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**DATE:** Monday, February 10, 2025  
**TIME:** 7:00 PM  
**PLACE:** 400 South Vine Street, Urbana, IL 61801

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## AGENDA

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
  - 1. 12-16-2024 Committee of the Whole Minutes
- C. Additions to the Agenda
- D. Presentation and Public Input
- E. Council Input and Communications
- F. Reports of Standing Committees
- G. Committee of the Whole (*Council Member Grace Wilken, Ward 6*)
  - 1. Consent Agenda
    - a. **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
    - b. **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
  - 2. Regular Agenda
    - a. **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
    - b. **Resolution No. 2025-02-014R:** A Resolution Approving the Equity and Quality of Life (EQL) Program for Fiscal Year 2025 – PW
- H. Reports of Special Committees
- I. Reports of Officers
- J. New Business
  - 1. **Resolution No. 2025-02-015R:** A Resolution Approving an Intergovernmental Agreement (Edward Byrne Memorial Justice Assistance Grant) – PD

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>

**K. Mayoral Appointments**

**1. Mayoral Appointments to Boards and Commissions**

*Urbana Arts & Culture Commission*

– Robert A. White (term ending June 30, 2028)

**L. Adjournment**

## **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@urbanillinois.us](mailto:CityClerk@urbanillinois.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:

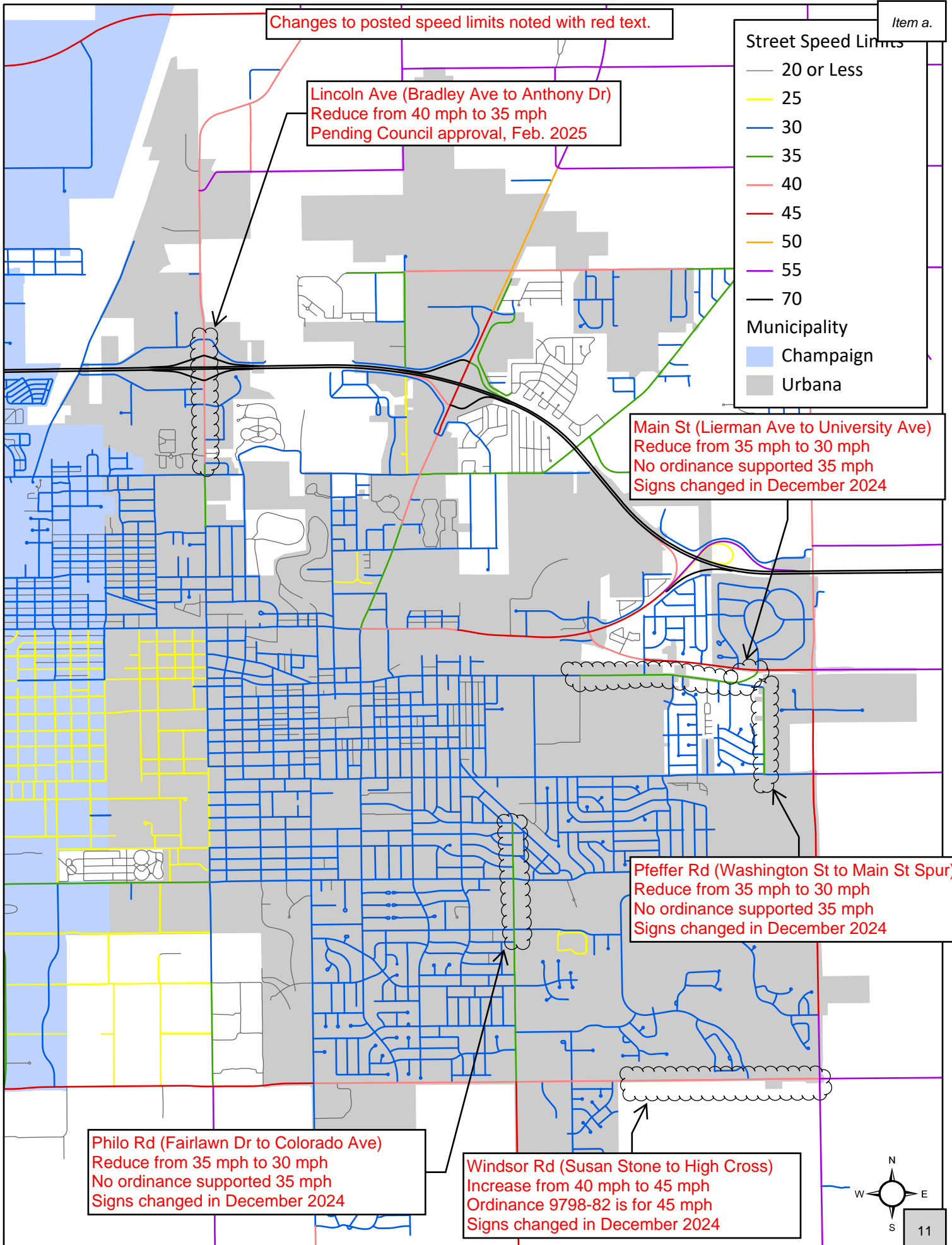
ABSTENTIONS:

\_\_\_\_\_  
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 a.

