
DATE: Monday, March 25, 2024
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
 - 1. 02-05-24 City Council Minutes
- C. Additions to the Agenda
- D. Presentation and Public Input
 - 1. Mayoral Proclamation: AmeriCorps Week
 - 2. Urbana Fire Department Promotion
 - 3. Presentation: Possibilities for a Single-Use Bag Tax in Urbana - UIUC Environmental Leadership Program, CMs Wilken & Evans
- E. Council Input and Communications
- F. Unfinished Business
- G. Reports of Standing Committees
- H. Committee of the Whole (*Council Member Grace Wilken, Ward 6*)
 - 1. Consent Agenda
 - a. **Ordinance No. 2024-03-015:** An Ordinance Amending the Urbana Zoning Map - (205 North High Cross Road / Plan Case No. 2483-M-23) - CD
 - 2. Regular Agenda
 - a. **Resolution No. 2024-02-013R:** A Resolution Adopting Mayor/Council Strategic Goals for 2024-2025 - Exec
- I. Reports of Special Committees

J. Mayoral Appointments

1. Boneyard Creek Commissioner (Term ending 06/30/2027)

- *William Rose*

2. The Urbana Free Library Board of Trustees (Term ending 06/30/2027)

- *Darius White*

K. Reports of Officers

1. BerryDunn Report

L. Adjournment

1. Discussion on Allowing Skateboarding on a City Parking Lot - CMs Wilken and Evans

M. 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@urbanaillinois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

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

Verbal Input

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

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

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

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the

meeting record.

Accommodation

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

- Phone: 217.384.2366
- Email: CityClerk@urbanaininois.us



City of Urbana
400 S Vine Street, Urbana, IL 61801
www.urbanainillinois.us

MEMORANDUM TO THE MAYOR AND CITY COUNCIL

Meeting: March 18, 2024 Committee of the Whole
Subject: An Ordinance Amending the Urbana Zoning Map
(205 North High Cross Road / Plan Case No. 2483-M-23)

Summary

Action Requested

Council is being asked to consider a zoning map amendment (“rezoning”) for a parcel owned by OSF Healthcare (“OSF”) to change the zoning district from B-3 (General Business) to B-1 (Neighborhood Business).

Plan Commission Recommendation

The Plan Commission reviewed the proposed rezoning on March 7, 2024, and voted with six (6) ayes and zero (0) nays to recommend approval to City Council.

Relationship to City Services and Priorities

Impact on Core Services

The proposed rezoning will have no impact on City services.

Strategic Goals & Plans

Both the existing zoning and the proposed rezoning align with the “Community Business” future land use designation in the Comprehensive Plan.

Previous Council Actions

Ordinance No. 2020-04-023 – Council approved rezoning the parcel from B-1 to B-3.¹

Resolution No. 2023-11-094R – Council wished to reconsider whether the B-3 Zoning District is the appropriate designation for this parcel, and directed the Zoning Administrator to file an application to rezone the parcel from B-3 to B-1.²

Discussion

See the attached Plan Commission Staff Report for background information and discussion.

¹ See Exhibit G in the attached Plan Commission Staff Report for the ordinance.

² See Exhibit E in the attached Plan Commission Staff Report for the resolution.

Recommendation

The Plan Commission recommends that Council approve the zoning map amendment. Staff recommended to the Plan Commission in their staff report for this case that they “carefully consider the rezoning criteria”. The proposed rezoning meets some of the criteria and does not meet others. There are many instances throughout the City where the B-3 zoning district is mapped in equally close proximity to residential uses as the subject property. Staff recommends that treating this property differently from the others instances should be explained.

Next Steps

If approved, staff will update the City’s Zoning Map with the zoning change to B-1.

Attachments

1. An Ordinance Approving a Zoning Map Amendment (205 North High Cross Road / Plan Case No. 2483-M-23)
2. Plan Commission Staff Report (2/1/2024)
3. Plan Commission Minutes (2/8/2024, 2/22/2024)
4. Draft Plan Commission Minutes (3/7/2024)

Originated by: Kevin Garcia, Principal Planner

Reviewed: Kimberly Smith, Community Development Services Director

Approved: Carol Mitten, City Administrator

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE URBANA ZONING MAP
(205 North High Cross Road / Plan Case No. 2483-M-23)**

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 Zoning Administrator, on behalf of the City Council, submitted an application to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business); and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on March 7, 2024, and voted with six (6) ayes and zero (0) nays to forward Plan Case 2483-M-23 to the Urbana City Council with a recommendation to approve a rezoning to the B-1 (Neighborhood Business) zoning district; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle National Bank v. County of Cook*, 12 Ill. 2d 40, 145 N.E.2d 65 (Ill. 1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, the City Council, after due consideration, finds that an amendment to the Urbana Zoning Map 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 ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification from B-3 (General Business) to B-1 (Neighborhood Business), for the property more particularly described as follows:

Lot 2 in Aldi Urbana Subdivision, Being a Subdivision in the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, in the City Of Urbana, Champaign County, Illinois.
Commonly known as 205 North High Cross Road, Urbana, IL 61802
P.I.N.: 91-21-10-407-022

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 ____ day of _____, 2024.

AYES:

NAYS:

ABSTENTIONS:

Darcy E. Sandefur, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2024.

Diane Wolfe Marlin, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Kevin Garcia, AICP, Principal Planner & Zoning Administrator

DATE: February 1, 2024

SUBJECT: **Plan Case 2483-M-23:** A request by the Urbana Zoning Administrator, on behalf of the Urbana City Council, to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business).

Introduction

At the direction of City Council, the Zoning Administrator requests a rezoning of 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business). The property is owned by OSF Healthcare.

Staff recommend that Plan Commission carefully review the rezoning criteria and determine whether to recommend approval or denial to City Council.

Background

At the time of the original annexation agreement in 1991 that brought the property into Urbana, the Beringer Commons subdivision identified the corner of University Avenue and High Cross Road as a future commercial area. Aldi later purchased the entire commercial lot, and in 2004 subdivided it into two lots: one for the Aldi grocery store, and the other (the subject property) to be sold for a business use.

In 2020, the property was rezoned to B-3 (General Business) (see Exhibit F for the staff report from that case).¹ At that time, OSF Healthcare planned to use the site for a convenient care clinic. As medical clinics are not allowed in the B-1 district, OSF applied for both a rezoning and a special use permit to allow a medical clinic in the B-3 district. Both requests were granted.

At the Plan Commission hearing in 2020, the Commission discussed how a rezoning would allow any of the uses in the B-3 district, and that the property would not be limited to the medical clinic that the special use permit would allow. After discussion, the Plan Commission voted unanimously to recommend that Council rezone the property to B-3 (see Exhibit H for the Plan Commission minutes from the April 9, 2020, meeting). City Council then voted with six ayes and one nay to rezone the property to B-3 (see Exhibit G for the Council minutes from the April 27, 2020, Council meeting).

The medical clinic was never built, and in late 2023, a conditional use permit was granted to allow a self-storage facility on the site. That conditional use permit is still valid, and although self-storage

¹ Ord. No. 2020-04-023.

facilities are not permitted in the B-1 district, rezoning the property would not affect the validity of the conditional use permit. The use itself, if constructed, would become legally nonconforming.

In November, 2023, City Council, at the request of Council Member Grace Wilken, passed a resolution directing the Zoning Administrator to file a rezoning application for the property, to rezone it back to B-1 from B-3.²

Description of Site and Area

The site is approximately 96,000 square feet, or 2.2 acres, and is located on the northwest corner of High Cross Road and University Avenue. There is an access point off High Cross Road, on the northeastern portion of the property (see Exhibit A). The property is currently vacant.

Table 1 below identifies the current zoning and the existing and future land uses of the site and surrounding properties (see Exhibit C).

Discussion

The site has been vacant since before it was annexed into Urbana in 1991. For most of its history in Urbana, it was zoned B-1. In 2020 it was rezoned to B-3, and there are plans to develop a self-storage facility on the site. Rezoning to B-1 would not prevent the planned self-storage facility from being built. It would limit the potential uses allowed on the site if the self-storage facility is not built, and it would also affect any future reuse of the property. While some of the rezoning criteria are met (see staff analysis below), several criteria weigh against the rezoning. The most compelling of these criteria deal with the vacancy of the land. As stated above, the parcel was vacant for almost 30 years while zoned B-1. Only after it was rezoned to B-3 has there been potential development proposed for the site. To revert the site back to B-1 would revert it to a zone that has historically not attracted development to this location.

In addition, the Plan Commission recommended unanimously, and the City Council approved, by a vote of six to one, the rezoning of the parcel in 2020 to B-3, after discussing that rezoning would allow any of the uses in the B-3 district, and would not limit the site to the special use permit for a medical clinic that was also under consideration at the time.

There have been no changes to the land or surrounding area since 2020 that would suggest that a rezoning back to B-1 is compelling at this time.

The proposed rezoning, and the current zoning designation, would be in line with the Future Land Use Designation of “Community Business” in Urbana’s 2005 Comprehensive Plan.

² Resolution No. 2023-11-094R (Exhibit E)

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	B-3 (General Business)	Vacant (soon to be self-storage)	Community Business
North	R-4 (Medium-Density Multiple-Family Residential)	Townhouses	Residential
South	B-1 (Neighborhood Business)	Grocery Store	Community Business
East	County AG-2 (Agricultural)	Mobile Home Park	Community Business
West	R-4 (Medium-Density Multiple-Family Residential)	Townhouses	Residential

Rezoning Criteria

In the case of *La Salle National Bank v. County of Cook*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. In addition to the six La Salle Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to B-1 (Neighborhood Business), is compatible with the land uses of the immediate area (see Exhibits A and B). The surrounding area has two grocery stores, postal office, and residential uses. All surrounding residences have either a road or a six-foot wall separating them from the site. The proposed rezoning is therefore appropriate for the area. However, the current zoning, B-3, is also compatible with the land uses and zoning of the surrounding area, for the reasons stated above, and as stated in the findings of fact in Ord. No. 2020-04-023, which rezoned the property to B-3 in 2020. This weighs neutrally, or against, the proposed rezoning.³

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

It is unknown if the proposed rezoning would have any effect on neighboring property values. This weighs neutrally for the proposed rezoning.

3. *The extent to which the ordinance promotes the health, safety, morals, or general welfare of the public.*

The proposed rezoning to B-1 aligns with the “Community Business” future land designation of the 2005 Comprehensive Plan, which is designed to promote the health, safety, morals, and general welfare of the public. This weighs in favor of the proposed rezoning.

³ Throughout Urbana, there are numerous B-3-zoned parcels that abut residential districts from R-1 through R-6. The subject parcel’s combination of B-3 zoning adjacent to R-4 zoning is common throughout the City.

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

Returning the property to B-1 would revert it to the zoning designation it had for almost 30 years, and the property sat vacant that entire time. It is not in the public's interest to have land sit vacant, especially for such a long time. Furthermore, the property owner would see a significant decrease in permitted uses if the property is rezoned to B-1 (as shown in Exhibits I and J), which could be considered a hardship imposed on the owner. This weighs against the proposed rezoning.

5. *The suitability of the subject property for the zoned purposes.*

The property is suited for neighborhood business uses. It is located at the corner of High Cross Road and University Avenue, which is one of the higher-traffic areas in Urbana. As the site is 2.2 acres, it can accommodate a variety of business uses. The site is identified as "Community Business" in the 2005 Comprehensive Plan. This weighs in favor of the proposed rezoning.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The property is vacant and has been vacant since before the original annexation agreement was approved in 1991. Since 2020, the property has been zoned B-3. From 1991 to 2020, the property was zoned B-1. To return it to its previous zoning designation would therefore be to return it to a zone where it sat vacant for decades. This weighs against the proposed rezoning.

