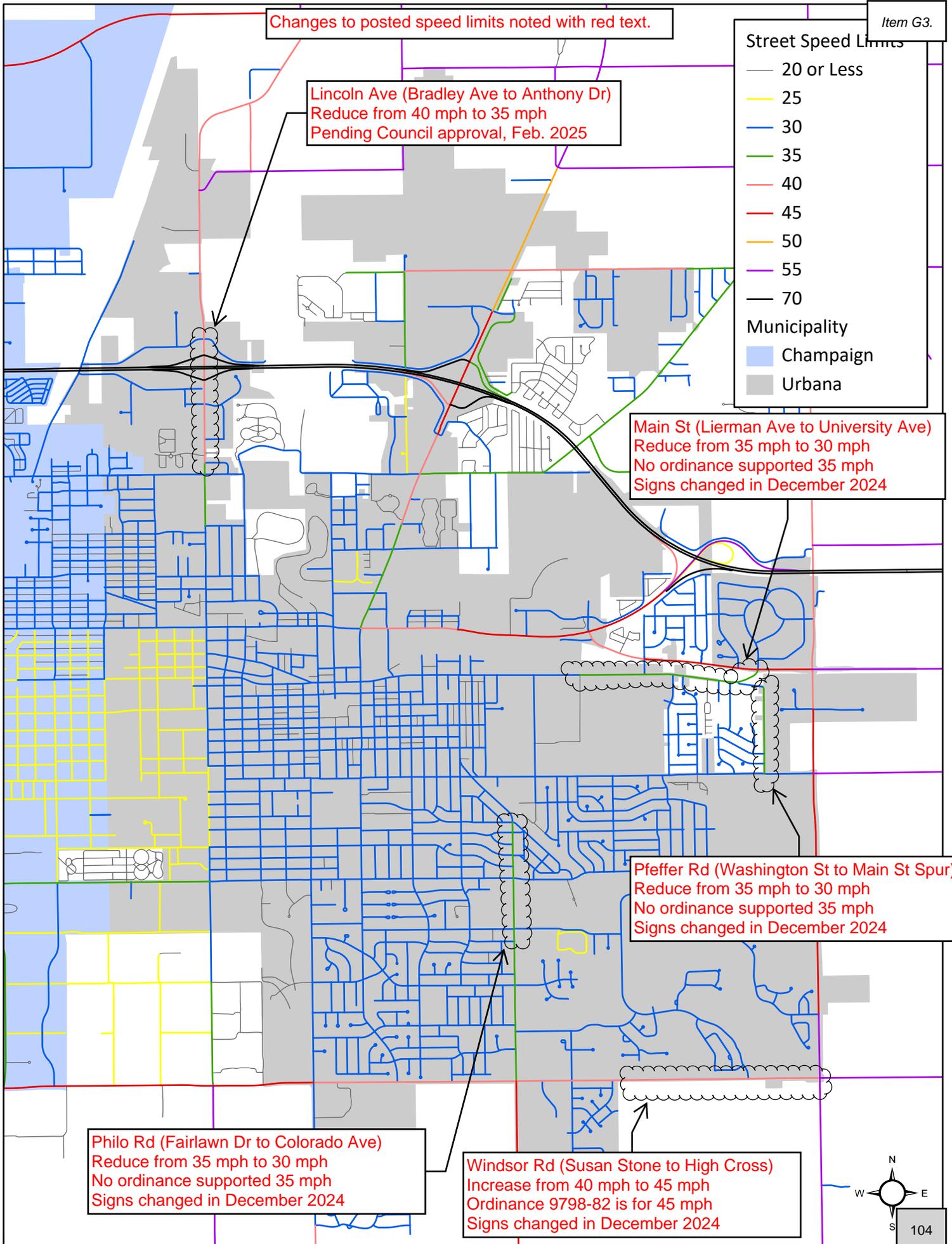
ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

# Map of Posted Speed Limits in Urbana, as of November 30, 2024





**DATE:** December 10, 2024  
**TIME:** 12:30 PM  
**PLACE:** 706 South Glover Avenue, Urbana, IL 61802

### UNAPPROVED MINUTES

**Members Present:** Chaundra Bishop, Richard Surles, John Zeman

**Members Absent:** none

**Others Present:** Members of the public

#### A. Call to Order and Roll Call

Chaundra Bishop called the meeting to order at 12:30 pm. Roll call was taken. A Quorum of Members was present.

#### B. Approval of Minutes of Previous Meeting

##### 1. May 2024 Meeting Minutes

Rich Surles pointed out a conflict with the date of the unapproved minutes from the last meeting and today's agenda. After the amendment to the minutes, Richard Surles motioned to approve the minutes, Chaundra Bishop seconded. Motion approved with a unanimous voice vote.

#### C. Public Input

None

#### D. Unfinished Business

None

#### E. New Business

##### 1. 2025 Meeting Schedule

John Zeman reviewed the new schedule for meetings in 2025. He proposed to have the traffic commission meeting moved from September 2<sup>nd</sup> to September 9<sup>th</sup> to avoid a possible conflict with Labor Day. Richard Surles motioned to approve the new 2025 meeting schedule. John Zeman seconded. Motion approved with unanimous vote.

##### 2. Update to Schedule A (Increasing Speed Limits) of the Local Traffic Code

Urbana Traffic code includes schedules and tables that itemize where traffic regulations, passed by ordinance, are in place. Charlie Smyth raised a concern that Schedule A of section 23-62 of the local traffic code identified certain zones on various streets with currently posted speed limits that differ from the speed permitted by state law, without a corresponding ordinance. After some discussion, corrections and revisions were made to item E2 of the packet, including removing Philo Road between Fairlawn Drive and Mumford Drive and changing Philo Road between Mumford Drive and Windsor Road to Philo Road between Colorado Avenue to Windsor Road. With these corrections, Richard Surles motioned for approval of an ordinance amending Schedule A, Chaundra seconded. Motion approved with unanimous vote.

**3. Discussion of Cottage Grove Avenue (Philo Road to Washington Street)**

There is an email from a resident concerning the piece of Cottage Grove that meets Philo Road. Resident is concerned with the speed of traffic coming through Cottage Grove where it meets East Washington Street and is requesting that we assess the area to see if a traffic impediment is warranted. There was a brief discussion of possible striping/cautionary sign, however, no immediate resolution at this time.

**F. Adjournment**

The meeting adjourned at 1:19 PM.

### Review of Schedule A of the Urbana Traffic Code Section 23-64

The State statutory default speed limit for residential streets is 30 mph. Long-term increases or decreases to default speed limits require city ordinances passed in accordance with state law. In Urbana, the Urbana Traffic Code, Article V, Sections 23-62 and 23-64 set forth the speed limits throughout the city, with the locations and values for non-30 mph residential speed limits listed in Schedule A for those greater than 30 mph, and Schedule Q for those less than 30 mph. Ordinances that are passed related to speed limits amend Schedule A or Q as appropriate. These tables are posted on the city website listing the section of roadway affected along with the new speed limit and the ordinance reference. However, some ordinances and road sections are missing and a number of the current table entries, particularly in Schedule A, either do not list a corresponding ordinance or list an outdated one. In some cases, it may also be that speed limits from acquired roadways were not subsequently and properly incorporated into ordinance; but rather simply added to the table in Schedule A with no annotation. My concern is that this is not legally valid – that any roadways brought into the city that are not at default speed limits need to be incorporated in some fashion into city code.