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

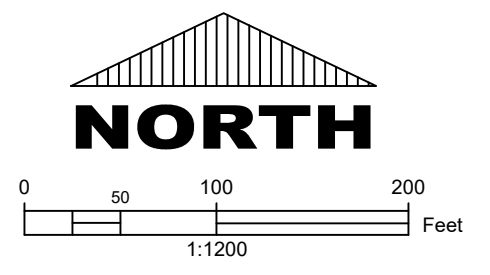
Date: \_\_\_\_\_, 2025

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

Attest:

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

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



- LEGEND**
- LICENSE AREA
  - EXISTING MALL SIGN
  - PROPOSED MALL SIGN

<b>SITE#</b>	<b>LICENSE AREA IN S.F.</b>
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>	



CITY OF URBANA  
PUBLIC WORKS  
ENGINEERING DIVISION

DRAWN BY: DAR  
DATE: 1/23/2025

LINCOLN SQUARE MALL SIGNS  
EXHIBIT "A"

Item b.



Site #1 Center of Green at Race, looking northeast



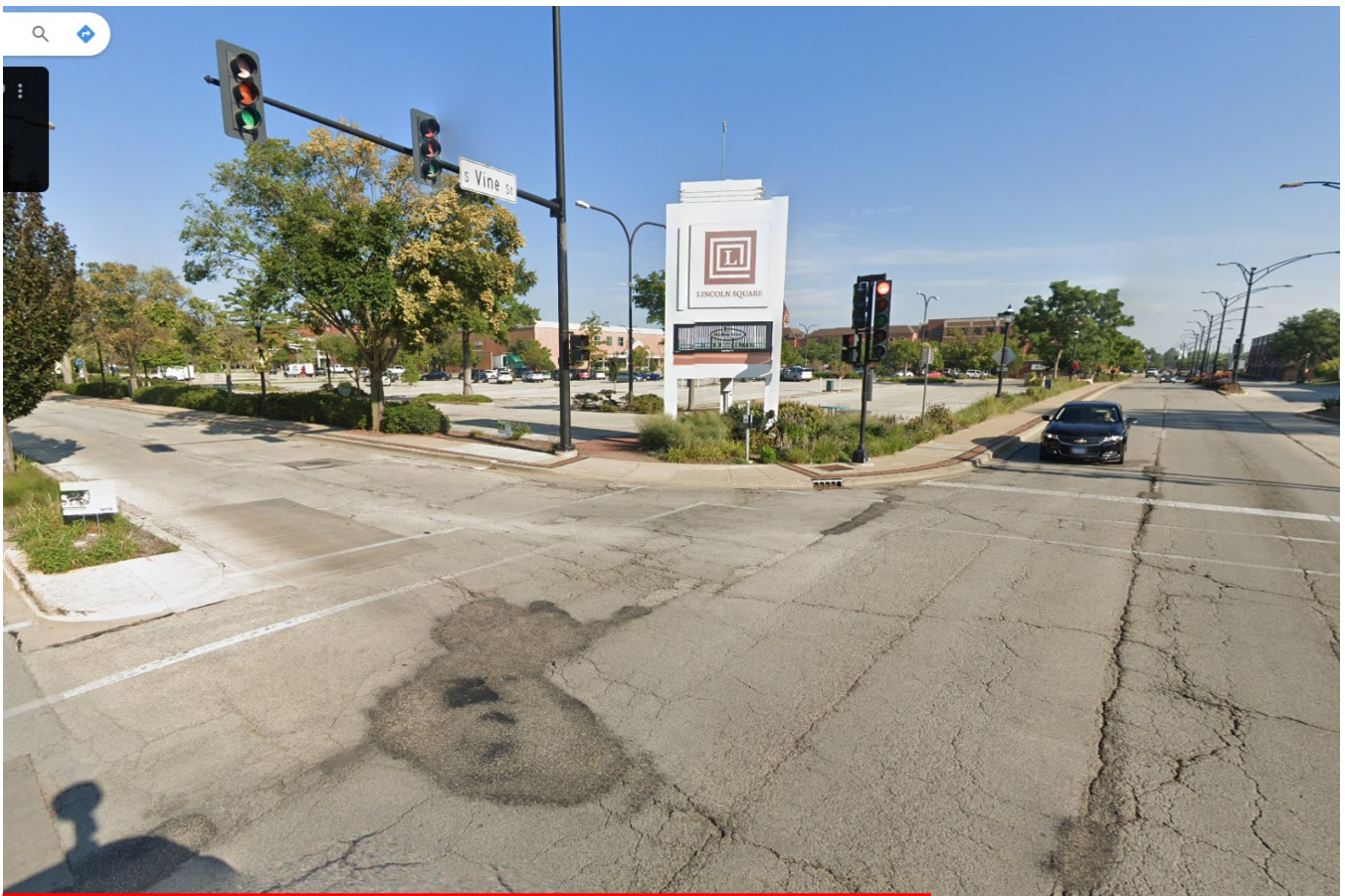
Site #2 Center of Broadway at Elm, looking south

Google

Item b.



Site #3 Center of Green at Vine, looking west



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



Item b.