7. *The community's need for more of the proposed use.*

While this rezoning request is not tied to a specific use, the community may benefit from having more land designated for neighborhood business uses. This weighs in favor of the proposed rezoning.

8. *The care with which the community has planned its land use development.*

The 2005 Comprehensive Plan identifies the property as part of the "Community Business" Future Land Use designation. The current (B-3) and proposed zoning (B-1) are both consistent with this designation. This weighs in favor of the proposed rezoning.

Overall, three criteria weigh in favor of the rezoning, while the rest weigh against it, or are neutral. Furthermore, the most compelling criteria are Criteria #4 and #6, which deal with the relative gain to the public at large, the hardship to the property owner, and the length of time the parcel has been vacant. Both of these criteria weigh against rezoning the parcel back to B-1.

Summary of Findings

1. The proposed rezoning to B-1 (Neighborhood Business) would be compatible with the "Community Business" Future Land Use designation by the 2005 City of Urbana Comprehensive Plan.
2. The proposed rezoning would be compatible with the adjacent zoning districts.
3. The proposed rezoning would revert the parcel back to B-1 (Neighborhood Business), a zoning designation that the parcel had for almost 30 years and which attracted no development to the site. Reverting to B-1 would therefore not be in the public's interest.
4. The proposed rezoning to B-1 (Neighborhood Business) would significantly limit the

allowable uses on the site, which could be considered a hardship to the property owner.

Options

The Plan Commission has the following options in Plan Case 2483-M-23:

1. Forward the case to City Council with a recommendation to approve the rezoning request.
2. Forward the case to City Council with a recommendation to deny the rezoning request.

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 recommend that the Plan Commission carefully consider the rezoning criteria and determine whether to recommend approval or denial to City Council.

Attachments:

- Exhibit A: Location Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use Map
- Exhibit D: Application for Zoning Map Amendment
- Exhibit E: Council Resolution Directing the Zoning Administrator to File a Rezoning Application for 205 North High Cross Road
- Exhibit F: Council Memo for 2020 Rezoning and Special Use Permit Cases
- Exhibit G: Ordinance for 2020 Rezoning to B-3 (Ord. No. 2020-04-023)
- Exhibit H: Council Minutes for 2020 Rezoning and Special Use Permit Cases
- Exhibit I: Plan Commission Minutes for 2020 Rezoning and Special Use Permit Cases
- Exhibit J: B-3 Zoning Description Sheet
- Exhibit K: B-1 Zoning Description Sheet
- Exhibit L: Public Input

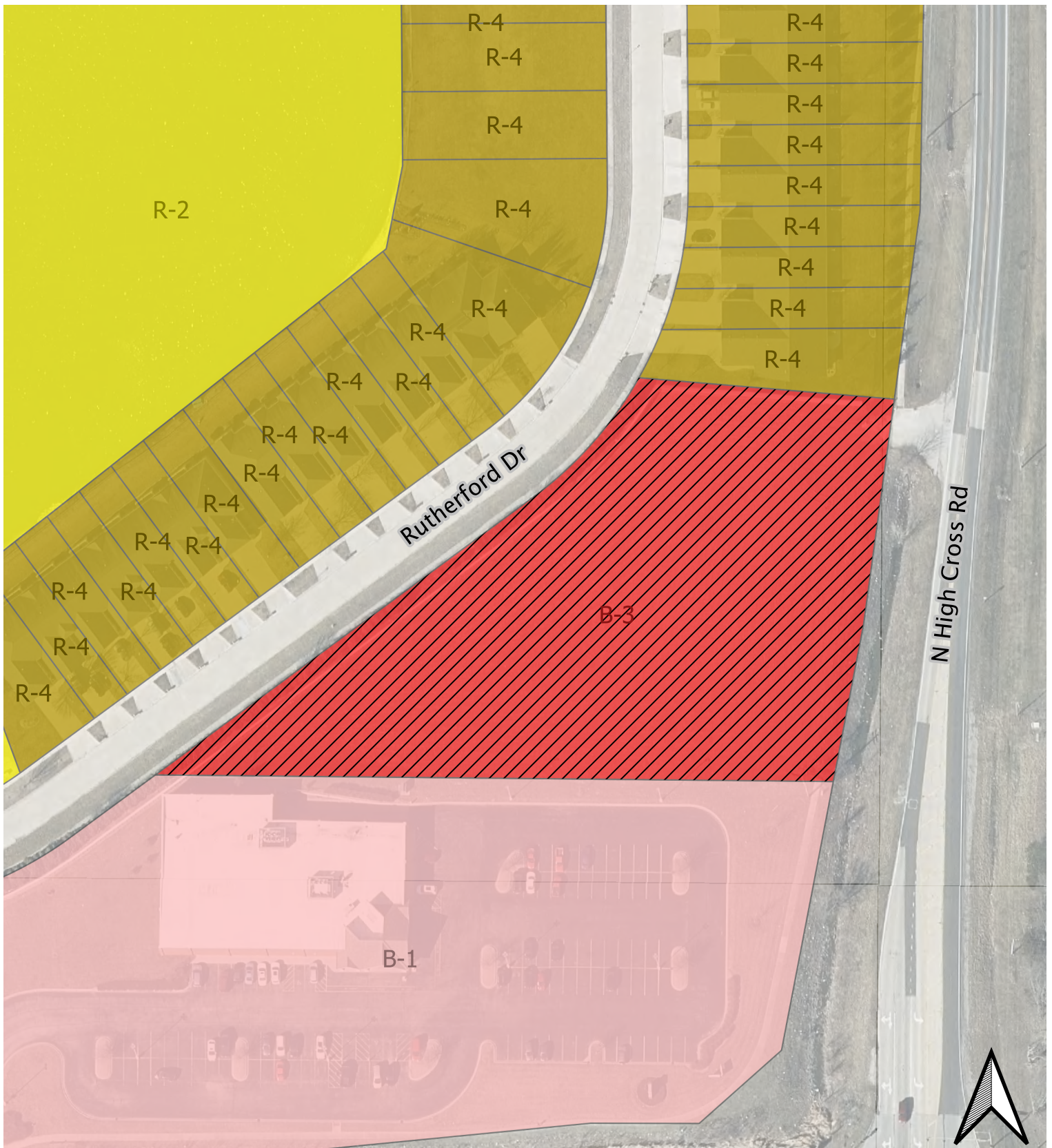


Case: 2483-M-23
Subject: Rezoning B-3 to B-1
Location: 205 North High Cross Road
Applicant: Urbana Zoning Administrator

//// Subject Property

Exhibit B - Zoning

Item a.



Case: 2483-M-23
Subject: Rezoning B-3 to B-1
Location: 205 North High Cross Road
Applicant: Urbana Zoning Administrator

//// Subject Property

Exhibit C - Future Land Use

Item a.



Case: 2483-M-23
Subject: Rezoning B-3 to B-1
Location: 205 North High Cross Road
Applicant: Urbana Zoning Administrator

//// Subject Property



Application for Zoning Map Amendment

PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City’s website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 1/4/2024 Plan Case No. 2483-M-23
Fee Paid - Check No. N/A Amount Date

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Kevin Garcia** Phone: **217-328-8269**
Address (*street/city/state/zip code*): **400 South Vine Street, Urbana, IL, 61801**
Email Address: **kjgarcia@urbanaininois.us**
Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **City Representative**

2. OWNER INFORMATION

Name of Owner(s): **OSF Healthcare System** Phone:
Address (*street/city/state/zip code*): **800 NE Glen Oak Avenue, Peoria, IL, 61603**
Email Address:
Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: **205 North High Cross Road**
PIN # of Location: **91-21-10-407-022**
Lot Size: **2.2 acres**
Current Zoning Designation: **B-3 (General Business)**
Proposed Zoning Designation: **B-1 (Neighborhood Business)**
Current Land Use (*vacant, residence, grocery, factory, etc.*): **Vacant**
Proposed Land Use: **Vacant**
Present Comprehensive Plan Designation: **Community Business**

How does this request conform to the Comprehensive Plan? **Conforms**

Legal Description *(If additional space is needed, please submit on separate sheet of paper):*

Lot 2 in Aldi Urbana Subdivision, Being a Subdivision in the Southeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, in the City Of Urbana, Champaign County, Illinois.

4. CONSULTANT INFORMATION

Name of Architect(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Engineers(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Surveyor(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Professional Site Planner(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Attorney(s): Phone:

Address *(street/city/state/zip code):*

Email Address:

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

There is no error that would be corrected by the Proposed Amendment.

What changed or changing conditions warrant the approval of this Map Amendment?

The Zoning Administrator was directed by City Council to pursue this Map Amendment via Resolution No. 2023-11-094R: A Resolution Directing the Zoning Administrator to File a Rezoning Application for 205 North High Cross Road. That resolution was prompted by residents of the Beringer Commons subdivision expressing concerns that the current B-3 zoning allows some uses that may be undesirable to them in this location.

Explain why the subject property is suitable for the proposed zoning.

The property is identified as "Community Business" in the Comprehensive Plan. The B-1 (Neighborhood Business) designation would be suitable under that designation.

What other circumstances justify the zoning map amendment

Time schedule for development *(if applicable)*

N/A

Additional exhibits submitted by the petitioner.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith 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.



Applicant’s Signature

1/4/2024

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

RESOLUTION NO. 2023-11-094R**A RESOLUTION DIRECTING THE ZONING ADMINISTRATOR TO
FILE A REZONING APPLICATION FOR 205 NORTH HIGH CROSS
ROAD**

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

WHEREAS, the property at 205 North High Cross Road (91-21-10-407-022) was rezoned from B-1 to B-3 by Ordinance No. 2020-04-023, in conjunction with a Special Use Permit for medical office; and

WHEREAS, the owner of the subject property, OSF Healthcare, did not build the contemplated medical office, nor do they intend to; and

WHEREAS, the Council of the City of Urbana now wishes to reconsider whether the B-3 Zoning District is the appropriate designation for this parcel given the full complement of uses possible in that zone, whether by-right, special use permit, or conditional use permit; and

WHEREAS, Section XI-7 of the Urbana Zoning Code provides that the regulations and standards, restrictions, and district boundaries may be amended, changed, or repealed, including changes to zoning classifications on parcels, through submission of an application to the Plan Commission; and

WHEREAS, an application by the City Council to rezone a parcel may be initiated only by a majority vote of the body and direction to the Zoning Administrator to file the written application on its behalf.

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

Section 1. Pursuant to Section XI-7 of the Urbana Zoning Code, the Zoning Administrator is hereby directed to file a written application with the Plan Commission on behalf of the City Council for the rezoning of the property at 205 North High Cross Road from the B-3 Zoning District to the B-1 Zoning District.

Section 2. The Zoning Administrator is further directed to follow all the requirements of the Urbana Zoning Code pertaining to the application, including approval protocols and public processes to bring this application to the City Council for a final determination.