...[OMIT discussion of Schedule Q]...

#### Schedule A (Speed limits over the default)

...

Section 1 of Ordinance 9495-001 specifically repeals all previous related ordinances and reconstructs all Schedules as part of the ordinance. This also applies to any previously acquired roadway sections.

“Section 1. That the existing Urbana Local Traffic Ordinance, adopted by Ordinance No. 7475-2A and subsequently amended, is hereby repealed upon the effective date of this Ordinance. All ordinances, resolutions or motions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.”

Hence, only the roads listed in Ordinance 9495-001, Schedule A, together with the subsequent ordinances passed by Council are legally at higher speed limits than the state residential statutory limit of 30mph. The ordinances that apply since then have been researched, and are listed in attached annotated Schedule A. There are a number of entries in the currently posted Schedule A table that have no ordinance referenced (nor found in my research) establishing the posted speed limit. The baseline values for the 6 sections (Table 1) that were passed as Schedule A by Ord. 9495-001 should be noted as Ordinance 9495-001 unless subsequently changed. Those sections of roadway with no listed ordinance passed since Ordinance 9495-001 should be properly signed at 30mph unless legally changed by Council. Any roadway sections acquired since passage of 9495-001 should have an ordinance (and reference) establishing the speed limit if different from state default. Returning sections of roadway to their statutory maximum, with the exceptions as noted below, would be the most expedient course of action and would help address safety and equity issues throughout the city.

#### Annotated Schedule A (see superscripts on attached Annotated Schedule A)

Items 3-7 require no action by council, just appropriate signage by Public Works. Correction of distances for consistency in Item 8 and speed adjustments and boundaries for Item 9 can be established in this same single ordinance.

3. No council action needed as there is no current ordinance establishing this as a 35mph section. (as Ord. 7273-27 superseded by Ord. 9495-001). Main Street and Main Street Spur should be left at the default 30mph speed limit for safety and equity reasons and the currently posted 35 mph signs should be replaced. Main Street has bicycle infrastructure and is a gateway for the Kickapoo Rail Trail and the north entrance to Weaver Park. This bicycle infrastructure disappears as the road narrows to a rural roadway in a residential neighborhood with no shoulders, no sidewalks, and no street lights; a former township road. A recent pedestrian death has occurred in this section. The spur is on a blind curve and the section through unincorporated Urbana includes major bus traffic with bus stops not having marked crosswalks (suggested action), sidewalks or lights. Bus users (and school children) have to cross from Beringer Commons to catch a bus. Note that Main Street at its eastern terminus has a 15mph curve onto Pfeffer Rd. which is an abrupt drop from 35mph. There is justification for reducing both sections (spur and terminus) of narrow roadway to 25mph due to the lack of infrastructure to accommodate pedestrian and bicycle traffic, the presence of bus stops and unmarked crosswalks, the upcoming Bakers Lane bike connection to the Kickapoo Rail Trail, as well as the pedestrian death. However, this would require a separate ordinance to update Schedule Q, and is not included in this document.

4. No council action needed; no ordinance found establishing 35mph for this section. Philo Road was at one time State Hwy 130 and posted speeds may be a remnant of that time. There has been residential and business development, additional bicycle infrastructure, and bus and pedestrian presence added suggesting that for safety reasons, the speed be a consistent 30mph between Main St on the north and Windsor on the south.

5. No council action needed; no ordinance found. Washington Ave as it approaches the eastern city limits is similar to Main Street (#3 above), where city infrastructure including bike lanes reduces to a former township chip and seal road between Smith and Pfeffer. This moves pedestrians and bicyclists directly onto the roadway. In this residential area, there are no shoulders, sidewalk only on one side, and no street lights. It should be left at the default residential speed limit matching the rest of Washington east of Busey Ave. Of note, it is currently posted at 30mph, so no reposting is needed. As with item 3, there is justification for reducing this section of narrow roadway to 25mph because of the lack of infrastructure including cars parking on the unimproved southern shoulder.

6. Vine Street between Main and University currently has no ordinance establishing a 35mph zone and can be left at 30mph. No signage is currently present south of the University Ave. and north of the Main St. intersection in either direction. Placing a 30mph southbound sign north of the railroad bridge is encouraged. Additional warning signage and crosswalks are needed in the vicinity of this intersection (University-Illinois) given two pedestrian fatalities and one injury in the past two years, the most recent being the fatality of 1/20/2022.

Excerpted from:

January 23, 2022; revised 12/19/2022; revised September 12, 2024

Charlie Smyth

Chair, ChampaignCountyBikes.org

Former Urbana City Clerk and Council Member

**(Annotated) Schedule A of the Urbana Local Traffic Code**  
**Section 23-62**

Increasing state speed limits in certain zones. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets, described hereto and made a part hereof, is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign-posting of said streets as through highways and (or) by reason of widely spaced intersections, and it is hereby declared that the maximum speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated at the times specified when signs are erected giving notice thereof, all as set forth in Schedule A.

Name of Street	Between	And	Speed	Ordinance Number	Correction/Suggested
<sup>1</sup> Airport Rd	US Rt 45	Willow Rd	40	No Ordinance Found	Council Action Needed
Airport Rd	US Rt 45/Cunningham Ave	E. City Limits	40	2004-06-071	
<del>Colorado Av</del>	<del>Vine St</del>	<del>Philo Rd</del>	<del>30</del>	<del>7475-2A</del>	Redundant, delete from schedule
<del>Colorado Av</del>	<del>Vine St</del>	<del>Philo Rd</del>	<del>35</del>	<del>7778-71</del>	Delete from Schedule
Florida Av	Lincoln Av	W. City Limits	35	<del>7475-2A</del>	9495-001; 2000-10-128
Lincoln Av	Bradley Av	Sunset Dr	35	<del>7778-71</del>	9495-001
<sup>2</sup> Lincoln Av	Bradley Av	Wilbur Rd	40	No Ordinance Found	Council Action Needed
<sup>3</sup> Main St	850' east of Lierman Av	Pfeffer Rd	<del>30</del> 35	<del>7273-27</del> Not included in 7475-2A	Not included in 9495-001 so should be default 30mph, delete from table
<sup>3</sup> Main St Spur	Main St	University Av	<del>30</del> 35	No Current Ordinance Found, Not included in 7475-2A or 9495-01	Default 30mph, as above - delete
<sup>4</sup> Pfeffer Rd	Main St	Washington St	<del>30</del> 35	No Ordinance Found per above	Default 30mph, as above - delete
<sup>9</sup> Philo Rd	Deerfield Trails Subdivision	Windsor Rd	45	2006-11-139	
Philo Rd	S. Edge of South Ridge V Subdivision	Windsor Rd	45	2004-05-057	
<sup>5</sup> Philo Rd	Fairlawn Dr	Mumford Dr	<del>30</del> 35	No Ordinance Found	Default 30mph- delete
<sup>5</sup> Philo Rd	Mumford Dr	Windsor Rd	<del>30</del> 35	No Ordinance Found	Default 30mph- delete

Philo Rd	Washington St	Fairlawn Dr	30	<del>9293-18</del>	9495-001, default - delete as redundant
<sup>6</sup> Vine St	Main St	University Av	<del>3035</del>	No Ordinance Found	Default 30mph - delete
<sup>7</sup> Washington St	Pfeffer Rd	Dodson Dr	<del>3035</del>	No Ordinance Found	Default 30mph - delete
Windsor Rd	E. edge of Philo Rd	W. edge of Race St	40	<del>9192-69</del>	9495-001
Windsor Rd	W. edge of Race St	1280' W. of W. edge of Race St	45	<del>9192-69</del>	9495-001
<sup>8</sup> Windsor Rd	Philo Rd	<del>7150'</del> east of Susan Stone Dr	40	<del>8788-56</del>	9595-001 – Council action needed to fix distance per ordinance
<sup>8</sup> Windsor Rd	<del>705'</del> 570' east of Susan Stone Dr	High Cross Rd	45	(note typo)	9798-82 – fix per ordinance
Willow Road	N. Edge Anthony Dr. ROW	S. Edge Airport Rd	35	2000-06-056	(missing from list)

Date: 4/15/2019

Schedule A of the Urbana Local Traffic Code  
Section 23-62

Item G3.