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



Site #6 Center of High at Race, looking southeast



**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:

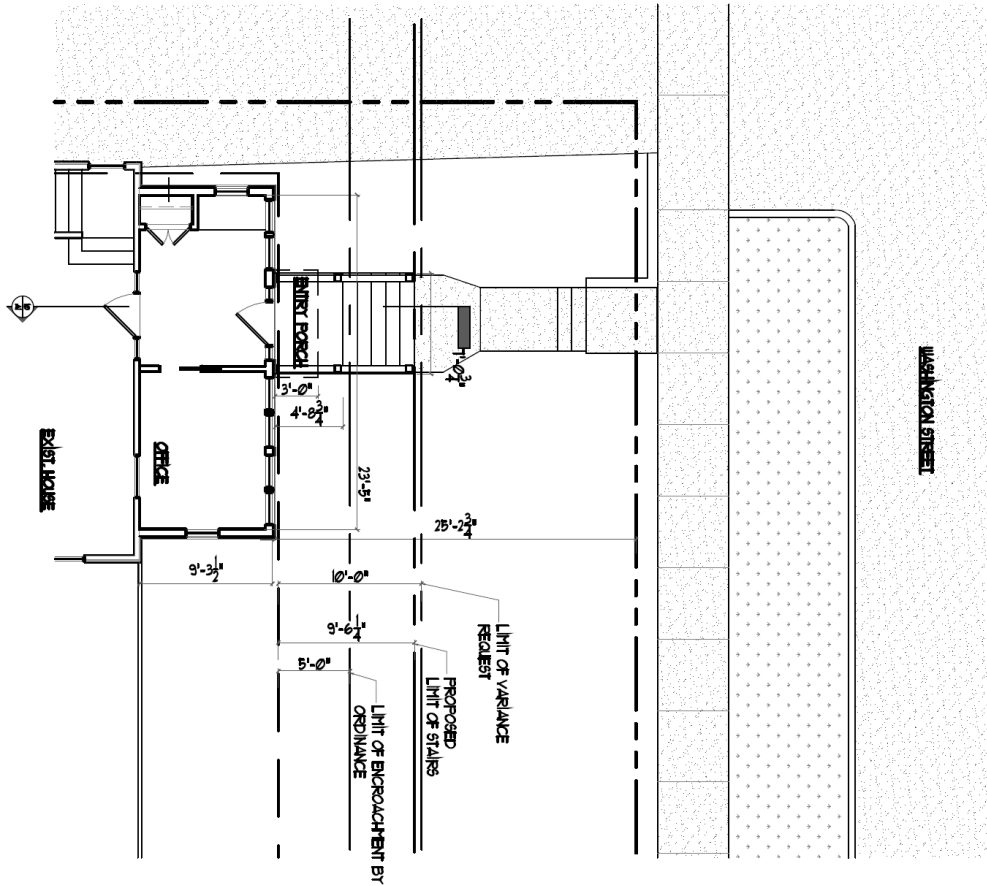
ABSTENTIONS:

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

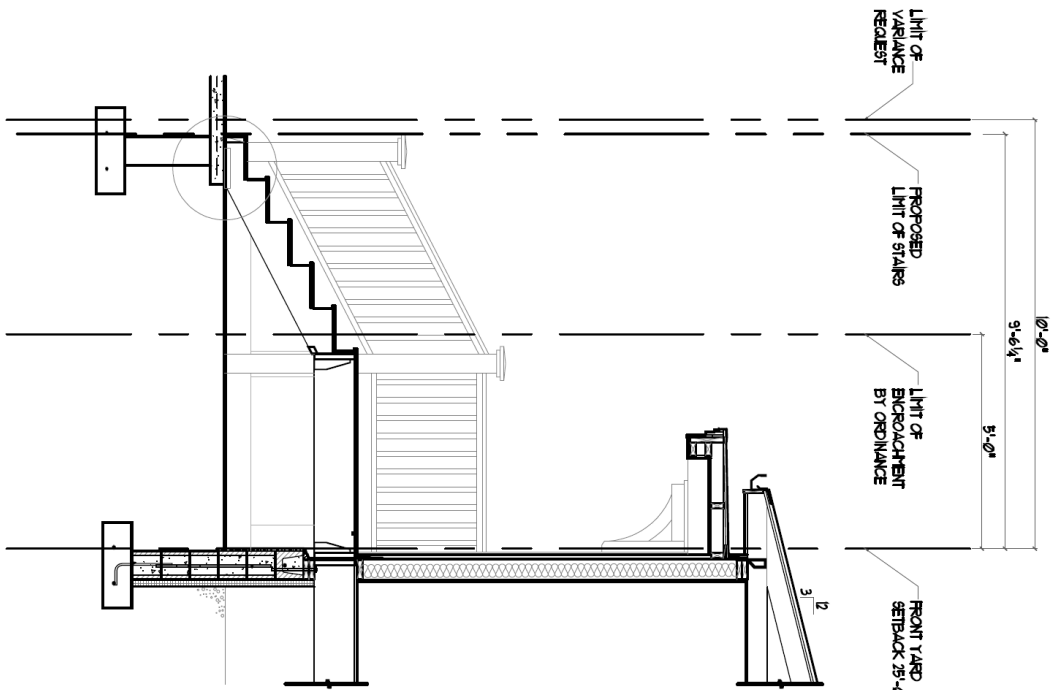
**APPROVED BY THE MAYOR** this date day of Month, Year.