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



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Lorrie Pearson, AICP, Community Development Services Director
Lily Wilcock, Planner I

DATE: April 23, 2020

SUBJECT: **An Ordinance Approving a Zoning Map Amendment** (205 North High Cross Road / Plan Case No. 2398-M-20)
An Ordinance Approving a Special Use Permit (205 North High Cross Road / Plan Case No. 2399-SU-20)

Introduction

OSF Healthcare requests a rezoning from B-1, Neighborhood Business to B-3, General Business at 205 North High Cross Road. Additionally, OSF Healthcare requests a Special Use Permit to build a medical office on the property. The property has never been developed, and OSF Healthcare would like to build a medical office to serve Urbana and the surrounding area. Medical offices, being more similar in use to a medical clinic than a professional office, are not allowed in the B-1 zoning district, and are only allowed in B-3, General Business zoning district with a Special Use Permit.

At the April 9, 2020, Plan Commission meeting, the Commission voted unanimously (six to zero) to recommend approval of the rezoning request and the Special Use Permit with two conditions.

Background

At the time of the original annexation agreement in 1991 that brought the property into Urbana, the Beringer Commons subdivision identified the corner of University Avenue and High Cross Road as a future commercial area. Aldi later purchased the entire commercial lot, and in 2004 subdivided it into two lots: one for the Aldi grocery store, and the other (the subject property) to be sold for a business use.

Description of the Site and Surrounding Properties

The site is approximately 96,000 square feet, or 2.2 acres, and is located on the northwest corner of High Cross Road and University Avenue. The proposed access drive will be off High Cross Road, on the northern portion of the property (see Exhibit F). The property is currently vacant.

The following chart identifies the current zoning, and existing and future land use of the site and surrounding properties (see Exhibits A, B, and C).

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-1, Neighborhood Business	Vacant	Community Business
North	R-4, Medium Density Multi-Family Residential	Condominiums	Residential
East	County AG-2, Agriculture	Mobile Home Park and Farmland	Community Business
South	B-1, Neighborhood Business	Grocery Store	Residential
West	R-4, Medium Density Multi-Family Residential	Condominiums	Residential

Discussion

OSF Healthcare operates a large area hospital on the west side of Urbana. Additionally, OSF operates urgent care facilities in the area for unscheduled health care needs. The proposed medical office would have specialty providers and scheduled appointments, much like the offices at their main hospital. The applicant cites a demand for healthcare providers to be more scattered and closer to neighborhoods and large shopping centers as a reason for choosing this location for a new medical office.

OSF anticipates a maximum staff of 20 employees, with 10 to 15 employees working at any given time. There is one anticipated supply delivery a week, and weekly trash, recycling, and medical waste pick-up from the location. The proposed operating hours will be 8 a.m. to 5 p.m.

There is a six-foot wall between the residential properties at Beringer Commons and the site, which should mitigate any potential issues for residents.

The rezoning criteria asks how long the property has been vacant with its current zoning. The property in question has been vacant with its current B-1 zoning since before 2004, and the subject parcel was created prior to the Aldi development.

Plan Commission

The Plan Commission held a public hearing on the requests at its April 9, 2020, meeting. The main discussion at Plan Commission centered on a revised staff recommendation that was presented at the meeting. The sidewalk to be built on the subject property will connect to the sidewalk to the north (at Beringer Commons) and to the south (at Aldi); however, the sidewalk does not ultimately connect to the Kickapoo Rail Trail, to the Walmart property to the southeast, or to bus stop on the south side of University Avenue. Staff had proposed a condition that would have required OSF to contribute to a sidewalk that would go from the Aldi parcel, cross over a drainage ditch, and connect to the intersection of High Cross Road and University Avenue. As the proposed condition did not directly

relate to the Special Use Permit request or criteria, the Plan Commission did not feel that it was appropriate to require OSF to contribute to the sidewalk's construction costs without other adjacent property owners also being asked to contribute. The Plan Commission recommended a less-prescriptive condition whereby OSF would agree to work with the City and neighboring business and property owners to explore shared funding of the proposed sidewalk.

Prior to the Plan Commission meeting, staff received two letters in support of the idea to connect the sidewalk on the Aldi parcel to the intersection at High Cross Road and University Avenue. Staff received a third letter in support after the Plan Commission hearing (Exhibit E).

Rezoning Criteria

In the case of *La Salle National Bank v. County of Cook*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. In addition to the six La Salle Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

1. The existing land uses and zoning of the nearby property.

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The proposed rezoning to B-3, General Business, is compatible with the land uses of the immediate area (see Exhibits A and B). The surrounding area has two grocery stores, postal office, and residential uses. All surrounding residences have either a road or a 6-foot wall separating them from the site. The proposed rezoning is therefore appropriate for the area.

2. The extent to which property values are diminished by the restrictions of the ordinance.

This is the difference in the value of the neighboring properties with the current County R-1 zoning of the subject property, compared to their value if the subject property was zoned City R-3.

It is unlikely that the proposed rezoning would have any effect on neighboring property values. The rezoning accompanies a request for a Special Use Permit for a medical office.¹

3. The extent to which the ordinance promotes the health, safety, morals, or general welfare of the public.

This question applies to the potential impacts of the proposed rezoning to public welfare.

The proposed rezoning should not affect the health, safety, morals, or general welfare of the public, as the rezoning supports the goals and objectives of the 2005 Comprehensive Plan.

4. The relative gain to the public as compared to the hardship imposed on the individual property owner.

¹ It should be noted that the Urbana City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

Do the restrictions provide gain to the public that offsets the hardships imposed on the property owner by the restrictions?

The public would see no gain if the property remains B-1, Neighborhood Business, and continues to be vacant. With a rezoning to B-3, more uses would be permitted, which could be a benefit or a drawback to the public depending on the use. However, under the B-1 zoning, a medical office is not allowed in any circumstance, so the possibility of the public gaining access to nearby healthcare is limited by zoning. The property owner will see a significant increase in permitted uses (as shown in Exhibit I) but, if the applicant is granted a Special Use Permit, the proposed use and site plan will be tied to the property, which should mitigate any potential for an undesirable use of the site for the foreseeable future

5. The suitability of the subject property for the zoned purposes.

The issue here is whether there are certain features of the property that favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The property is suited for general business uses. It is located at the corner of High Cross Road and University Avenue, which is one of the higher-traffic areas in Urbana. As the site is 2.2 acres, it can accommodate a small building and ample parking. The proposed site subdivided and planned to be used for a business use by the developer, and is identified as "Community Business" in the 2005 Comprehensive Plan. A medical office is a business use which can serve the community, but is not permitted in the B-1, Neighborhood Business zoning district.

6. The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property is vacant and has been vacant since before the original annexation agreement was approved in 1991. The property has been zoned B-1 since it came into the City.

7. The community's need for more of the proposed use.

The applicant cites this location will provide better access to healthcare, and the location is ideal to serve the needs of residents on the east side of Urbana and for those that live in surrounding communities and commute to Urbana for work (Exhibits I and J).

8. The care with which the community has planned its land use development.

In the 2005 Comprehensive Plan the property was identified as part of the "Community Business" Future Land Use designation. The proposed rezoning to B-3, General Business zoning district would be consistent with this designation.

Special Use Permit Criteria

According to Section VII-4.A of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

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

The property is near the intersection of two major roads, and is less than two miles from an I-74 highway interchange. The proposed access drive will be as far from the University and High Cross Road intersection as possible to minimize potential car crashes. It is also near two transit stops and is within 600 feet of the Kickapoo Rail Trail. Additionally, the sidewalk that will be built on the east side of the property will fill in the gap that exists between Beringer Commons to the north and the Aldi property to the south. Finally, the proposed medical clinic is in a good location to serve Urbana residents and people that live in surrounding communities.

2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed use is designed and located to be convenient and to fill a community need. It will not be injurious or detrimental to the district or the public welfare. The access drive will connect to the existing curb access on High Cross Road, which is the farthest location from the intersection of High Cross Road and University Avenue. This will limit any potential traffic problems of the use. Also, the residential properties adjacent to the site are all separated from the site by either a wall or road, so the use should not be detrimental to nearby residents. In addition, the building will be located near the Aldi store, making it easier to walk between the two. The hours of operation, and the number of visitors will be similar to the Aldi grocery store.

The future land use for the area is identified as Community Business, which calls for development that is compatible with the surrounding neighborhood and serves both the immediate neighborhood and surrounding communities. The proposed use fits those aims.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

Staff finds that the proposal generally conforms to the regulations, standards, and character of the B-3, General Business zoning district. The proposed site plan adheres to all development regulations in the B-3 zoning district.

Summary of Findings

1. OSF Healthcare requests a rezoning from B-1, Neighborhood Business zoning district to B-3, General Business zoning district at 205 North High Cross Road. Additionally, OSF Healthcare requests a Special Use Permit to build a medical office in the B-3, General Business zoning district.
2. The proposed B-3, General Business zoning district, and Special Use Permit would allow the applicant to build a medical office. This would be generally compatible with the “Community Business” future land use designation of the 2005 Urbana Comprehensive Plan.
3. The proposed B-3, General Business zoning district would be compatible with the surrounding area, as the adjacent property is a business of a similar-scale and the residences near this property are separated by either an opaque wall or a road.
4. The proposed B-3, General Business zoning district will likely have no discernible impact on

adjacent property values. Currently, the 2.2 acre property is vacant.

5. The subject property is suitable for business uses, like those allowed in the proposed B-3, General Business zoning district. The property is located near a major intersection and is near other businesses.
6. The proposed use is generally conducive to the public convenience at this location, as it is located in an area with other business uses, I-74, and is at a major intersection.
7. The proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located, as leaving the site vacant would likely be more harmful to the neighborhood.
8. The proposed use conforms to the regulations and standards of, and preserves the essential character of the B-3, General Business zoning district in which it shall be located, as it is an allowed use in this district with the approval of a Special Use Permit.

Options

City Council has the following options for the Ordinance Approving a Zoning Map Amendment:

1. Approve the Ordinance.
2. Deny the Ordinance.

City Council has the following options for the Ordinance Approving a Special Use Permit:

1. Approve the Ordinance.
2. Approve the Ordinance with conditions.
3. Deny the Ordinance.

Recommendation

At its April 9, 2020, meeting, the Plan Commission voted unanimously (six ayes and zero nays) to forward the Annexation Agreement to City Council with a recommendation to **APPROVE** the Zoning Map Amendment and Special Use Permit with the following conditions on the Special Use Permit:

1. That the applicant develops the property in general conformance with the site plan in Ordinance Attachment A).
2. That the applicant works with the City, surrounding businesses, and property owners to explore the possibility of contributing financially to the construction of a multi-use path to connect the OSF and Aldi sites to the northwest corner of University Avenue and High Cross Road.

Attachments:

- Exhibit A: Location and Existing Land Use Map
- Exhibit B: Zoning Map

ORDINANCE NO. 2020-04-023

**AN ORDINANCE APPROVING A ZONING MAP AMENDMENT
(205 North High Cross Road OSF Healthcare – Plan Case 2398-M-20)**

WHEREAS, OSF Healthcare has petitioned the City to rezone a 2.2-acre parcel from B-1, Neighborhood Business, to B-3, General Business, located at 205 North High Cross Road, Urbana, Illinois; and

WHEREAS, OSF Healthcare has also petitioned for a Special Use Permit for a medical office in the proposed B-3, General Business zoning district; and

WHEREAS, the Zoning Map Amendment would be generally compatible with the “Community Business” future land use designation of the 2005 Urbana Comprehensive Plan; and

WHEREAS, the proposed B-3, General Business zoning district would be compatible with the surrounding area, as the adjacent property is a business of a similar-scale and the residences near this property are separated by either an opaque wall or a road; and

WHEREAS, the proposed B-3, General Business zoning district will likely have no discernible impact on adjacent property values, and the 2.2 acre property is currently vacant; and

WHEREAS, the subject property is suitable for business uses, like those allowed in the proposed B-3, General Business zoning district and the property is located near a major intersection and is near other businesses; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on April 9, 2020, and voted with six (6) ayes and zero (0) nays to forward Plan Case 2398-M-20 to the Urbana City Council with a recommendation to approve the request for a Zoning Map Amendment; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in La Salle Nat. Bank of Chicago v. Cook County, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and Sinclair Pipe Line Co. v. Village of Richton Park, 19 Ill.2d 370 (1960); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described property:

The subject properties to be rezoned from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Multiple-Family Residential is more accurately described as follows:

Lot 2 of Aldi Urbana Subdivision as per plat recorded 1/10/2006 as document 2006R00745, situated in Champaign County, Illinois.