Increasing state speed limits in certain zones. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets, described hereto and made a part hereof, is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign-posting of said streets as through highways and (or) by reason of widely spaced intersections, and it is hereby declared that the maximum speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated at the times specified when signs are erected giving notice thereof, all as set forth in Schedule A.

Name of Street	Between	And	Speed	Ordinance Number	Revisions 11/27/24
Airport Rd	US Rt 45	Willow Rd	40	No Ordinance Found	New Ord. Req'd
Airport Rd	US Rt 45/Cunningham Ave	E. City Limits	40	2004-06-071	
Florida Av	Lincoln Av	W. City Limits	35	2000-10-128	Corrected Ord. No.
High Cross Rd	University Av	I-74	40	No Ordinance Found	New Ord. Req'd
Lincoln Av	Bradley Av	Sunset Dr	35	9495-001	Corrected Ord. No.
Lincoln Av	Bradley Av	Wilbur Rd	40	No Ordinance Found	New Ord. Req'd
Lincoln Av	Wilbur Rd	Olympian Dr	40	No Ordinance Found	New Ord. Req'd
Olympian Dr	Lincoln Av	W. City Limits	45	No Ordinance Found	New Ord. Req'd
Perkins Rd	Eastern Av	Rebecca Dr	35	No Ordinance Found	New Ord. Req'd
Philo Rd	Deerfield Trails Subdivision	Windsor Rd	45	2006-11-139	
Philo Rd	S. Edge of South Ridge V Subdivision	Windsor Rd	45	2004-05-057	
Philo Rd	Fairlawn Dr	Mumford Dr	35	No Ordinance Found	New Ord. Req'd
Philo Rd	Mumford Dr	Windsor Rd	35	No Ordinance Found	New Ord. Req'd
Willow Rd	N. Edge of Anthony Dr	S. Edge of Airport Rd	35	2000-06-056	Added
Windsor Rd	E. edge of Philo Rd	W. edge of Race St	40	9495-001	Corrected Ord. No.
Windsor Rd	W. edge of Race St	1280' W. of W. edge of Race St	45	9495-001	Corrected Ord. No.
Windsor Rd	Philo Rd	150' east of Susan Stone Dr	40	9495-001	Limits corrected
Windsor Rd	570' east of Susan Stone Dr	High Cross Rd	45	9798-82	Limits corrected

Note: Highlighted locations require Council action to make the Local Traffic Code match the posted speed limits that are currently in effect. These highlighted locations will retain the currently posted speed limits as a temporary regulation, as allowed by Section 23-22 of City Code, until an ordinance is passed to make the speed limits permanent.

Date: 11/27/24



## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** A Resolution Approving a License Agreement with New Lincoln Square, LLC (six total signs adjacent to Lincoln Square Mall)

### Summary

#### *Action Requested*

City Council is being asked to pass the attached resolution that would authorize the Mayor to execute a license agreement, allowing New Lincoln Square, LLC to construct, maintain, operate, and repair multiple above-ground Lincoln Square Mall signs (five existing and one proposed) within the public rights-of-way and property adjacent to Lincoln Square Mall in Urbana.

#### *Brief Background*

New Lincoln Square, LLC proposes to move one above-ground Lincoln Square Mall sign from its current location (on private property) in the northeast corner of W. Green Street and S. Race Street to a new location in the centerline of W. Green Street near the east edge of S. Race Street. New Lincoln Square, LLC also proposes to maintain five existing above-ground Lincoln Square Mall signs: in the centerline of S. Broadway Avenue at Elm Street; in the centerline of E. Green Street at S. Vine Street; at the northwest corner of S. Vine Street and E. Illinois Street; at the northwest corner of E. Illinois Street and S. Walnut Street; and in the centerline of W. High Street at W. Green Street. All of these locations are adjacent to Lincoln Square Mall and are within either public rights-of-way or City-owned property. Exhibit A includes a map and photos that show the proposed and existing sign locations.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

N/A

#### *Strategic Goals & Plans*

N/A

#### *Previous Council Actions*

The five existing signs for Lincoln Square Mall have been in place for many years. There was never a formal license agreement for these installations, so this resolution would allow that permission to be formally authorized.

## Discussion

### *Additional Background Information*

New Lincoln Square, LLC proposes to move the existing sign at W. Green Street and S. Race Street to a new location in the public right-of-way, because a Hotel Royer sign is proposed for the current location of the Lincoln Square Mall sign.

### *Fiscal and Budget Impact*

New Lincoln Square, LLC will pay the City an annual license fee of \$236.00 per year (257 total square feet of right-of-way and City-owned property at the current rate of \$0.92 per square foot).

### *Recommendation*

City Council is asked to pass the attached resolution that would authorize the Mayor to execute a license agreement, allowing New Lincoln Square, LLC to construct, maintain, operate, and repair multiple above-ground Lincoln Square Mall signs (five existing and one proposed) within the public rights-of-way and property adjacent to Lincoln Square Mall in Urbana.

### *Next Steps*

If the attached resolution is passed, the Mayor will execute the license agreement, City staff will record the agreement with the Champaign County Recorder, and New Lincoln Square, LLC will proceed with construction and maintenance of the one proposed new sign at the intersection of W. Green Street and S. Race Street.

## Attachments

1. Resolution No. 2025-02-\_\_\_R: A Resolution Approving a License Agreement with New Lincoln Square, LLC (six total signs adjacent to Lincoln Square Mall).
2. Right-of-Way License Agreement with New Lincoln Square, LLC
3. Exhibit A: Map and photos showing location and extent of licensed area.