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

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



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



A1	501 WEST WASHINGTON STREET	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 MICHIGAN STREET, SUITE 101 CHICAGO, ILLINOIS 60610 PHONE: 217.383.2880 WWW.ANDREWFELL.COM EMAIL: andrewfell@comcast.net	PROJECT # _____ DATE: _____ REVISION: _____
	ADDITION			
	501 WEST WASHINGTON URBANA, ILLINOIS 61802			







**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.

**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-feet-deep by 3-feet-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>

<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 m a.

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 m a.

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 m a.

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**



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?\*

**new, non- 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 within 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

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

## 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.

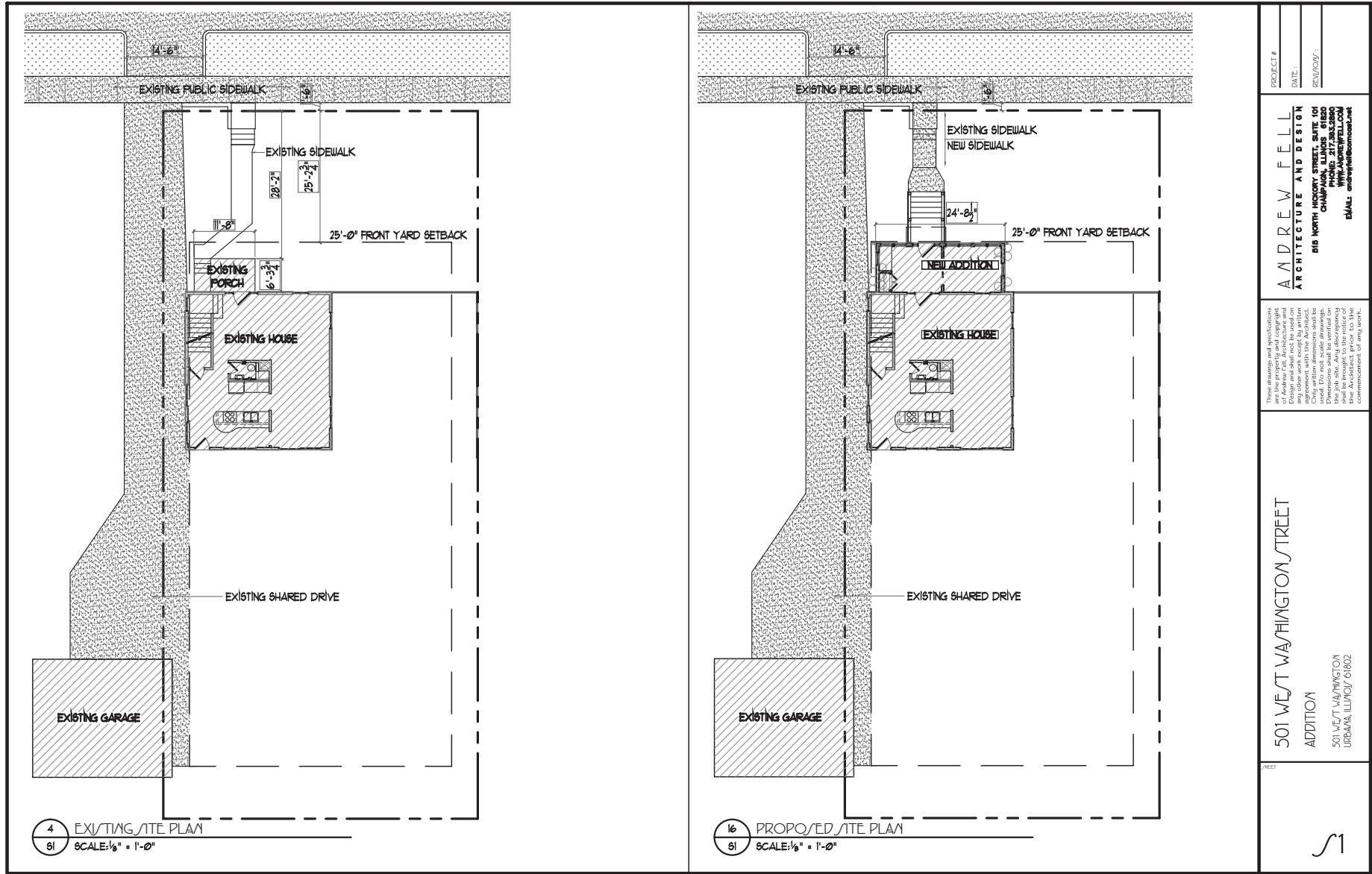
*Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.*

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/
A D R E W F E L L ARCHITECTURE AND DESIGN HICKORY STREET, SUITE 101 CHICAGO, ILLINOIS 60610 PHONE: 312.283.2800 WWW.ADRWFELL.COM EMAIL: andrew@adrwfell.com		
These drawings and specifications of Andrew Fell, Architect and Design and shall not be used on any other project without the agreement with the Architect. Copy and/or reproduction shall be prohibited without the written consent of the Architect. Dimensions shall be verified on site. All dimensions shall be taken to the center of the Architect prior to the commencement of any work.		
501 WEST WASHINGTON STREET ADDITION		
501 WEST WASHINGTON URBANA, ILLINOIS 61802		
S1		