PIN: 91-21-10-407-022, Address: 205 North High Cross Road

Section 2.

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 27th day of April, 2020.

AYES: Brown, Colbrook, Jakobsson, Miller, Roberts, Wu

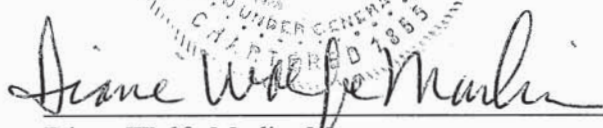
NAYS: Hursey

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 28th day of April, 2020.



Diane Wolfe Marlin, Mayor





CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 27th day of April 2020 the City Council of the City of Urbana passed and approved Ordinance No. 2020-04-023 entitled:

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT (205 NORTH HIGH CROSS ROAD OSF HEALTHCARE – PLAN CASE 2398-M-20)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2020-04-023 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 28th day of April 2020, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 28th day of April, 2020.





Charles A. Smyth, City Clerk

I. NEW BUSINESS

1. Ordinance No. 2020-04-023: An Ordinance Approving a Zoning Map Amendment (205 North High Cross Road - OSF Healthcare – Plan Case 2398-M-20)

Planner Lily Wilcock presented this ordinance with the recommendation for approval. She said that members from The Sisters of the Third Order of St. Francis (OSF) Healthcare were available for questions about the proposals.

Ms. Wilcock gave background information about the property location, accessibility, and status of property. OSF is requesting a rezoning from B-1 Neighborhood Business to B-3 General Business at 205 North High Cross Road. Additionally, OSF Healthcare requests a Special Use Permit to build a medical office on the property.

At the April 9, 2020, Plan Commission meeting, the commission voted unanimously to approve both requests. The proposed medical office will have specialty providers and scheduled appointments, much like the office at the main hospital. OSF anticipates a maximum staff of 20 employees, with 10 to 15 employees working at any given time. There is also a six-foot wall between the residential properties and the site.

Ms. Wilcock reiterated the Plan Commission’s recommendations: that the applicant develop the property in general conformance with the site plan as presented, and that they work with the City, surrounding businesses and property owners to explore the possibility of contributing financially to the construction of a multi-use path to connect the OSF and Aldi sites on the northwest side of University Avenue and High Cross Road.

Community Development Director Lorrie Pearson, Planner Lily Wilcock, OSF staff; OSF Regional President Dr. Jared Rodgers, A. Tony Trad, Manager of Real Estate Services, Kristin Crawford, Strategic Ambulatory Development Manager, and Real Estate Broker Josh Markiewicz addressed questions from City Council about the project.

...

After the presentation and discussion, CM Roberts made a motion to approve Ordinance No. 2020-04-023 as presented. CM Jakobsson seconded. Motion carried by roll call vote. Votes were as follows:

Aye: Brown, Colbrook, Jakobsson, Miller, Roberts, Wu
Nay: Hursey

2. Ordinance No. 2020-04-025: An Ordinance Approving A Special Use Permit (205 North High Cross Road - OSF Healthcare – Plan Case 2399-SU-20)

Planner Lily Wilcock presented this ordinance with the recommendation for approval. CM Brown made a motion to approve Ordinance No. 2020-04-025 as presented. CM Miller seconded.

Unable to reach a unanimous consensus, CM Roberts made a substitute motion to send Ordinance No. 2020-04-025 to committee for further discussion. CM Jakobsson seconded. Motion carried by roll call vote. Votes were as follows:

Aye: Jakobsson, Hursey, Roberts, Wu
Nay: Brown, Colbrook, Miller

The substitute motion to send Ordinance No. 2020-04-025 to committee was approved by roll call vote. Votes were as follows:

Aye: Brown, Jakobsson, Hursey, Roberts, Wu
Nay: Colbrook, Miller

MINUTES OF A REGULAR MEETING**URBANA PLAN COMMISSION****APPROVED****DATE:** April 9, 2020**TIME:** 7:00 P.M.**PLACE:** Zoom

MEMBERS ATTENDING**REMOTELY:** Dustin Allred, Jane Billman, Tyler Fitch, Lew Hopkins, Jonah Weisskopf, Chenxi Yu**MEMBERS ABSENT:** Andrew Fell**STAFF PRESENT:** **City of Urbana (Host);** Kevin Garcia, Planner II; Lily Wilcock, Planner I**OTHERS ATTENDING****REMOTELY:** Kristin Crawford, Josh Markiewicz, Tony Trad

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

Chair Fitch called the meeting to order at 7:00 p.m. Roll call was taken, and there was a quorum.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the March 19, 2020 regular Plan Commission meeting were presented for approval. Ms. Yu moved that the Plan Commission approve the minutes as written. Ms. Billman seconded the motion. The minutes were approved by unanimous vote as written.

4. COMMUNICATIONS

- Letter from Rita Morocoima-Black of Champaign-Urbana Urbanized Area Transportation Study (CUUATS) at the Champaign County Regional Planning Commission in support of Plan Case Nos. 2398-M-20 and 2399-SU-20
- Letter from Cynthia Hoyle of Hoyle Consulting in support of Plan Case Nos. 2398-M-20 and 2399-SU-20

- Revised Recommendation and Conditions for Plan Case Nos. 2398-M-20 and 2399-SU-20

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2398-M-20 – A request by OSF Healthcare to rezone a 2.2-acre parcel from B-1, Neighborhood Business, to B-3, General Business, located at 205 North High Cross Road, Urbana, Illinois.

Plan Case No. 2399-SU-20 – A request by OSF Healthcare for a Special Use Permit to build a medical clinic in the B-3, General Business Zoning District, located at 205 North High Cross Road, Urbana, Illinois.

Chair Fitch opened the public hearing for these two cases simultaneously since they relate to the same proposed development. Lily Wilcock, Planner I, presented the staff report to the Plan Commission. She began by stating the purpose for each request. She briefly described the subject property noting the zoning and existing land use. She talked about the proposed medical clinic and discussed the revised staff recommendation and conditions. She reviewed the criteria used in evaluating rezoning cases and how each criterion relates to the proposed rezoning. She reviewed the criteria for a special use permit request according to Section VII-4.A of the Urbana Zoning Ordinance. She read the options for the Plan Commission and presented staff's revised recommendation for each case. She noted that there were several representatives of the applicant attending the meeting to answer any questions.

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

Mr. Allred asked if the applicant had agreed to the revised condition for sharing the cost of connecting the sidewalk to the intersection. Ms. Wilcock replied that the applicant was still considering the condition.

Ms. Billman inquired about one of the attachments to the staff report. Ms. Wilcock explained that there must have been a printing error. The attachment in question is Exhibit D, Overall Site Plan. The printer sized it so it did not fit the paper size.

Mr. Allred inquired about the general logic used when staff considers placing conditions on special use permits. Ms. Wilcock replied that the special use permit process and the criteria are supposed to ensure that a special use is appropriate with the zoning district that the use is in and that the use is conducive to the public and to the convenience of the public. The revised recommended condition being proposed in the two cases is one that staff hoped the petitioner

would agree to be a good neighbor and be within the mission of the petitioner. Installing a sidewalk to the intersection would make it convenient and more conducive for the public. The installation of sidewalks in the proposed area is an issue that City staff has received complaints about but have not had the funding to address the issue. The City of Urbana would like to apply for a grant to install sidewalks, and asks the petitioner to contribute as part of their mission.

Chair Fitch asked if OSF agreed to contribute the \$40,000, then who would pay the remaining \$80,000 for the installation of sidewalks. Ms. Wilcock explained that the remaining \$80,000.00 would be covered by a grant through the Illinois Transportation Enhancement Program, if approved.

Chair Fitch asked if the City did not get the grant, what would happen to the \$40,000.00. Ms. Wilcock stated that the City would not collect that amount from the petitioner.

Chair Fitch asked for clarification on whether the conditions would apply to the map amendment or to the special use permit. Ms. Wilcock said that the conditions would apply to the special use permit.

With no further questions for City staff, Chair Fitch opened the case for public input. He summarized the procedure for a public hearing. He invited the applicant to speak remotely.

Tony Trad, *Manager of OSF Real Estate Services*, spoke to the Plan Commission on behalf of their requests for a rezoning and a special use permit. He mentioned that Dr. Jared Rogers (*President of OSF Hospital in Champaign and in Danville*), Chris Manson (*Vice President of Governmental Affairs*), Kristin Crawford (*Strategic Ambulatory Manager*), and Josh Markiewicz (*Local Real Estate Agent*) were available to answer any questions. Each person represents a portion of OSF's ministry. OSF has spent many years working on building a template for medical office buildings. Every year they work with new designers and construction folks to make sure their patients are served properly.

He talked about OSF purchasing the hospital in January of 2018, and about their desire to expand to other areas around Champaign-Urbana, which is why they would like to purchase 205 North High Cross Road and construct a medical clinic on site. OSF has always been ministry based, which really means that they are community based. The OSF Administration is aware of the Kickapoo Rail Trail and the great good it would be for the community if they helped connect to it by contributing towards the installation of a sidewalk to the intersection of High Cross Road and University Avenue.

He said OSF is not in a position to say yay or nay to agreeing with the revised condition. It is a rather difficult time in their ministry because many of their services have been temporarily shut down due to COVID-19. Maybe if OSF, Aldi, and Walmart come together, it might guarantee the construction of the walkway to connect to the Kickapoo Rail Trail.

Josh Markiewicz addressed the Plan Commission. He asked if the City staff had previously held conversations with Aldi, Walmart or the Beringer Commons developer about the installation of a sidewalk. Ms. Wilcock stated that there had been staff turnover in the last ten years, so she does not know of previous conversations, if any, which might have been held. However, the current staff is committed to talking with them as well.

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

Mr. Hopkins stated that the Plan Commission needs to remember and take into consideration that if approved, the rezoning decision will survive whether the special use permit is ever acted upon.

He stated that he is uncomfortable with the additional proposed condition because he believes it will set a legal precedent. By putting the proposed wording in a special use permit, they would be making the special use permit contingent on the condition without being clear what the rational nexus is. If the condition is only being placed on OSF, it would be difficult to sustain legally. He suggested that the Plan Commission try to reword the condition to be an invitation to collaborate with the City of Urbana and other parties in trying to achieve this end. The way to persuade OSF, Aldi and Walmart to participate is by the interest in the achievement of this rather than as a legal commitment.

Mr. Allred agreed with Mr. Hopkins and said that is why he had asked Ms. Wilcock to clarify how conditions are used in the context of special use permits. He believed that the Plan Commission would be potentially putting the City in legal jeopardy in terms of precedents. He believed that conditions are applied as a way to mitigate the impact from a proposed use. He did not know if there is a rational nexus between what would be a required regulation for the special use permit and the impact that the project would be generating.