Originated by: Daniel A. Rothermel, Land Surveyor

John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator

**RESOLUTION NO. 2025-02- R****A RESOLUTION APPROVING A LICENSE AGREEMENT  
WITH NEW LINCOLN SQUARE, LLC** (six total signs adjacent to  
Lincoln Square Mall)

**WHEREAS**, the City Council, in its discretion and consistent with applicable law, may authorize, by resolution, the Mayor to execute license agreements on behalf of the City for use of public rights-of-way where such use will involve the placement or installation of any facility on the surface of or above the ground in a public right-of-way; and

**WHEREAS**, the City Council, after due consideration, finds that approving the agreement as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, of the City of Urbana, Illinois, as follows:

A right-of-way license agreement between **New Lincoln Square, LLC** and the City of Urbana for six (6) Lincoln Square Mall signs adjacent to Lincoln Square Mall , in substantially the form of the copy of said agreement attached hereto and hereby incorporated by reference, is hereby authorized and approved. The Mayor of the City of Urbana is hereby authorized to execute and deliver said agreement as so authorized and approved for and on behalf of the City of Urbana.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**This instrument was prepared by:**

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802

**Mail recorded document to:**

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802

City of Urbana – Champaign County

**RIGHT-OF-WAY LICENSE AGREEMENT**

---

New Lincoln Square, LLC  
104 W. University Avenue  
Urbana, IL 61801

## RIGHT-OF-WAY LICENSE AGREEMENT

This agreement is made between **New Lincoln Square, LLC**, an Illinois limited liability company, (“Licensee”) and the **City of Urbana**, an Illinois municipal corporation (“City”), each a “party” and together the “parties,” and is effective on the last date signed by a party hereto. The Licensee and the City agree as follows:

1. **Grant of license.** The City hereby grants and the Licensee hereby accepts a nonexclusive, nontransferable, nonassignable, and revocable license to construct, maintain, and repair five (5) existing Lincoln Square Mall signs and one (1) proposed Lincoln Square Mall sign, (“Facility”) within the public right-of-way and/ or property (“Licensed Property”). For purposes of this Agreement, the Licensed Property shall be the property described in Exhibit A.
  - A. The license granted herein gives the Licensee permission to use the Licensed Property for the limited purposes and pursuant to the terms and conditions stated in this agreement. The license is not a warranty of title and does not convey any right, title, or interest in the Licensed Property.
  - B. The license granted herein is subject to the rights of any public utility or other person or entity currently having rights, licenses, franchises, or easements in and about the Licensed Property.
  - C. The Licensee shall fully and faithfully perform and comply with all terms, conditions, and covenants contained in this agreement. If the Licensee fails to perform or comply with any term, condition, or covenant in this agreement, the City may revoke the license after giving the Licensee a period in which to cure such failure as set forth in this agreement.
  - D. The Licensee shall not transfer or assign the license granted herein.
  - E. The license granted herein is nonexclusive and at all times subordinate to the City's and the public's use of the Licensed Property for purposes normally associated with a public right-of-way. Accordingly, if necessary to accommodate repair, maintenance, or construction of City utilities or improvements to the Licensed Property, the Licensee shall, at its sole cost, relocate or remove all or any portion of the Facility not more than 90 days after the City's Public Works Director (“Director”) directs such relocation or removal in writing.
  - F. The Licensee shall use its best efforts to maintain contractors on any work project involving the Right-of-way and to work toward its timely completion, barring inclement weather or other situations determined to be beyond the Licensee's control.

2. **Term; termination.** The initial term of this agreement is 20 years from the effective date. Upon expiration of this initial term or any renewal term, this agreement automatically renews for a subsequent term of five years, unless, no fewer than 90 days before the scheduled expiration of the current term, either party provides written notice to the other party of the intent not to renew. The parties may terminate this agreement at any time by mutual written consent. Either party may terminate this agreement for cause by giving written notice to the other party at least 45 days before the proposed termination. Such party shall specify the reason or reasons for such termination in the written notice and shall specifically state that such termination will become effective on a date at least 45 days after the date thereof if the other party does not completely cure the reason or reasons for such notice of termination.

3. **Fee.** On the effective date of this agreement and on each anniversary of such date thereafter, the Licensee shall pay to the City, in advance and without demand, an annual fee of \$0.92/ square foot x 257 square feet = \$236.00 as compensation for the license granted under this agreement. The Licensee shall pay to the City the annual fee and all other charges required to be paid under this agreement by cash, valid check, or money order at City of Urbana Accounting, 400 S. Vine Street, Urbana, Illinois 61801. The City may adjust the amount set for compensation on January 1 of each year beginning January 1, 2026, in accordance with the Consumer Price Index (CPI-U) published by the United States Department of Labor, Chicago area, all items for all urban consumers, or other generally recognized index which succeeds the Consumer Price Index.

4. **Installation.** The Licensee warrants that installation and maintenance of the Facility will be done and completed in a good and competent manner, in accordance with all requirements of law, and at no expense to the City.

5. **Plan submission.** The Licensee shall provide design plans to the City for review prior to construction (for the proposed sign).

6. **Maintenance.** The Licensee shall maintain the Facility in good and safe condition and in a manner that complies with all applicable laws.

7. **Repair.** After doing any work within the Licensed Property, the Licensee at its sole cost and expense shall promptly repair and restore to the extent practicable any portion of the right-of-way disturbed by the Licensee, including without limitation all sidewalks, parkways, or pavements, to their original condition or better in accordance with the specifications of the City.

- A. If any such sidewalk, parkway, or pavement becomes uneven, unsettled, or otherwise requires repairing, because of such disturbance by the Licensee, the Licensee, as soon as climatic conditions reasonably permit, shall promptly, and no more than 15 days from receipt of notice from the City to do so, cause such sidewalk, parkway, or pavement to be repaired or restored. The Licensee shall complete such restoration no more than 10 days after the date of commencement of

such restoration work. If the Licensee fails to commence and complete the restoration work in the manner and within the times prescribed in this section, the City may perform such work, and the Licensee shall pay any costs and expenses the City incurs upon written demand by the City.

- B. If such right-of-way or improvement cannot be so repaired, replaced, or restored, the Licensee shall compensate the City for the cost or reasonable value of such improvements in an amount estimated by an independent architect, engineer, or contractor selected by the City.
- C. The Licensee shall promptly repair and restore at its sole cost all damage it causes to any other utility, including but not limited to storm and sanitary sewers and their services, street lighting, traffic signals, field tiles or facilities from any other utility company.
- D. The provisions in this section 7 will survive the termination of this agreement.

#### 8. **Removal.**

- A. The City may remove and dispose of the Facility, or any portion thereof, upon occurrence of any of the following:
  - (1) an emergency that presents imminent peril to person or property;
  - (2) the Licensee's non-compliance with any term, provision, or covenant that is not cured within the time provided for in this agreement following notice of such non-compliance tendered to the Licensee;
  - (3) the Director or other responsible City official, in good faith, deems the procedure in section 7 impracticable under the circumstances present;
  - (4) termination of this agreement for any reason;
  - (5) the Licensee's abandonment of the Facility in accordance with the provisions in section 9 of this agreement; or
  - (6) expiration of this agreement in the absence of any renewal thereof.
- B. The Licensee shall bear all costs and expenses incurred in the removal and disposal of the Facility and the restoration of the Licensed Property.
- C. If the Licensee fails in any way to make timely payment to the City for such costs and expenses, the Licensee shall pay, in addition to any amount so owed, the City's reasonable attorneys' fees and court costs incurred in the collection of such amount. This provision will survive the termination of this agreement.

9. **Lapse and termination.** The license granted in this agreement is limited to the construction, maintenance, operation, repair, and removal of the Facility. Any additional use other than that specifically named in this agreement, without the further express written consent of the City, is a violation of this agreement. Upon cessation of such use, as determined by the Director, this agreement immediately and automatically will lapse and terminate. If the Director believes the Licensee is no longer using the Facility or that it otherwise has been abandoned, he or she shall notify the Licensee in writing that the City is asserting its right to declare this agreement lapsed and terminated. Such notice will state that the Licensee has 30 days to reassert its rights under this agreement and demonstrate that it has not in fact abandoned the Facility and thereby the license granted by this agreement. If the Licensee demonstrates within the 30-day period that it has not abandoned the Facility, this agreement will remain in force and effect according to its terms. If the Licensee does not demonstrate within the 30-day period that it has not abandoned the Facility, this agreement will be deemed lapsed, terminated, and no longer in effect.