## Exhibit D - Application - Site Plan

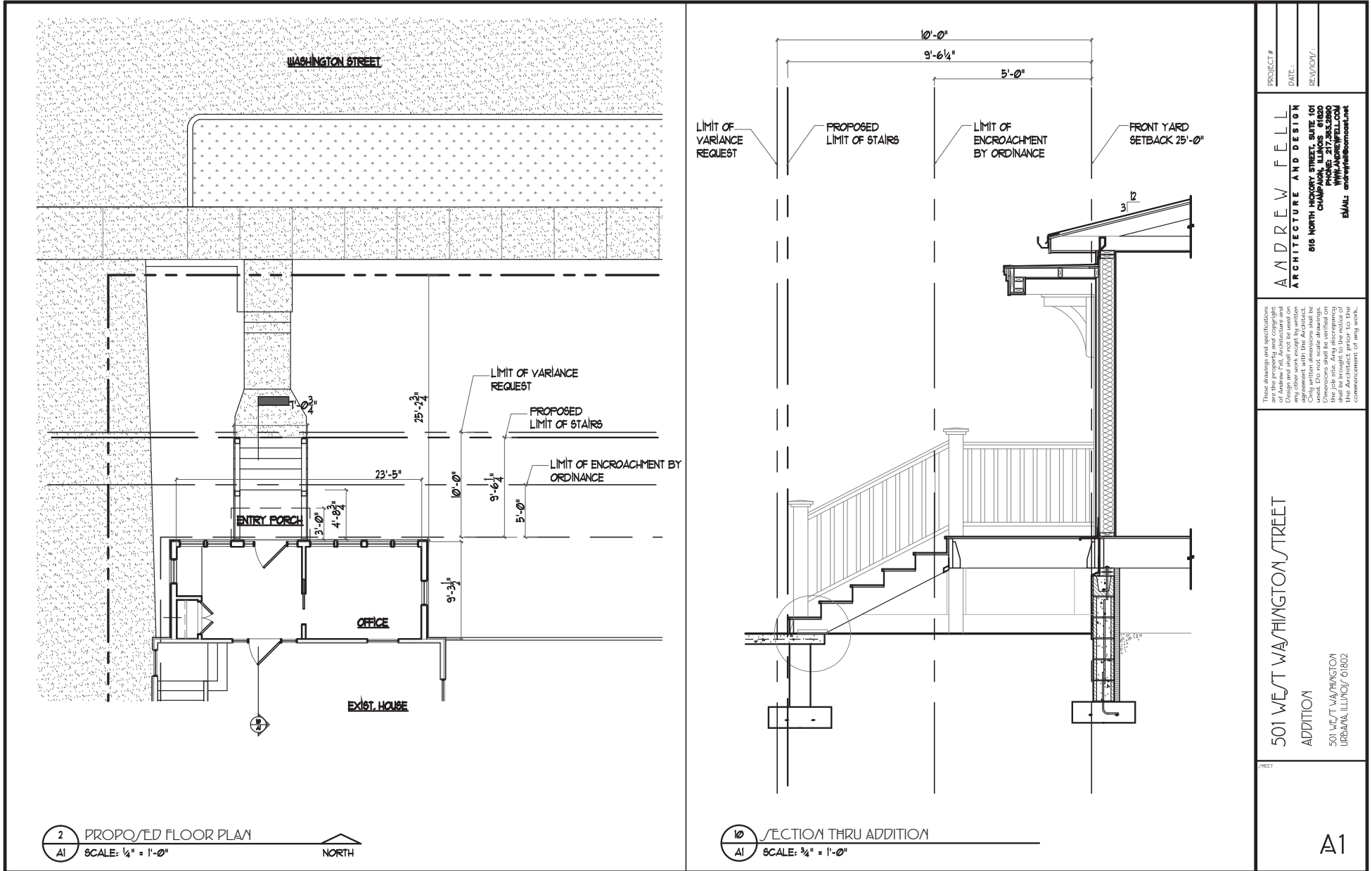


Exhibit D - Application - Renderings



**Exhibit D - Application - Renderings**



Exhibit E – Site Photos

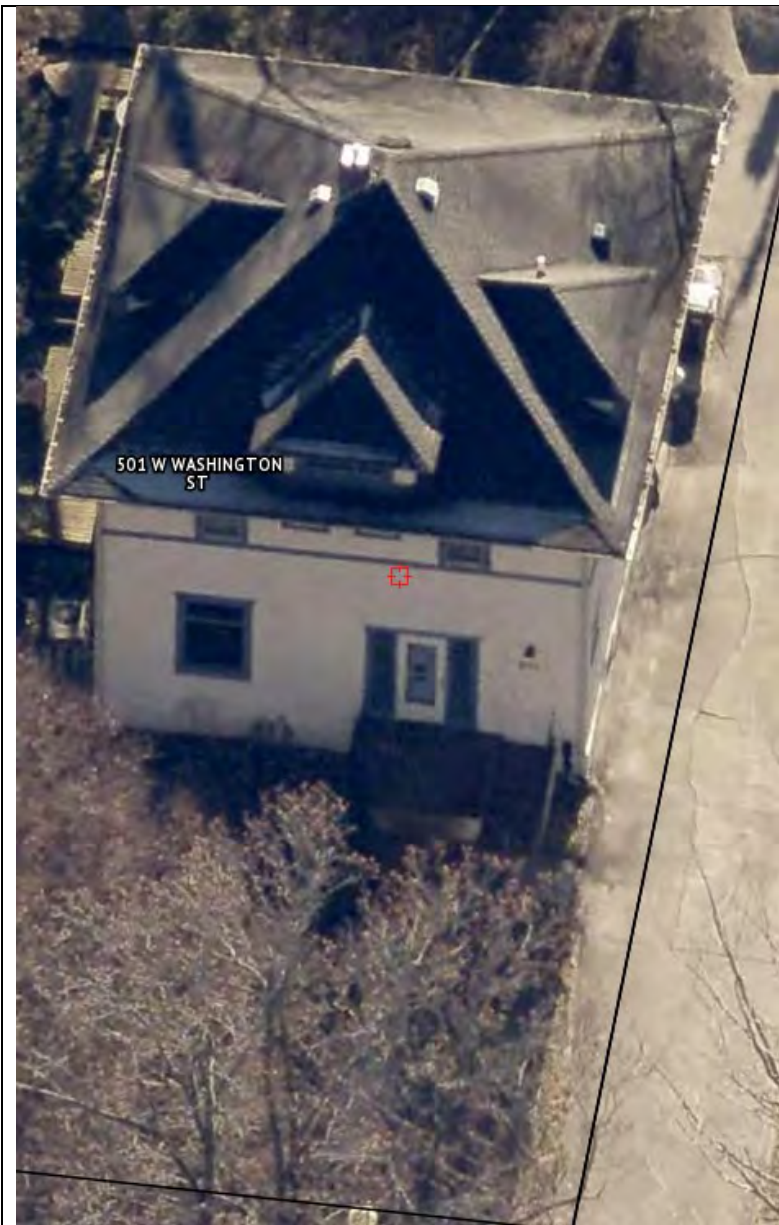


Figure 1. Subject property, facing south



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

Exhibit E – Site Photos



501 W. Washington (subject property)



503 W. Washington



505 W. Washington



507 W. Washington

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