He liked the idea of wording the condition in a way that suggests more of a collaboration to achieve something that is a goal of both OSF and the community and to bring other properties that are adjacent and would also benefit from something like this.

Chair Fitch agreed with Mr. Hopkins and Mr. Allred. If the City approves the rezoning, then all of the uses that are permitted in the B-3 Zoning District would be allowed. He did not feel that it would make sense to only ask OSF to contribute to the cost of installing sidewalks. It is a great idea of putting in a path to connect to the Kickapoo Rail Trail, but he is not prepared to ask OSF to go at that alone.

He asked if the Plan Commission should include a condition to encourage OSF to consider contributing to the sidewalk project or just leave the invitation as part of the record of the meeting. Ms. Wilcock said that the Plan Commission could do either way.

Mr. Allred liked the idea of rewording the additional condition. The idea is out there, and it is not necessary to drop the condition entirely. If the Plan Commission can reword the condition to make it more of an invitation to collaborate, then it would make the condition better.

Kevin Garcia, Planner II, suggested the following language as an amended condition: *That the applicant works with the City, surrounding businesses and property owners to explore the possibility of contributing financially to the construction of a multi-use path to connect the OSF and Aldi sites to the northwest corner of University Avenue and High Cross Road.* Mr. Allred, Mr. Hopkins and Chair Fitch agreed the suggested language would work.

Chair Fitch stated that the Plan Commission would vote on the special use permit case prior to the Rezoning case because the special use permit was contingent upon the rezoning of the property. He did not want to rezone the property without the special use permit being approved first. Mr. Garcia commented that since the City Council has the deciding vote, he did not see any negative impact from the Plan Commission voting on the cases in this order. However, the City Council would need to vote on the rezoning case prior to voting on the special use permit case.

Mr. Allred did not believe that they should move forward with rezoning the property to B-3 unless the City is comfortable with the B-3 Zoning on the proposed site to begin with. There is the potential at some point in the future for any use permitted in the B-3 Zoning District to happen by right. Chair Fitch recalled the discussion that was held regarding the zoning when Aldi was being proposed on the site, and the City felt that the B-1, Neighborhood Business was more appropriate than the B-3 Zoning District.

Ms. Yu asked about a grocery store being allowed in the B-1 Zoning District and not a medical clinic. She felt that a grocery store would have a bigger impact on the surrounding properties. Ms. Wilcock stated that Aldi (grocery store use) was allowed in the B-1 Zoning District with approval of a special use permit. However, without approval of the proposed rezoning request, the medical clinic would not be allowed. It is an interesting quirk in the Zoning Ordinance.

Ms. Billman expressed concern about there not being a maximum height requirement for a building constructed in the B-3 Zoning District. Ms. Wilcock explained that while there is not a maximum height requirement, there is a maximum floor area ratio (FAR) requirement. Mr. Trad noted that the property is 2.2 acres, and the facility would be a one story building with a little higher pitch in the roof for aesthetics only. Ms. Billman stated that in the future, another business could come in and construct a tall building because there is no maximum height requirement. Mr. Allred added that the Plan Commission should consider not just the uses allowed but also the development standards of the B-3 Zoning District when voting on the proposed rezoning request. There are other places in the City where tall buildings have been constructed next to single-family homes; however, he is not sure of the impact in those cases.

Ms. Billman stated that she would have liked to have heard from some the nearby residential neighbors. She assumed that since there were no communications from the adjacent residents that they had no objections.

Chair Fitch stated that after hearing this discussion, the Plan Commission should vote on the rezoning case first and then on the special use permit case.

Mr. Allred moved that the Plan Commission forward Plan Case No. 2398-M-20 to the City Council with a recommendation for approval. Ms. Billman seconded the motion.

Ms. Yu asked what the zoning is for Walmart as shown in Exhibit C. Ms. Wilcock explained that Exhibit C shows the Future Land Use Designation. The Future Land Use designation for the Walmart site is Regional Business and the existing zoning is B-3.

Roll call on the motion was as follows:

Mr. Weisskopf	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes

The motion passed by unanimous vote.

Chair Fitch moved that the Plan Commission forward Plan Case No. 2399-SU-20 to the City Council with a recommendation for approval including the following conditions:

1. *That the applicant develops the property in general conformance with the Site Plan as shown in Exhibit D.*
2. *That the applicant works with the City, surrounding businesses and property owners to explore the possibility of contributing financially to the construction of a multi-use path to connect the OSF and Aldi sites to the northwest corner of University Avenue and High Cross Road.*

Mr. Hopkins seconded the motion.

Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that these two cases would be forwarded to the City Council on April 27, 2020.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Kevin Garcia, Secretary
Urbana Plan Commission



B-3 – GENERAL BUSINESS ZONING DISTRICT DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The *B-3, General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Farm Equipment Sales and Service
Feed and Grain (*Sales Only*)
Garden Shop
Plant Nursery or Greenhouse
Roadside Produce Sales Stand

Business - Adult Entertainment

Adult Entertainment Uses

Business – Cannabis

Craft Grower
Dispensary (*Medical & Non-Medical*)
Infuser

Business - Food Sales and Services

Bakery (*Less than 2,500 square feet*)
Banquet Facility
Café or Deli
Catering Service
Confectionery Store
Convenience Store
Fast-Food Restaurant
Liquor Store
Meat and Fish Market
Restaurant
Supermarket or Grocery Store
Tavern or Night Club

Business - Miscellaneous

Auction Sales (*Non-Animal*)
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Day Care Facility (*Non-Home Based*)
Lawn Care and Landscaping Service
Mail Order Business
Radio or TV Studio
Shopping Center – Convenience
Shopping Center – General
Wholesale Business

Business - Personal Services

Ambulance Service
Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pick-up
Massage Therapist
Medical Carrier Service
Mortuary
Movers
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

PERMITTED USES Continued:**Business - Professional and Financial Services**

Bank/ Savings and Loan Association
 Check Cashing Service
 Copy and Printing Service
 Packaging/ Mailing Service
 Professional and Business Office
 Vocational, Trade or Business School

Business - Retail Trade

Antique or Used Furniture Sales and Service
 Appliance Sales and Service
 Art and Craft Store and/or Studio
 Bicycle Sales and Service
 Building Material Sales (*All Indoors Excluding
 Concrete or Asphalt Mixing*)
 Clothing Store
 Department Store
 Drugstore
 Electronic Sales and Services
 Florist
 Hardware Store
 Heating, Ventilating, Air Conditioning Sales and
 Service
 Jewelry Store
 Monument Sales (*Excluding Stone Cutting*)
 Music Store
 Office Supplies/ Equipment Sales and Service
 Pawn or Consignment Shop
 Pet Store
 Photographic Studio and Equipment Sales and
 Service
 Shoe Store
 Sporting Goods
 Stationery, Gifts, or Art Supplies
 Tobacconist
 Variety Store
 Video Store
 All Other Retail Stores

Business - Vehicular Sales and Service

Automobile Accessories (*New*)
 Automobile, Truck, Trailer or Boat Sales or
 Rental
 Automobile/ Truck Repair
 Car Wash
 Gasoline Station
 Mobile Home Sales
 Truck Rental

Business - Recreation

Athletic Training Facility
 Bait Sales
 Bowling Alley
 Dancing School
 Driving Range
 Gaming Hall*****
 Lodge or Private Club
 Miniature Golf Course
 Outdoor Commercial Recreation Enterprise
 (*Except Amusement Park*)****
 Pool Hall
 Private Indoor Recreational Development
 Theater, Indoor

Business - Transportation

Motor Bus Station
 Taxi Service

Industrial

Microbrewery

Public and Quasi-Public

Church, Temple or Mosque
 Electrical Substation
 Farmer's Market
 Institution of an Educational or Charitable
 Nature
 Library, Museum or Gallery
 Methadone Treatment Facility
 Municipal or Government Building
 Park
 Police or Fire Station
 Principle Use Parking Garage or Lot
 Public Maintenance and Storage Garage
 University/College
 Utility Provider

Residential

Bed and Breakfast Inn
 Bed and Breakfast Inn, Owner Occupied
 Dwelling, Community Living Facility, Category II
 or Category III
 Dwelling, Home for Adjustment
 Dwelling, Loft
 Dwelling, Transitional Home, Category I or II
 Hotel or Motel

SPECIAL USES:

Business – Retail

Firearm Store†

Business – Vehicular Sales and Service

Towing Service

Truck Stop

Industrial

Solar Farm

Public and Quasi-Public

Correctional Institution or Facility

Hospital or Clinic

Residential

Dwelling, Multifamily

PLANNED UNIT DEVELOPMENT USES:

Business – Miscellaneous

Commercial Planned Unit Development (See Section XIII-3)

Mixed-Use Planned Unit Development (See Section XIII-3)

CONDITIONAL USES:

Business - Miscellaneous

Crematorium

Self-Storage Facility

Veterinary Hospital (*Small Animal*)****

Public and Quasi-Public

Nonprofit or Governmental, Educational and Research Agencies

Radio or Television Tower and Station

Residential

Assisted Living Facility

Nursing Home

Industrial

Bookbinding

Confectionery Products Manufacturing and Packaging

Electronics and Related Accessories - Applied Research and Limited Manufacturing

Engineering, Laboratory, Scientific and Research Instruments Manufacturing

Motion Picture Production Studio

Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery and

Commercial Printing

Surgical, Medical, Dental and Mortuary

Instruments and Supplies Manufacturing

Table V-1 Notes:

**** See Table VII-1 for Standards for Specific Conditional Uses

***** The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.

† See Section VII-5.D for Standards for Firearm Stores

DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet)¹	MIN SIDE YARD (in feet)¹	MIN REAR YARD (in feet)¹
B-3	6,000	60	None³	4.00	None	15	5	10

FAR = Floor Area Ratio
 OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

For more information on zoning in the City of Urbana call or visit:

City of Urbana
Community Development Services Department
Planning Division
 400 South Vine Street, Urbana, Illinois 61801
 (217) 384-2440 phone | Email: Planning@urbanaininois.us
 City Website: www.urbanaininois.us



B-1 – NEIGHBORHOOD BUSINESS ZONING DISTRICT DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-1 Zoning District is as follows:

"The *B-1, Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-1 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Garden Shop

Business - Food Sales and Services

Bakery (*less than 2,500 square feet*)

Confectionery Store

Meat and Fish Market

Supermarket or Grocery Store** (*3,500 gross square feet or less per floor*)

Business - Miscellaneous

Day Care Facility (Non-Home Based)

Business - Personal Services

Barber/ Beauty Shop

Health Club/Fitness* (*3,500 gross square feet or less per floor*)

Massage Therapist

Pet Care/ Grooming

Self-Service Laundry

Shoe Repair Shop

Tailor and Pressing Shop

Business - Professional and Financial Services

Bank, Savings and Loan Association

Copy and Printing Service

Professional and Business Office

Business – Recreation

Dancing School* (*3,500 gross square feet or less per floor*)

Business - Retail Trade

Antique or Used Furniture Sales and Service* (*3,500 gross square feet or less per floor*)

Appliance Sales and Service

Art and Craft Store and/or Studio* (*3,500 gross square feet or less per floor*)

Bicycle Sales and Service* (*3,500 gross square feet or less per floor*)

Clothing Store (*3,500 gross square feet or less per floor*)

Electronic Sales & Service

Florist

Hardware Store

Jewelry Store

Music Store

Pet Store* (*3,500 gross square feet or less per floor*)