10. **Indemnification.** To the extent permitted by law, the Licensee shall protect, indemnify, and defend the City against any and all losses, claims, demands, costs, causes, expenses and fees, including reasonable attorney's fees and the reasonable value of any suit or any other claim or demand for injury or damages in connection with this agreement, including the construction and maintenance of the Facility and Licensed Property, unless such claim, suit, or cause of action was based solely upon the negligence of the City, its employees, agents or contractors. This section will survive the termination of this agreement.

11. **Insurance.** The Licensee represents that it may lawfully provide insurance coverage to the City in connection with the obligations as set forth in this agreement without such obligations being subject to the availability of funds, which may be lawfully applied thereto. Such insurance will be kept in force at all times while the Facility continues to exist at the location described. The Licensee accordingly agrees to provide to the City, upon execution of this agreement, a certificate of insurance evidencing the commercial general liability policy of the Licensee insuring the City as an additional insured for purposes of this agreement with coverage in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

12. **Entire agreement; amendment.** This agreement, together with its attachment, constitutes the entire agreement between the parties, supersedes all other agreements or understandings between them pertaining to the matter of this agreement, and may not be amended except by a writing signed by both parties and recorded in the Office of the Campaign County Recorder of Deeds.

13. **Notices.** The parties shall give all notices required or permitted by this agreement in writing. All notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier service (e.g., FedEx or UPS). A notice delivered by email will be deemed given when the recipient acknowledges having received the email by an email sent to the sender's email address, as stated in this section, or by a notice delivered by another method in accordance with this section. An automatic "read receipt" will not constitute acknowledgment of an email for purposes of this

section. Each party's address is stated below and may be changed to such other address as the party may hereafter designate by notice.

New Lincoln Square, LLC

New Lincoln Square, LLC  
Attention: James H. Webster  
104 W. University Avenue  
Urbana, IL 61801

City of Urbana

Public Works Director  
City of Urbana  
706 Glover Avenue  
Urbana, Illinois 61802

14. **Non-waiver.** Either party's failure to enforce any provision of this agreement will not be deemed a waiver of future enforcement of that or any other provision. A waiver of any provision of this agreement is valid only if in writing and signed by the parties.

15. **Severability.** The parties intend this agreement to be enforced to the fullest extent as allowed by law. If any provision of this agreement is found to be unenforceable by any court or agency of competent jurisdiction, the remaining provisions will remain in full force and effect.

16. **Compliance with governmental requirements.**

A. **Right-of-way permit.**

- (1) Except in an emergency as provided in this agreement, the Licensee shall obtain a right-of-way permit from the City before constructing, installing, extending, removing, or otherwise changing the Facility. The permit will indicate the time, manner, and place of the work to be performed. The Licensee shall comply with all conditions of any permits issued to it.
- (2) Along with each application for a permit, the Licensee shall provide the following: prints, plans and maps showing the proposed location and design of the Facility to be constructed; and
- (3) In an emergency that the Licensee believes poses a threat of immediate harm to the public or to any of the Licensee's facilities, the Licensee may access the public way to mitigate the threatened harm without the benefit of a permit. In this case, the Licensee shall advise the City of the emergency at the earliest reasonable opportunity and seek a proper permit within a reasonable period of time thereafter and in the manner as stated in this agreement.

- B. **Applicable law.** The Licensee shall comply with all applicable laws, ordinances, regulations, and requirements of federal, state, county, and local regulatory authorities, including without limitation the applicable provisions of the Urbana

City Code regarding rights-of-way and their uses, all of which as may be amended from time to time.

17. **No presumption.** Each party hereto acknowledges that this agreement is the product of good faith negotiations by and between the parties hereto and, as such, neither party may seek to have this agreement strictly construed against the other party as drafter of this agreement.

18. **Recording.** The City will record this agreement in the Office of the Champaign County Recorder of Deeds at the Licensee’s expense.

19. **Counterparts.** The parties may sign this agreement in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Signatures delivered by email in Adobe Portable Document Format (PDF) will be deemed original signatures for all purposes.

The parties are signing this agreement on the dates indicated below.

Experience Champaign - Urbana

City of Urbana, Illinois

By: \_\_\_\_\_  
James H. Webster  
President

By: \_\_\_\_\_  
Diane Wolfe Marlin  
Mayor

Date: \_\_\_\_\_, 2025

Date: \_\_\_\_\_, 2025

Attest:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

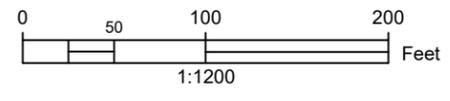
Attachment: Exhibit A Map and photos showing location and extent of licensed area.



CITY OF URBANA  
PUBLIC WORKS  
ENGINEERING DIVISION

DRAWN BY: DAR  
DATE: 1/23/2025

LINCOLN SQUARE MALL SIGNS  
EXHIBIT "A"



LEGEND

-  LICENSE AREA
-  EXISTING MALL SIGN
-  PROPOSED MALL SIGN

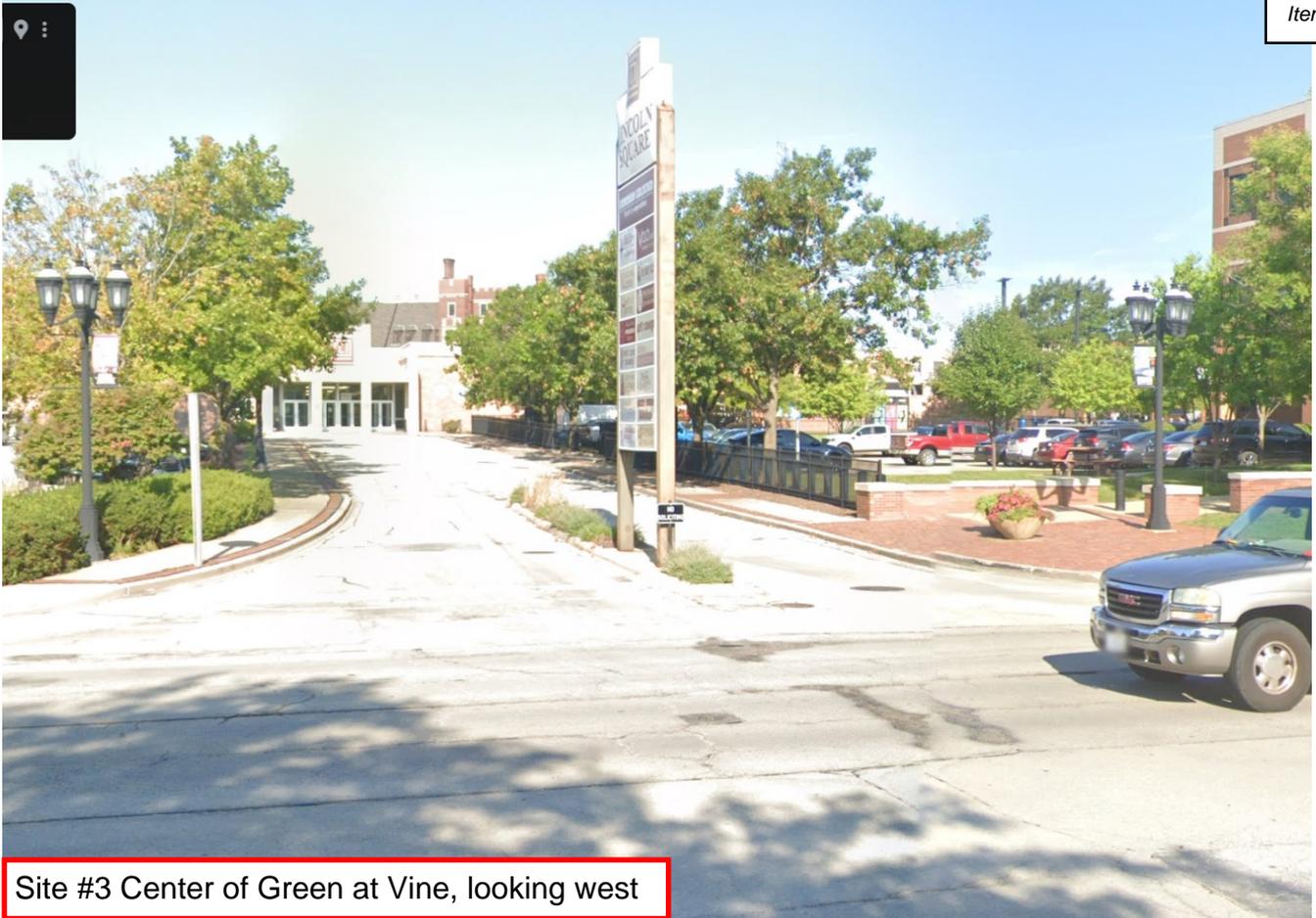
SITE#	LICENSE AREA IN S.F.
1	33 S.F.
2	52 S.F.
3	37 S.F.
4	66 S.F.
5	36 S.F.
6	33 S.F.
<b>257 S.F. TOTAL</b>	