Item a.

## Exhibit E – Site Photos



509 W. Washington



511 W. Washington



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

**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.

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 m a.

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.



## 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.

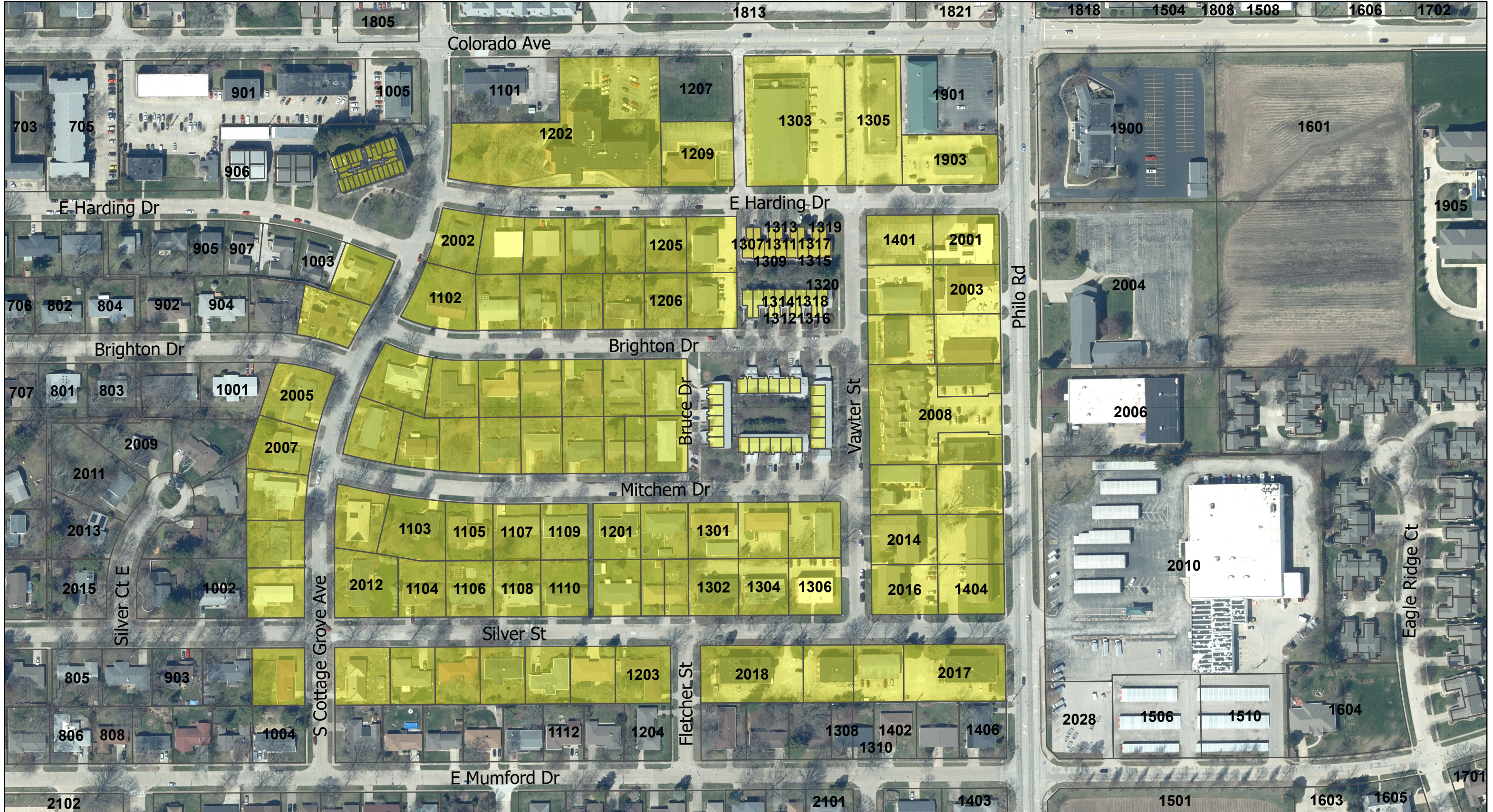
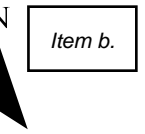
Sincerely,