Photographic Studio and Equipment Sales and Service* (*3,500 gross square feet or less per floor*)

Shoe Store* (*3,500 gross square feet or less per floor*)

Sporting Goods* (*3,500 gross square feet or less per floor*)

Stationery, Gifts or Art Supplies

Tobacconist

Variety Store

Video Store** (*3,500 gross square feet or less per floor*)

PERMITTED USES Continued:**Public and Quasi-Public**

Church, Temple or Mosque
 Institution of an Educational or Charitable
 Nature
 Library, Museum or Gallery
 Municipal or Government Building
 Park
 Police or Fire Station

Residential

Bed and Breakfast Inn
 Bed and Breakfast, Owner Occupied
 Dwelling, Loft

SPECIAL USES:**Business - Food Sales and Services**

Convenience Store
 Supermarket or Grocery Store** (*Greater than
 3,500 gross square feet per floor*)

Business – Miscellaneous

Shopping Center - Convenience

Business – Personal Services

Dry Cleaning or Laundry Establishment
 Landry and/or Dry Cleaning Pickup

Business - Recreation

Theater, Indoor

Business - Retail Trade

Drugstore
 Video Store** (*Greater than 3,500 gross square
 feet per floor*)
 All Other Retail Stores

Business - Vehicular Sales and Services

Gasoline Station

Industrial

Motion Picture Production Studio

Residential

Dwelling, Multiple-Unit Common-Lot-Line***
 Dwelling, Transitional Home, Category II

PLANNED UNIT DEVELOPMENT USES:**Business – Miscellaneous Business**

Mixed-Use Planned Unit Development (*See Section XIII-3*)

CONDITIONAL USES:**Agriculture**

Plant Nursery or Greenhouse

Business - Food Sales and Services

Banquet Facility
 Café or Deli
 Catering Service
 Fast-Food Restaurant
 Restaurant

Business - Personal Services

Health Club/ Fitness* (*Greater than 3,500 gross
 square feet per floor*)
 Mortuary

Business - Miscellaneous

Contractor Shop and Show Room (*Carpentry,
 Electrical, Exterminating, Upholstery, Sign
 Painting, and Other Home Improvement
 Shops*)
 Lawn Care and Landscaping Service
 Mail-Order Business (*Less than 10,000 square
 feet of gross floor area*)
 Radio or TV Studio

Business - Professional and Financial Services

Check Cashing Service
 Packaging/ Mailing Service

CONDITIONAL USES Continued:

Business - Recreation

Dancing School* (*Greater than 3,500 gross square feet per floor*)
Lodge or Private Club

Business - Vehicular Sales and Services

Automobile Accessories (*New*)

Public and Quasi-Public

Electrical Substation

Residential

Dwelling, Community Living Facility, Category I, Category II, Category III
Dwelling, Duplex***
Dwelling, Duplex*** (*Extended Occupancy*)
Dwelling, Multi-Family
Dwelling, Single Family
Dwelling, Single-Family (*Extended Occupancy*)
Dwelling, Transitional Home, Category I

Business - Retail Trade

Antique or Used Furniture Sales and Service* (*Greater than 3,500 gross square feet per floor*)
Art and Craft Store and/or Studio* (*Greater than 3,500 gross square feet per floor*)
Bicycle Sales and Service* (*Greater than 3,500 gross square feet per floor*)
Clothing Store* (*Greater than 3,500 gross square feet per floor*)
Heating, Ventilating, Air Conditioning Sales and Service
Pet Store* (*Greater than 3,500 gross square feet per floor*)
Photographic Studio and Equipment Sales and Service* (*Greater than 3,500 gross square feet per floor*)
Shoe Store* (*Greater than 3,500 gross square feet per floor*)
Sporting Goods* (*Greater than 3,500 gross square feet per floor*)

Table V-1 Notes:

- * Use permitted by right when the gross square footage of the use is 3,500 square feet or less per floor, and by conditional use when the gross square footage is greater than 3,500 square feet per floor.
- ** Use permitted by right when the gross square footage of the use is 3,500 square feet or less per floor, and by special use when the gross square footage is greater than 3,500 square feet per floor.
- *** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.

DEVELOPMENT REGULATIONS IN THE B-1 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
B-1	6,000	60	35 ³	0.30	None	15	7	10

FAR = Floor Area Ratio
OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

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Community Development Services Department

Planning Division

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone | Email: Planning@urbanaininois.us

City Website: www.urbanaininois.us

PUBLIC INPUT

Plan Commission February 8, 2024

**Case No.
2483-M-23**

Communications Received from:

- *Richard Lampman (*email dated 1-30-2024*)
- *Nancy Barenberg (*email dated 1-29-2024*)
- *Bob Withers (*email dated 2-1-2024*)
- *Gwain and Cindy Zarbuck (*email dated 2-1-2024*)
- *Joanne Budde (*email dated 2-1-2024*)

From: Lampman, Richard Lee
To: Garcia, Kevin
Subject: Case 2483-M-23 Support by HOA President of Beringer Commons
Date: Tuesday, January 30, 2024 9:59:11 AM

Mr. Garcia,

I am writing in support of the upcoming Case 2483-M-23. As the President of Beringer Commons HOA, numerous residents have commented to me that they are in favor of rezoning the North 205 High Cross Road lot from B3 back to its original B1 classification.

To the best of my knowledge, the change from B1 to B3 was originally supported by residents in order to allow OSF to build a local health facility on that lot. When OSF decided not to proceed with the project, that left the lot open for a wide range of B3 businesses that would be inappropriate as a neighborhood business, such as an industrial like self-storage facility or an adult entertainment business. Most of the residents I have talked with, had incorrectly assumed that once OSF declined to build a health center, the area reverted back to B1.

Unfortunately, we recently discovered this was not the case, as a B3 conditional use permit for an industrial like self-storage facility was supported by the Zoning Board of Appeals staff and some board members. Such a facility completely alters the neighborhood atmosphere and these should be restricted to industrial zones. The majority of residents in Beringer Commons, especially those adjacent to the lot, expressed their discontent by sending in a petition against self-storage conditional permits and commenting in person at ZBA meetings.

Beringer Commons residents strongly support returning the 205 North High Cross Road lot to a designation of B1. They also do NOT believe a lot owner that defaults on a proposed project should reap the benefits of a zoning change. In other words, most residents would not have agreed to the rezoning of the B1 designation to B3 for the OSF project, if they knew OSF would default on the planned health facility and residents would subsequently be forced to accept a B3 business development on the lot.

As a resident of BC, I support the rezoning as suggested in Plan Case 2483-M-23 and, as the BCHOA President, I can say the majority of residents would also like the change back to B1. This returns the area to neighborhood business development as originally supported by the Planning Commission.

Thank you.

Richard Lampman, BCHOA President,
Retired Medical Entomologist
Illinois Natural History Survey

From: Pogue, Nancy J
To: !Planning
Subject: PLAN COMMISSION-PUBLIC INPUT - FEB 8, 2024
Date: Monday, January 29, 2024 4:40:16 PM
Importance: Low

Dear Members of the Planning commission,

I'm a resident of Beringer Commons and I strongly oppose the vacant lot at 205 N High Cross Road remaining zoned as a B-3. It is adjacent to a multi-ethnic single home community that has walking paths throughout. We care about our subdivision and demonstrate that by investing in amenities such as the light house and a fountain in a lake. There are residents who live about 50' from the wall separating the subdivision from the area around Aldi's but the intervening space has protected them from intrusive noise and light. There has already been a lost property sale because of the possibility of storage units being built on the intervening space.

Immediately east and south of the subdivision are residential areas and cultivated fields. Please rezone the vacant lot at 205 N. High Cross Road to a B-1.

Thank you,
Nancy Barenberg

From: Bob Withers
To: Garcia, Kevin
Subject: Plan Case 2483-M-23
Date: Thursday, February 1, 2024 7:05:34 PM

Mr. Garcia,

I am writing in support of the upcoming Case 2483-M-23. Most of my neighbors are in support of rezoning the north High Cross Road lot from a B3 back to its original B1 classification.

This situation with the conditional use permit and building a storage facility was a complete disaster. This was not handled very well by the city administration. I am sure you know what I mean.

I am a life long resident of Urbana and my father was deeply rooted in the Urbana administration. He would be greatly disappointed in how this was handled.

Please get this corrected by rezoning this property back to a B1.

Thank you,

Bob Withers

From: [Gwain Zarbuck](#)
To: [Planning](#)
Subject: Plan Commission - Public Input - Feb. 8 2024
Date: Thursday, February 1, 2024 4:58:05 PM

Our input concerns 2 items on your agenda for the 2/8/24 meeting:

#1) Rezoning of 205 N. High Cross to Business 1

We feel this is an excellent idea, as residents at 3029 Rutherford Drive our property backs up to High Cross and restoring 205 to B-1 (the same as Aldi) is appropriate. There are many inappropriate businesses which can operate under the Business 3 zoning classification. Inappropriate that they don't preserve the essential character of the Beringer Commons residential neighborhood. This would include self-storage facilities, gambling establishments, marijuana dispensaries, adult entertainment lounges and pet grooming businesses. These could be detrimental due to a variety of issues including decreased property values and vermin and associated diseases would hurt neighborhood public health. S Some of these entities would have clientele with negative neighborhood influences & others could visually distort the line of sight for some residents depending upon height of new construction.

#2) Removal of self-storage facilities as a conditional use in B 3 zoning.

We are also for this change as this type of business should not be adjacent to a residential community for the reasons cited above.

Thank you in advance for considering our input.

Gwain and Cindy Zarbuck
[address and email redacted]

From: [Joanne Budde](#)
To: [!Planning](#); [Garcia, Kevin](#)
Subject: PLAN COMMISSION - PUBLIC INPUT - FEBRUARY 8, 2024
Date: Thursday, February 1, 2024 2:03:58 PM
Importance: Low

Dear Plan Commission members:

I am writing in support of case 2484-T-24 - a request to amend the zoning ordinance to remove "self-storage facility" from the B-3 district as a conditional use.

There are many residential neighborhoods in close proximity to B-3 districts, and the allowance of self-storage facilities in these districts do NOT preserve the essential character of the neighborhoods, nor comply with the 2005 Urbana Comprehensive Plan which stresses that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood; and that the city should promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

If you look at the many self-storage facilities in Urbana, some were permitted by "special use" before the zoning ordinance got accidentally changed in 2010 to allow self-storage facilities in B-3 districts with a conditional use. This was in direct opposition to what the Plan Commission and the City Council planned in 1998 when they approved self-storage facilities to be approved only by "special use permit."

Many of the self-storage facilities are located in industrial zones and some are in areas designated as B-3 but surrounded by commercial, industrial or other purposes, such as cemeteries.

You only have to look at Philo Road to see what has happened by allowing self-storage facilities in B-3 districts. The Philo Road Business District Revitalization Plan of 2005 did NOT mention that the district could be revitalized by making it the storage capital of Urbana! The plan spoke of new business and shopping opportunities, and more residential buildings. Instead, somehow, self-storage facilities crept in and were approved, and approved, and approved. That area of Philo Road is an eyesore, and is not compatible with the residential neighborhoods nearby, and does not provide available shopping (not even for groceries) for local residents.

This would be a good move on your part - to remove self-storage facilities from B-3 districts, and I assume they would then only be allowed in B-3 districts with a variance approved by the City Council, if at all.

Thank you,
Joanne Budde
[address redacted]

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 8, 2024

TIME: 7:00 P.M.