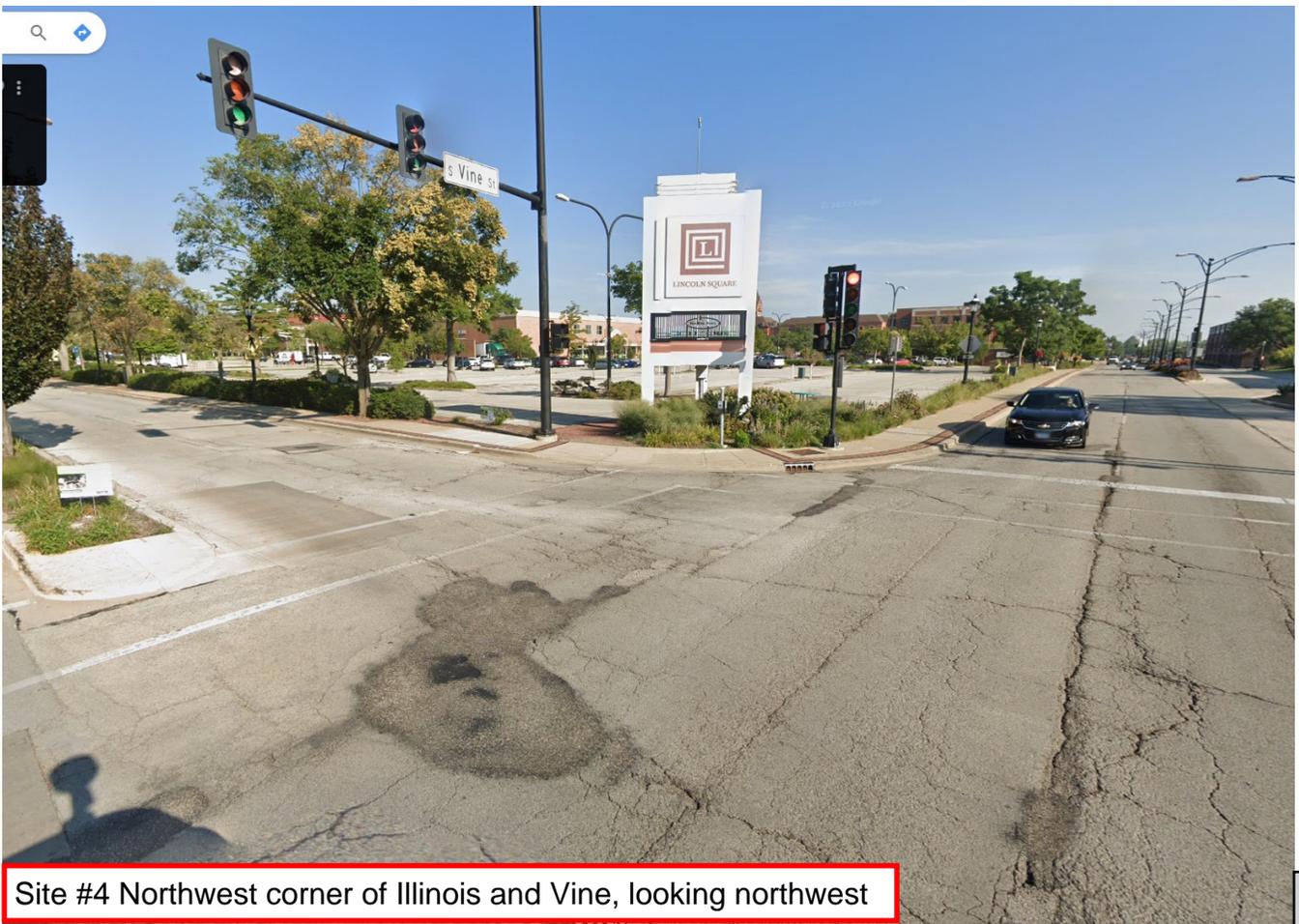
Site #1 Center of Green at Race, looking northeast



Site #2 Center of Broadway at Elm, looking south



Site #3 Center of Green at Vine, looking west



Site #4 Northwest corner of Illinois and Vine, looking northwest



Site #5 Northwest corner of Illinois and Walnut, looking northwest



Site #6 Center of High at Race, looking southeast



City of Urbana  
400 S. Vine Street, Urbana, IL 61801  
[www.urbanaininois.us](http://www.urbanaininois.us)

## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 3, 2025 Committee of the Whole  
**Subject:** A Resolution Approving the Equity and Quality of Life (EQL) Program for Fiscal Year 2025

### Summary

#### *Action Requested*

City Council is being asked to pass the attached resolution to approve the EQL Program for Fiscal Year 2025 (FY25).

#### *Commission Recommendation*

During its December 17, 2024 meeting, the Bicycle and Pedestrian Advisory Commission (BPAC) unanimously voted to endorse the EQL FY25 Program as proposed in the attached ordinance. The unapproved minutes from the meeting are attached, along with a guideline used to develop the EQL FY25 Program and documents related to the public outreach to property owners and residents of the Silverwood neighborhood. A formal resolution from BPAC to endorse the program is expected in February, since the commission did not have a January meeting.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

The purpose of the EQL program is to address small-scale infrastructure needs, with an emphasis on underserved neighborhoods. The development of the program was a collaboration of the Grants Division of Community Development, the Police Department, and the Engineering Division of Public Works.

#### *Strategic Goals & Plans*

The proposed EQL FY25 Program achieves action step 3.2.A of the Mayor and City Council Strategic Goals for 2024-2025 to initiate a second EQL program by end of calendar year 2025. The 2020 Urbana Pedestrian Master Plan was used to guide selection of pedestrian facilities improvements.

#### *Previous Council Actions*

The Capital Improvement Plan for Fiscal Years 2025-2029 (CIP FY25-FY29) included allocations of \$200,000 in FY25 and \$800,000 in FY26 for a second EQL program. Council approved the CIP FY25-FY29 with Resolution No. 2024-05-021R.