John C. Zeman, PE, SE  
City Engineer

# EQL Program Area

## Adjacent Properties Mailing List Exhibit

Date created: 11/07/2024  
Created by: Urbana Public Works, (217) 384-2342  
Data source: CCGIS Consortium, Urbana Public Works





## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

**Meeting:** February 10, 2025 Committee of the Whole  
**Subject:** Edward Byrne Memorial Justice Assistance Grant

### Summary

#### *Action Requested*

City Council as being asked to approve the resolution accepting the grant award. Appropriating the grant amount would occur in a forthcoming budget amendment.

#### *Brief Background*

The U.S. Department of Justice annually awards the Edward Byrne Memorial Justice Assistance Grant to various law enforcement agencies throughout the United States. The Urbana Police Department applies jointly with the Champaign Police Department. The Urbana Police Department is classified as sub-grantee.

### Relationship to City Services and Priorities

#### *Impact on Core Services*

The Urbana Police Department would use the entirety of the funds to pay for impact resistant protective gear for officers. The entire \$16,030 would go toward that cost. The purchase would be completed once the funds are fully expended.

#### *Strategic Goals & Plans*

N/A

#### *Previous Council Actions*

City Council has accepted the Edward Byrne Memorial Justice Assistance Grant on multiple occasions in the past.

### Discussion

#### *Fiscal and Budget Impact*

This grant would offset expenditures the City already planned on incurring. There is no local match in order to accept or receive this award. The grant is intended to supplement funding to local and county law enforcement agencies.



*Recommendation*

City Council is being asked to approve the resolution accepting the grant award.

*Next Steps*

If approved, staff will use the grant funds to aid in the purchase of impact resistant protective gear and comply with all required financial reporting requirements.

**Attachments**

1. A Resolution Approving and Intergovernmental Agreement (Edward Byrne Memorial Justice Assistance Grant)
2. Intergovernmental Agreement (JAG Program)

Originated by: Dave Smysor, Deputy Chief of Police

Reviewed: Larry Boone, Chief of Police  
Elizabeth Hannan, HR/F Director

Approved: Carol Mitten, City Administrator

**RESOLUTION NO. \_\_\_\_\_****RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT  
(EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT)**

**WHEREAS**, each of the parties to the Intergovernmental Agreement between the City of Urbana, City of Champaign, and the County of Champaign is a body politic organized, operating, and maintaining offices within the boundaries of Champaign County, Illinois; and

**WHEREAS**, the City of Urbana (the “City”) 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**, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* enable the parties to enter into and execute agreements among themselves and provide authority for intergovernmental cooperation; and

**WHEREAS**, the City recognizes that it is appropriate and beneficial for the City and its departments to apply for and receive grants from private, state, and federal agencies; and

**WHEREAS**, the U.S. Department of Justice, Office of Justice Programs has created and operates the Edward Byrne Memorial Justice Assistance Grant Program for local units of government that maintain and operate law enforcement departments; and

**WHEREAS**, the proceeds of the Edward Byrne Memorial Justice Assistance Grant Program are intended to fund the training, personnel, equipment, and other items that are beneficial to law enforcement activities; and

**WHEREAS**, in the past, the City has joined with one or more other communities as allocated by the U.S. Department of Justice, Office of Justice Programs, in applying for and receiving grant funding from the said Edward Byrne Memorial Justice Assistance Grant Program.

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

**Section 1.**

The Intergovernmental Agreement between the Cities of Champaign and Urbana and the County of Champaign for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in substantially the form of the Exhibit appended hereto and made a part hereof, shall be and hereby is authorized and approved.

**Section 2.**

The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, shall be and hereby is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**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

**INTERGOVERNMENTAL AGREEMENT**  
**JAG PROGRAM**

**(City of Champaign, City of Urbana, and Champaign County)**

THIS AGREEMENT is made and entered by and among the City of Champaign, an Illinois Municipal Corporation ("City of Champaign"), City of Urbana, an Illinois Municipal Corporation ("Urbana"), and Champaign County, an Illinois Unit of Local Government ("Champaign County"), (herein after collectively referred to as "the parties"), effective on the last date signed by a party hereto.