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

MEMBERS ATTENDING: Dustin Allred, Will Andresen, Andrew Fell, Lew Hopkins, Bill Rose, Karen Simms, Chenxi Yu

MEMBERS EXCUSED: Debarah McFarland

STAFF PRESENT: Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Geoffrey Bant, Brad Bennett, Joanne Budde, Christy Donovan, Stan Friese, Deb Hissong, Rich Hissong, Richard Lampman, Adam Martinsek, Lori Martinsek, Christina Penna, Scott Roher, Tony Trad, Vicki Trimble, Jim Tucker, Marla Tucker

A. CALL TO ORDER and ROLL CALL

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

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the December 7, 2023, regular meetings were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Mr. Rose seconded the motion. The minutes were approved by unanimous voice vote as written.

D. COMMUNICATIONS

Communications received regarding Plan Case No. 2483-M-23:

- 1) Packet of Emails received Post Packet
 - Andrea and Ted Turner
 - John and Silda Andrick
 - Christy Donovan

- Eric and Kelly Kuchefski
 - Scott Glassman
 - Jim and Marla Tucker
 - Joanne Budde
 - Kent and Lori Choquette
 - Dr. Richard Lampman
 - Randy Roberts
 - Bob Withers
- 2) Notice of Request for Postponement and Layover of Public Hearing from Carol A. Lockwood, of Hinshaw & Culbertson LLP
 - 3) Letter from Carol A. Lockwood, Esq., of Hinshaw & Culbertson LLP
 - 4) Letter from Josh Markiewicz

E. CONTINUED PUBLIC HEARINGS

There were none.

F. OLD BUSINESS

Review of Plan Commission Bylaws – Changes to Plan Commission Meeting Schedule for 2024

Chair Allred re-opened this item on the agenda. Kevin Garcia, Principal Planner, presented a brief update on the proposed changes. He stated the options of the Plan Commission.

Mr. Hopkins asked if the Plan Commission could act on the item during this meeting. Mr. Garcia replied yes, because it was originally proposed in November, 2023.

Mr. Hopkins stated that he was not interested in having one meeting a month for reasons he mentioned at the previous meeting on November 9, 2023. He believed there was a reason for scheduling the Plan Commission meetings on the first and third Thursday after the first Monday. He asked if the reason was still valid. Mr. Garcia stated that he was unsure of the original reasoning. He explained that if the Plan Commission switched to the first and third Thursday of every month it would give staff an additional week in some months to prepare for Committee of the Whole. It is also easier to understand. Mr. Hopkins was agreeable to switching to holding meetings on the first and third Thursdays of each month.

Mr. Allred asked how many meetings are not held due to lack of a quorum. Mr. Garcia replied that in looking at a two-year period, there were 49 scheduled meetings, and only 18 meetings were held. Twenty-seven meetings were cancelled due to lack of agenda items, three meetings were cancelled due to lack of a quorum and one meeting was cancelled due to inclement weather.

Mr. Rose asked if it would be burdensome to applicants to only hold one meeting a month rather than two each month. Mr. Fell commented that as someone who presents cases to the Plan Commission, it is better to have the option of two meetings a month. There are times when it is

financially critical for deadlines and components to have to wait. He stated that the prep time and the lead time to submit materials for the packet might be an issue with only one meeting a month.

Mr. Hopkins moved that the Plan Commission amend the bylaws to make the meetings to occur on the first and third Thursdays of each month (Option #1). Ms. Simms seconded the motion. Roll call on the motion was as follows:

Mr. Andresen	-	Yes	Mr. Fell	-	Yes
Mr. Hopkins	-	Yes	Mr. Rose	-	Yes
Ms. Simms	-	Yes	Ms. Yu	-	Yes
Mr. Allred	-	Yes			

The motion passed unanimously.

G. NEW PUBLIC HEARINGS

Plan Case No. 2482-M-23 – A request by Brad Bennett, on behalf of the Urbana-Champaign Sanitary District, to rezone Lots 1 and 2 of the Urbana Champaign Sanitary District Subdivision No. 1 from R-3 (Single and Two-Family Residential) to CRE (Conservation-Recreation-Education).

Chair Allred opened Plan Case No. 2482-M-23. Kevin Garcia, Principal Planner, presented the written staff report to the Plan Commission. He briefly summarized the details and facts of the case.

Chair Allred asked if any members of the Plan Commission had questions for Mr. Garcia.

Mr. Hopkins expressed concern about the existing solar farm. Mr. Garcia explained that the solar farm was built before the City passed a text amendment regulating solar use. Prior to the text amendment, the City treated solar of any kind as a mechanical system. Solar farms are not allowed in the R-3 (Single and Two-Family Residential) Zoning District, so the proposed rezoning would bring the existing solar farm more into conformity. Mr. Hopkins stated that it needs to be in the record that the City considers the solar farm to be conforming and have approval of a special use permit to operate.

Mr. Fell asked if the City owns the two lots. Ms. Garcia replied that the Urbana-Champaign Sanitary District owns both lots.

With no further questions for the applicant, Chair Allred opened the hearing for discussion by the Plan Commission. He reviewed the procedure for a public hearing. There was no public input, so Chair Allred opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission forward Case No. 2482-M-23 to the City Council with a recommendation for approval and recognition that the current solar farm is a conforming use based on an implied special use permit. Mr. Rose seconded the motion.

Mr. Fell asked if the Plan Commission could blanketly issue a special use permit this way. Mr. Hopkins stated that the solar farm was approved under a different ordinance, which made the solar

farm become a conforming use. He doesn't want the use to become non-conforming due to the proposed rezoning.

Chair Allred stated that since the Plan Commission cannot grant a special use permit in this case without proper noticing, he suggested that City staff research the best way to move forward without creating a non-conformity. If the City approves the proposed rezoning, the solar farm would become legally non-conforming and would not create the impression that another proposed solar farm would not require a Special Use Permit. Mr. Garcia added that when the City adopted the solar energy text amendment, they essentially made any existing solar farm non-conforming.

Mr. Rose asked if there is currently a special use permit for the existing solar farm. Mr. Garcia said no because it was constructed prior to the City having regulations on solar farms. They were considered mechanical systems then.

Ms. Simms asked if there is a grandfather statement that the Plan Commission can make about the existing solar farm. Mr. Garcia said that is what the entire non-conforming section in the Zoning Ordinance is about.

Roll call was taken on the motion and was as follows:

Mr. Fell	-	Yes	Mr. Hopkins	-	Yes
Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Mr. Andresen	-	Yes			

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to Committee of the Whole on February 19, 2024.

Plan Case No. 2483-M-23 – A request by the Urbana Zoning Administrator, on behalf of the Urbana City Council, to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business).

Chair Allred opened the public hearing for Plan Case No. 2483-M-23. He stated that the attorney for the property owner submitted a request to continue this case to the February 22, 2024 meeting of the Plan Commission based on their inability to prepare for this public hearing due to the short notice of this meeting.

Mr. Fell moved that the Plan Commission continue Case No. 2483-M-23 to the February 22, 2024 meeting. Ms. Simms seconded the motion.

Mr. Hopkins asked the representatives of OSF if they still want to continue the case. Mr. Garcia said yes. It was made clear to him that OSF wants to continue the case and the representatives from OSF that are in the audience are not the legal representation that OSF would like to have at the public hearing.

Roll call on the motion was as follows:

Mr. Hopkins	-	No	Mr. Rose	-	Yes
Ms. Simms	-	Yes	Ms. Yu	-	No
Mr. Allred	-	Yes	Mr. Andresen	-	Yes
Mr. Fell	-	Yes			

The motion passed by a vote of 5-2.

Plan Case No. 2484-T-24 – A request by the Urbana Zoning Administrator to amend Table V-1 of the Zoning Ordinance to remove “Self-Storage Facility” from the B-3 (General Business) Zoning District as a Conditional Use.

Chair Allred opened the public hearing for Case No. 2484-T-24.

Mr. Hopkins stated that having read the legal brief, part of the contention is that making the current contractual proposal a non-conforming use is part of the contest from the legal point of view. Therefore, dealing with this case, which would also make [a self-storage facility] a non-conforming use, should also be continued to the same meeting as Case No. 2483-M-24. Mr. Garcia stated that this would be appropriate.

Mr. Hopkins moved that the Plan Commission forward Case No. 2484-T-24 to the February 22, 2024 Plan Commission meeting. Mr. Rose seconded the motion.

Mr. Fell asked for clarification on the reason for the motion. Mr. Hopkins replied that both Case No. 2483-M-23 and 2484-T-24 are in effect attempts to make a proposed development, which has already been given a conditional use permit, a non-conforming use. That would be the effect of approval of each case. Arguably that cannot affect the existing approved use. However, as the legal document that has been submitted for Case No. 2483-M-23 requesting the continuation of that case states that OSF still currently owns the property. The contract to sell it to the approved developer has not actually been consummated. The approved developer in that sales contract is identified as being concerned about it becoming a non-conforming use. Since both of the cases would yield that effect, he felt it would be inappropriate to consider them separately given the legal question involved.

Mr. Fell asked for clarification on the intent of the proposed text amendment in Case No. 2484-T-24. By removing the self-storage use from the B-3 (General Business) Zoning District as a conditional use permit, would it become a permitted use or not allowed at all in the B-3 District? Mr. Garcia replied that staff's intent is to remove the self-storage use from the B-3 District entirely.

Chair Allred agreed with Mr. Hopkins; however, the reasons in the written staff report relates to concerns about the proliferation of self-storage units on properties zoned B-3 city-wide, so he does not know that it would be necessary to not address this case in light of the specific proposal for the property located at 205 North High Cross Road.

Roll call on the motion was as follows:

Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Mr. Andresen	-	Yes	Mr. Fell	-	Yes
Mr. Hopkins	-	Yes			

The motion was passed by unanimous vote.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

Chair Allred invited members of the audience to approach the Plan Commission to speak.

Vicki Trimble approached the Plan Commission to speak. She stated that she had submitted an email which was not relayed to the Plan Commission. She wondered how many other emails were not relayed. She said that the residents of Beringer Commons have had trouble getting their voices heard by the Zoning Board of Appeals. They were hopeful that the Plan Commission would be able to help them.

Joanne Budde approached the Plan Commission to speak. She stated that she was just outside the Council Chambers speaking with fellow residents of Beringer Commons who also had submitted comments via email that were not included in the packet. She said that she had sent two comments and only saw one of them in the packet.

Mr. Garcia stated that any communications received after the packet of information for the meeting was emailed out on Friday, February 2, 2024 were packaged up and shared with the Plan Commission members earlier in the day. Staff will be sure to include Ms. Trimble’s email in the packet for the February 22, 2024 meeting.

Mr. Rose suggested sending copies of all submitted public comments to anyone who had submitted comments. Mr. Garcia stated that he would do so, and would also inform them of the continued cases. Ms. Simms suggested that staff check with IT to see if any comments were marked as spam.

With no further public input, Chair Allred closed this section of the agenda.

J. STAFF REPORT

Mr. Garcia noted that Hope Village Planned Unit Development and Preliminary/Final Plat were both approved by City Council.

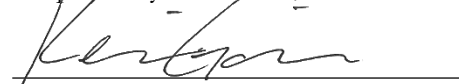
K. STUDY SESSION

There was none.

L. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 22, 2024

TIME: 7:00 P.M.