## Discussion

### *Fiscal and Budget Impact*

The EQL FY25 Program divides its \$1,000,000 allocation among three types of improvements: \$550,000 to pedestrian facilities, \$375,000 to street lights, and \$75,000 to traffic calming. The preliminary estimated costs for the improvement projects can be classified as \$60,000 in engineering fees, \$835,000 in construction costs, and \$102,000 in contingencies.

### *Community Impact*

The results of the Community Needs Survey from March 2024, specifically responses to the question “Which infrastructure improvements, if any, are needed in your neighborhood? (Select all that apply)”, informed which types of improvements were included in the EQL FY25 Program.

Since the improvements to pedestrians facilities and street lights in the EQL FY25 Program are concentrated in the Silverwood neighborhood (bounded by Harding Drive, Philo Road, Silver Street, and Cottage Grove Avenue), property owners and residents of Silverwood were notified by mail of the December 17, 2024 BPAC meeting where the EQL FY25 Program was discussed. A sample notification letter and a map showing the addresses notified are included as attachments for your reference. The Engineering Division received a couple of emails with comments, but no one associated with the Silverwood neighborhood attended the BPAC meeting.

### *Recommendation*

City Council is asked to pass the attached resolution to approve the EQL Program for FY25.

### *Next Steps*

If the attached resolution is passed, the Engineering Division of Public Works will proceed with implementing the EQL FY25 projects, starting with design. Construction is expected in FY26.

## Attachments

1. Resolution No. 2025-02-\_\_\_R: A Resolution Approving the Equity and Quality of Life (EQL) Program for Fiscal Year 2025
2. Equity and Quality of Life (EQL) FY25 Program
3. December 17, 2024 Meeting Minutes (Unapproved) of the Bicycle and Pedestrian Advisory Commission (BPAC)
4. Guideline for Equity and Quality of Life (EQL) Program Development
5. Sample Letter for Notification of Public Meeting on December 17, 2024
6. Map of Silverwood Neighborhood Properties to be Notified of Public Meeting

Originated by: John C. Zeman, City Engineer

Reviewed: Tim Cowan, Public Works Director

Approved: Carol Mitten, City Administrator

**RESOLUTION NO. 2025-02-\_\_\_ R**

**A RESOLUTION APPROVING THE EQUITY AND QUALITY OF LIFE (EQL) PROGRAM FOR FISCAL YEAR 2025**

**WHEREAS**, the City of Urbana adopted Mayor and City Council Strategic Goals for 2024-2025 which included strategies to increase investment in infrastructure equity, with action steps to initiate a second Equity and Quality of Life (EQL) program by end of calendar year 2025; and

**WHEREAS**, the City of Urbana has included in its FY 2025-2029 Capital Improvement Plan allocations of \$200,000 in FY 2025 and \$800,000 in FY 2026 for a second EQL program; and

**WHEREAS**, the Bicycle and Pedestrian Advisory Commission (BPAC), after due consideration, endorsed the EQL program as herein provided.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, of the City of Urbana, Illinois, as follows:

An EQL FY25 Program, consisting of improvement projects for pedestrian facilities, street lights, and traffic calming, in substantially the form of the copy attached hereto and hereby incorporated by reference, is hereby authorized and approved.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of February, 2025.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Darcy E. Sandefur, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of February, 2025.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

## Project Descriptions

The proposed project locations are shown in the following map:

<https://urbana.ccgisc.org/portalurbana/apps/mapviewer/index.html?webmap=fe57b962b136439286ac5e1fe0ce6d02>

1. **Pedestrian Facilities.** \$550,000 budget. In the Community Needs Survey, 55% of respondents identified pedestrian facilities as a needed improvement.
  - a. Harding Drive (Vawter to Philo). Construct new sidewalk on both sides of Harding Drive from west of Vawter Street to Philo Road. Includes new sidewalk on west side of Vawter Street, extending south from Harding Drive.
    - i. Pedestrian Master Plan, Sidewalk Gaps 17 and 18. Priority Score 64 and 66, respectively.
    - ii.  $(700' + 540' + 130') \times 5.5' \times \$40/\text{SF} = \$305,000$  construction cost.
    - iii.  $(700' + 540' + 130') \times 5.5' \times \$6.50/\text{SF} \times 0.5 = \$25,000$  engineering fee.
  - b. Cottage Grove at Brighton and Silver. Construct new sidewalk curb ramps with sidewalk extensions for traffic calming.
    - i. Pedestrian Master Plan, Curb Ramp Projects 17 and 18. Priority Score 73 and 69, respectively.
    - ii.  $(80' \times 4 + 15' \times 3 + 80' \times 4) \times 5.5' \times \$40/\text{SF} = \$155,000$  construction cost.
    - iii.  $(80' \times 4 + 15' \times 3 + 80' \times 4) \times 5.5' \times \$6.50/\text{SF} \times 0.5 = \$15,000$  engineering fee.
  - c. Include \$50,000 (10%) contingency.
  
2. **Street Lights.** \$375,000 budget. In the Community Needs Survey, 49% of respondents identified street lights as a needed improvement.
  - a. Harding Drive, Brighton Drive, Vawter Street, Mitchem Drive, and Silver Street (Cottage Grove to Philo). Construct new street lights to supplement the existing street lights.
    - i. Area with highest density of crime which could be mitigated by presence of street lights, based on July 2023 to July 2024 crime statistics.
    - ii.  $(4 + 3 + 3 + 3 + 4) \times \$17,500 = \$300,000$  construction cost.
    - iii.  $(4 + 3 + 3 + 3 + 4) \times \$1,000 = \$20,000$  engineering cost.
  - b. Include \$52,000 (17%) contingency.

- 3. Traffic Calming.** \$75,000 budget. In the Community Needs Survey, 41% of respondents identified traffic calming as a needed improvement.
- a. Install tubular markers to channelize traffic at select, unprotected crosswalk locations. Goals are to discourage speeding, improve lane discipline, and provide a safer crosswalk.
  - b. Concepts will be tested with temporary demonstrations before permanent features are installed.
  - c. The following locations are candidates because they had statistically-significant speeding above the posted speed limit, during speed studies completed as part of the FY22 EQL Program.
    - i. Broadway (Park to Country Club).
    - ii. Kerr Avenue (Broadway to Cunningham).
    - iii. Cottage Grove (Washington to Pennsylvania).

Notes:

For new sidewalk construction, use \$40 per square foot for total construction cost, based on EQL FY22 sidewalk project bids. Add \$6.50 per square foot for engineering design fee, based on EQL FY22 sidewalk engineering fees. Apply a 50% reduction in engineering fees since these locations were brought to 50% plans previously.

For new street light construction, use \$17,500 per light for total construction cost, based on EQL FY22 street light project bids for 30' tall poles. Add \$1,000 per light for engineering design fee, based on EQL FY22 street light engineering fees.