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* enables the parties to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, The Edward Byrne Memorial Justice Assistance Grant Program (JAG) is a partnership among federal, state, and local governments to create safer communities by improving the functioning of the criminal justice system; and

WHEREAS, the City of Champaign, the City of Urbana, and Champaign County desire to apply for JAG funds to fund individual projects in the City of Champaign, the City of Urbana, and Champaign County.

NOW, THEREFORE, the parties agree as follows:

**Section 1. The Funds.** The parties acknowledge, as of the date of this Agreement, the total anticipated grant available to all parties is EIGHTY-SIX THOUSAND TWO HUNDRED TWENTY-EIGHT DOLLARS (\$86,228.00).

**Section 2. Grant Disposition.** Proceeds from the grant shall be distributed by the City of Champaign to the City of Urbana and Champaign County for funding individual local projects fitting into the JAG guidelines, in the amounts set forth in Exhibit A.

**Section 3. Lead Agency.** The City of Champaign is hereby designated the Lead Agency for this Agreement. Responsibilities shall include leading the application process for the JAG funds, accepting any and all funds awarded through the JAG program, establishing a trust fund in which to deposit the funds received through the JAG program, and preparing required reports.

**Section 4. Representative; Information Requirements.** The City of Champaign shall designate one representative to fulfill the requirements of this Agreement. The representative shall exercise due diligence in providing any and all information necessary or convenient for the performance of the duties required by City of Champaign in Section 3 above, including submitting the JAG application and preparation of performance measures and program assessment data.

**Section 5. Fund Restriction.** The parties agree that no funds will be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety, and that the funds will not supplant existing budgeted funds.

**Section 6. Liability.** Nothing in the performance of this Agreement shall impose any liability for claims against any party other than claims for which liability may be imposed by the Illinois Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.* Each party to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party. The parties to this Agreement do not intend for any third party to obtain any rights by virtue of this Agreement.

**Section 7. Amendments.** Amendments to this Agreement shall be made in writing and signed by all parties. In the event the amount of funds received is different from the amount set forth in Section 1, the parties shall exercise principles of good faith and fair dealing to amend Exhibit A in a manner consistent with the principles of this Agreement and in accordance with all JAG program requirements. Such amendments may be entered into by the chief administrative officers of City of Champaign, Urbana, and Champaign County.

**Section 8. Signatures.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original. Facsimile, pdf, or other digital signature (e.g. DocuSign) shall be deemed to have the same legal effect as an original ink signature.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year indicated herein.

CITY OF CHAMPAIGN

CHAMPAIGN COUNTY

By: Joan Walls

By: \_\_\_\_\_

Date: 1/26/2025

Date: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Lindsey G. Lepp  
Asst. City Attorney CB 2025-008

\_\_\_\_\_  
State's Attorney

CITY OF URBANA

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT 1  
(City of Champaign and Champaign County)**

**JAG AWARD DISPOSITION**

The 2024 JAG funds will be distributed to the Champaign Police Department to fund individual projects meeting the guidelines of the JAG grant.

Champaign Police Department	\$65,024
Urbana Police Department	\$16,030
Champaign County Sheriff's Office	\$ 5,174
<b>TOTAL</b>	<b>\$86,228</b>



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

## MEMORANDUM FROM THE OFFICE OF THE MAYOR TO THE URBANA CITY COUNCIL

**Meeting:** February 10, 2024, Council Meeting  
**Subject:** Appointment of Robert A. White to the Urbana Arts & Culture Commission

### Summary

#### *Action Requested*

City Council is asked to approve the appointment of Robert A. White to the Urbana Arts & Culture Commission for a term ending June 30, 2028.

#### *Brief Background*

Robert has been a resident of Urbana for over four years and is currently the Director of Group Sales and Partnerships with Experience Champaign-Urbana. Robert participated in the jury selection for the Champaign County African American Heritage Trail murals and trails, was a United Way Emerging Community Leader in 2023, and was recognized by Central Illinois Business Magazine as one of the “40 under 40” in 2024.

***“At my core, I’m a growth-oriented leader who understands the big picture, focused on community engagement while also driving economic impact and strengthening cultural ties. My personality is collaborative and inspiring, empowering the community to think creatively and deliver results that matter.”***

### Relationship to City Services and Priorities

#### *Impact on Core Services*

City of Urbana Board and Commission members play a crucial role in helping City leaders address specific issues, offering professional expertise, involving the community in decision-making, and connecting residents, City staff, and Council.

The Urbana Arts & Culture Commission works to celebrate and nurture the City of Urbana’s cultural and artistic diversity by building creative public spaces and showcasing the City of Urbana as a thriving destination for arts and culture.

*Strategic Goals & Plans* N/A

*Previous Council Actions* N/A

**Discussion**

*Recommendation*

City Council is asked to approve the appointment of Robert A. White to the Urbana Arts & Culture Commission for a term ending June 30, 2028.

*Next Steps*

If approved, the Office of the Mayor will notify Robert A. White of his appointment as a Commission member and of Open Meetings Act requirements.

Originated by: Mindy Hewkin, Administrative Assistant

Reviewed: Diane Wolfe Marlin, Mayor

Approved: Carol J. Mitten, City Administrator