**Timeline**

- 12/09/24 City Administrator approval of EQL FY25 program.
- 12/11/24 Mail notifications to adjacent property owners and residents.
- 12/17/24 BPAC meeting.
- 02/03/25 Present EQL FY25 program and resolution of approval to City Council.
- 02/10/25 City Council resolution of approval
- 02/11/25 Proceed with implementation



**CITY OF URBANA  
BICYCLE AND PEDESTRIAN ADVISORY  
COMMISSION MEETING**

**DATE:** Tuesday, December 17, 2024  
**TIME:** 7:00 PM  
**PLACE:** 400 South Vine Street, Urbana, IL 61801

**MINUTES - UNAPPROVED**

**Members Present:** Annie Adams, Susan Jones, Tommy Griscom, Qiushi Huang, Bruce Michelson, Sarthak Prasad, Nancy Westcott, John Zeman (proxy for Carmen Franks)

**Others Present:** Ryan Franks and members of the public

**Members Absent:** Audrey Ishii, Keenan Portis, Carmen Franks

**A. Call to Order and Roll Call**

Annie Adams called the meeting to order at 7:00 p.m. Roll was taken. A quorum of members was present.

**B. Changes to the Agenda**

none

**C. Approval of Minutes of Previous Meeting**

none

**D. Public Input and Commissioner Communications**

A resident of the Scottswood subdivision brought up concerns regarding a “road” that will be built. Her concerns included the removal of trees, proximity to the backyards, and losing privacy. It was clarified that this is not a road that is being built, it is a Shared Use path which is not for vehicles.

Susan Jones mentioned that the Santa Rampage was fun.

Annie Adams asked about the speed limits that were discussed at the Traffic Commission meeting in which Audrey & Nancy attended. John said that he will be taking an ordinance to Council regarding those speed limits that were brought to the attention during that meeting.

**E. Unfinished Business**

**1. E-Bike Battery Safety Discussion – Ryan Franks**

Ryan introduced himself and stated that he works in the field of lithium-ion battery safety. Ryan’s presentation included how E-Bikes can produce fires. There is not great data right now, but the best statistics that are out there come from New York. Ryan shared that the causes of these fires include improper charging, DIY efforts to rebuild or replace batteries, water damage, and uncertified bikes and batteries.

Ryan shared that best practices regarding E-Bike safety include education, to use devices that are certified, charge in a proper place, use proper chargers, avoid damaged equipment, and avoid DIY efforts for repairs. He also said that Firefighter training on how to handle lithium-ion batteries is a good recommendation for the City of Urbana.

## **F. Reports of City Officials and Staff and Reports of Committees**

### **1. Bakers Lane Shared-Use Path, Preliminary Plan Presentation – John Zeman**

John stated that the Bakers Lane Shared-Use Path is funded by an ITEP grant from the State of Illinois and that this project is in partnership with the Urbana Park District and the Urbana School District. John explained that a shared-use path is intended for pedestrians and bicyclists, not vehicle traffic. The shared-use path will be replacing the existing sidewalk on Washington Street. The final plans are expected to be completed in March.

John went through the preliminary design. During his presentation, many questions were asked and addressed with concerns of disrupting wildlife, removing trees, wetlands, types of lighting, and the effect on the adjacent neighborhood. John took notes of the concerns and will be bringing them to the designers' attention.

## **G. New Business**

### **1. Equity and Quality of Life (EQL) FY25 Program – John Zeman**

The EQL Program is to improve the quality of life in lower income neighborhoods and in neighborhoods with higher crime rates. City Council has allocated \$1 million for a second EQL program. When a project is selected, it needs to go through City Administration, then letters go out to the neighborhood, then the project is brought to BPAC to get feedback, and finally it goes to City Council for support.

The Community Development Grants Division has conducted a Community Needs survey. The results of the survey indicated the top concerns to be sidewalk & pedestrian facilities, neighborhood lighting, and speeding traffic. From the survey and crime statistics provided by the Police Department, the recommendation is to focus on pedestrian facilities and streetlights in the Silverwood neighborhood. In particular, filling in gaps between current lighting and adding sidewalks. There is also opportunity for some traffic calming, such as tubular markers, in the area.

Bruce Michelson motioned that the committee (BPAC) endorse the Equity and Quality of Life initiative proposed by John Zeman, Susan Jones seconded. Motion passed with a unanimous vote.

## **H. Announcements**

none

## **I. Future Topics**

- a. Bruce Michelson mentioned the “No Turn on Red” from the November BPAC meeting (this was regarding the absence of a “No Turn on Red” at the corner of Main and Vine going eastbound)
- b. Discussion on E-Bike Agreements was brought up by John Zeman

## **J. Adjournment**

The meeting adjourned at 8:59 p.m.

## Guideline for Equity and Quality of Life (EQL) Program Development

The following procedure is intended as a guideline for developing an Equity and Quality of Life (EQL) program.

1. Identify types of infrastructure to improve.
  - a. Based on the most recent Community Needs Survey. Initially distribute the program budget to infrastructure types proportionately based on the relative numbers of votes each type received.
  - b. Limit the number of infrastructure types in the program to ensure each type has a minimum budget of \$200,000, and limit the program to no more than four infrastructure types.
2. Select one or more improvement projects for each infrastructure type.
  - a. Select priority improvements from master plans or asset management plans, as applicable.
  - b. Improvement projects must be within an area of the City with either low to moderate income (Community Development Target Area, CDTA) or high crime rate statistics, or both.
  - c. Estimate the cost for each project, and adjust the selection of projects or the project scopes as needed to fit within the program budget.
3. Present program.
  - a. Approval from City Administrator.
  - b. Inform property owners and residents who are adjacent to the proposed improvements about the program with direct mailing. Invite them to contact the City with questions or concerns, and invite them to attend a Bicycle and Pedestrian Advisory Commission (BPAC) meeting where the program will be discussed.
  - c. Support from BPAC.
  - d. Approval from City Council with a Resolution.
4. Implement the approved program.



706 Glover Ave • Urbana IL 61802 • (217) 384-2342 • [projects@urbanaininois.us](mailto:projects@urbanaininois.us)

December 10, 2024

[address label]

Subject: City of Urbana Equity and Quality of Life (EQL), FY25 Program  
Notification of Public Meeting on December 17, 2024 at 7:00 PM

Dear Resident and/or Property Owner:

You are invited to attend the upcoming regular meeting of the Urbana Bicycle and Pedestrian Advisory Commission (BPAC) at 7:00 PM on Tuesday, December 17, 2024 for a presentation of the City of Urbana Equity and Quality of Life (EQL) FY25 Program. The meeting will be held in Council Chambers at City Hall, 400 S. Vine Street, Urbana, IL 61801. As a resident and/or property owner within the limits of the proposed sidewalk and street light improvements in the Silverwood Neighborhood, you are invited to learn about the program and provide input.

The EQL FY25 Program includes the design and construction of new sidewalk on Harding Drive (Vawter to Philo) and Vawter Street (south of Harding); new sidewalk curb ramps at the intersections of Cottage Grove Avenue with Brighton and Silver; and new street lights to supplement the existing street lights on Harding, Brighton, Vawter, Mitchem, and Silver. The EQL FY25 Program will be presented to Urbana's City Council in early 2025 for approval. Design is expected to be completed in mid-2025, and construction is expected to begin shortly thereafter. Design and construction costs are funded by the City's EQL program funds and by Community Development Block Grants from the US Department of Housing and Urban Development.

A description of the EQL FY25 Program will be included in the BPAC meeting packet, which will be published on the City's meetings website (<https://urbana-il.municodemeetings.com/>) at least 48 hours in advance. If you are unable to attend the meeting in person, the meeting will be broadcast on Urbana Public Television and live streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaininois.us/uptv>.

Feel free to contact me with any questions or comments about this project by using the phone number or email address provided at the top of this letter.

Sincerely,

John C. Zeman, PE, SE  
City Engineer