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

MEMBERS ATTENDING: Dustin Allred, Will Andresen, Andrew Fell, Chenxi Yu

MEMBERS EXCUSED: Lew Hopkins, Debarah McFarland, Bill Rose, Karen Simms

STAFF PRESENT: Dave Wesner, City Attorney; Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Geoff Bant, Joanne Budde, Holly Clemons, Stan Friese, David Huber, Adam Martinsek, Esther Patt, Vicki Trimble, Eddie Tsai, Cindy Tsai, Jim Tucker, Marla Tucker

A. CALL TO ORDER and ROLL CALL

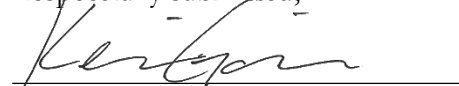
Chair Allred called the meeting to order at 7:21 p.m. Roll call was taken, and there was not a quorum of the members present.

Chair Allred stated that since there was no quorum, all items on the agenda would be continued to the March 7, 2024 regular meeting.

B. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:22 p.m.

Respectfully submitted,



Kevin Garcia, Secretary
Urbana Plan Commission

MINUTES OF A REGULAR MEETING**URBANA PLAN COMMISSION****DRAFT****DATE:** March 7, 2024**TIME:** 7:00 P.M.**PLACE:** Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois**MEMBERS ATTENDING:** Dustin Allred, Will Andresen, Lew Hopkins, Bill Rose, Karen Simms, Chenxi Yu**MEMBERS ABSENT:** Debarah McFarland**MEMBERS EXCUSED:** Andrew Fell**STAFF PRESENT:** Dave Wesner, City Attorney; Kimberly Smith, Director of Community Development Services; Kevin Garcia, Principal Planner; Teri Andel, Administrative Assistant II**OTHERS PRESENT:** Geoffrey Bant, Nancy Barenberg, Joanne Budde, Christy Donovan, Barb Franzen, Stan Friese, Grace Harshbarger, Jeffrey Harshbarger, David Huber, Adam Martinsek, Lori Martinsek, Vicki Trimble, Jim Tucker, Marla Tucker**A. CALL TO ORDER and ROLL CALL**

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

...

E. CONTINUED PUBLIC HEARINGS

Plan Case No. 2483-M-23 – A request by the Urbana Zoning Administrator, on behalf of the Urbana City Council, to rezone 205 North High Cross Road from B-3 (General Business) to B-1 (Neighborhood Business).

Chair Allred re-opened the public hearing for Plan Case No. 2483-M-23. Kevin Garcia, Principal Planner, presented the written staff report to the Plan Commission. He summarized the history of the subject property. He reviewed the rezoning criteria that the Plan Commission should consider when making a determination on what to recommend to City Council. He noted that the most relevant criteria that pertains to the proposed rezoning are Criterion #4 (*The relative gain to the public as compared to the hardship imposed on the individual property owner.*) and Criterion #6 (*The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*). He read the options of the Plan Commission and presented City staff's

recommendation that the Plan Commission carefully consider the rezoning criteria and determine whether to recommend approval or denial to City Council.

Chair Allred asked if any members of the Plan Commission had questions for Mr. Garcia.

Mr. Hopkins asked what the conditions were for approval of the Conditional Use Permit to allow the self-storage facility on the subject property. Mr. Garcia did not feel that the conditions were relevant; however, he recalled the conditions were that 1) that the self-storage facility adhere to the concept plan attached to the application; 2) that a fence is installed along the southern and eastern property lines; 3) the self-storage facility's operating hours shall be between the hours of 7 am to 10 pm.; and 4) something about security. There were no conditions on the lighting because the Zoning Ordinance is robust when it comes to lighting regulations. Mr. Hopkins stated that the conditions are relevant because it is relevant to think how the current zoning category works or does not work for this particular use. Mr. Garcia stated that the self-storage use has already been permitted. Mr. Hopkins understood and stated that if the Plan Commission approves this case, they would be changing the possibility of a conditional use.

Mr. Hopkins understood that approving either the proposed rezoning or Plan Case No. 2484-T-24 would result in the approved self-storage facility to be located on the subject property to become a non-conforming use, but would have no effect on the Conditional Use Permit that currently exists for this parcel. Mr. Garcia said that was correct. Conditional Use Permits are valid for a year from the date they are granted, so the developer has another eight or nine months to construct the self-storage facility.

Mr. Hopkins inquired about Section X-7.B of the Zoning Ordinance. Mr. Garcia read the Section aloud, which states, *"If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within 40 years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within 30 years after the use becomes nonconforming, whichever is later."* He replied that should one or both of the cases tonight be approved, then the self-storage facility at 205 North High Cross Road would be non-conforming before it is even built. So, the self-storage use would have to be terminated after forty years.

Mr. Hopkins inquired about the deed restriction on the subject property. Mr. Garcia stated that he has not been provided with a copy of the deed or its restrictions. He tried searching for it and could not find it. Mr. Hopkins asked if the deed restrictions go with the land. Mr. Garcia said yes.

Mr. Hopkins asked who enforces the deed restrictions. Dave Wesner, City Attorney, replied that the City only gets involved if the City owns one of the parcels. The subject property is owned by OSF and was sold to OSF by Aldi, so the deed restrictions would be enforced by Aldi. Any changes to the deed restrictions would be between the owners of the subject property and of the Aldi property. The City would have no involvement with regards to changes to the deed restrictions to these two properties. Mr. Hopkins felt this was important because the deed restrictions are balancing or are contradictory to either of the parties. On one hand, the deed restrictions provide some of the restrictions that the neighbors are asking for by rezoning the subject property from B-3 (General Business) to B-1 (Neighborhood Business). On the other hand, the deed restrictions make some restrictions that prevent the developability of the property to uses that the City might wish to have in order for the gains allowed in the B-3 district.

Mr. Rose asked for an interpretation of “community need” in Criterion #7. Mr. Garcia replied that he interpreted it to mean the whole of the City of Urbana because if there is a criteria that would imply more local, then it would say “neighborhood” or “district”.

Chair Allred asked staff to explain how the Plan Commission is meant to use the criteria in making a determination. Not every factor needs to be met. Mr. Garcia stated that it is a balancing act. If the Plan Commission finds one criterion that weighs against another, then they could use that criterion to base a decision on. Some types of cases require that all criteria are met; however, rezoning cases are not like those.

Chair Allred commented that while the written staff report interprets Criterion #2 to be whether there is an effect on neighboring property values, he feels that Criterion #2 is to evaluate the effect of the proposed rezoning on the property value of the subject property. Mr. Garcia stated that is a valid interpretation.

Ms. Yu asked for clarification on why the City is asking for a rezoning of the property after the Conditional Use Permit was approved for a self-storage facility, especially if the City believes that a self-storage facility should not be allowed in the B-3 Zoning District. Mr. Garcia explained that the reason for the proposed rezoning is because City Council passed a resolution asking City staff to reconsider the zoning for the subject parcel. One of his duties as the Zoning Administrator is to do all of the duties assigned to him by the Zoning Ordinance, and one of those duties says that if City Council or even the Plan Commission directs the Zoning Administrator to rezone a parcel, then he needs to bring a rezoning case forward for that parcel.

Ms. Yu asked if the City Council was presented with the option of removing the self-storage facility use from the B-3 Zoning District as a way to achieve what they are seeking. Mr. Garcia said no.

Chair Allred asked for verification that “community business” and “regional business” Future Land Use designations do not map one-to-one into particular zoning districts. Mr. Garcia said that is correct.

Chair Allred asked if High Cross Road and University Avenue are both considered to be arterial roads. Mr. Garcia said that he believed so. [Ed. Note: University Avenue is a major arterial and High Cross Road is a minor arterial in the Mobility Map in Appendix “D” of the Comprehensive Plan.]

With there being no further questions for City staff, Chair Allred reviewed the procedure for a public hearing and opened the hearing for public input. He invited proponents of the case to approach the Plan Commission.

Joanne Budde, resident of Beringer Commons, approached to speak. She said that she found the restriction and easement agreement between Aldi and OSF Healthcare for the subject property. She stated that the two parties can change the agreement if they should choose to do so. She agreed with the City Attorney, Mr. Wesner, that whoever purchases the parcel in the future could also negotiate with Aldi to change the agreement, so who knows what will happen in the future. She noted the uses that the current agreement prevents and also allows.

Ms. Budde pointed out that even though the Plan Commission voted unanimously four years ago to rezone the parcel from B-1 to B-3, the Plan Commission members had concerns about what could happen if they rezoned the parcel. Now, here we are faced with a zoning district that has no height restrictions and limited restrictions on the number of inappropriate businesses that could be built next door to a residential neighborhood.

She noted a correction to the number of yes votes for the rezoning case in 2020. There were four members in favor of the rezoning instead of three.

She stated that it is speculative at this point as to whether the rezoning would cause a hardship on the property value of the parcel in question. She said that OSF Healthcare has assets of two billion dollars, so it would not be a hardship for OSF. They purchased the property for \$300,000 and are now asking \$400,000, which might be one of the reasons why the parcel has not been sold. Another reason might be because they do not have a "For Sale" sign posted on the parcel.

Ms. Budde stated the following reasons for supporting the proposed rezoning: 1) the City's Comprehensive Plan shows the area across the street from the subject property as being "residential", but it might be hard to sell homes with an industrial type business that would be allowed in a B-3 Zoning District; 2) the Comprehensive Plan says that the City should ensure appropriate zoning in established neighborhoods and ensure the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood and that the new development should be of high quality and aesthetically pleasing. Many of the uses allowed in the B-3 Zoning District would not be aesthetically pleasing to the surrounding residential neighborhood; 3) the City would not have rezoned the subject property if OSF did not ask for the property to be rezoned so they could build a medical clinic; 4) a number of court cases that say you cannot expect the zoning to stay in place forever; 5) with regards to tax revenue, self-storage units do not charge sales tax; and 6) the B-3 Zoning District allows so many uses that are inappropriate for a surrounding residential neighborhood.

She urged the Plan Commission to correct a mistake that was made by approving the proposed rezoning request.

Nancy Barenberg, resident of Beringer Commons, approached the Plan Commission to speak. She stated that the six-foot wall is not high enough to hide the self-storage units. Beringer Commons is a wonderful neighborhood that the residents take pride in.

Vicki Trimble, resident of Beringer Commons, approached the Plan Commission to speak. She talked about the number of communications that were submitted. Some of the communications were submitted in time for the February 8, 2024 meeting but not given to the Plan Commission members. This was rectified by City staff sending them out in the packet for the February 22, 2024 meeting. She urged the Plan Commission members to take the time to read all of the communications that had been submitted if they did not have time to read them already or to read them again in case they forgot since this case had been ongoing for a while now.

Ms. Trimble stated that she pays \$15,000 a year in property taxes, and she moved there for safety and because of the neighbors and the location to Aldi's and the Post Office; not to have an inappropriate use constructed next door.

She mentioned that the residents of the residential neighborhood next to the subject property have been doing everything they can to get their views across to the Plan Commission. They have submitted communications and came to the meetings to speak.

Chair Allred invited opponents of the proposed case to approach the Plan Commission to speak.

David Huber approached the Plan Commission to speak. He finds this case a misappropriation of City resources, money and staff time. He stated that while he does not know anyone who lives in Beringer Commons or the person who is interested in building a self-storage facility on the subject property, he does own properties zoned B-3. While cases do not set a precedent for other things, this case essentially communicates that rezoning is conditional, and when a use comes up that we don't like, then the City will take the zoning back and down zone the property.

Mr. Huber mentioned that at the rezoning meeting in 2020, Mr. Hopkins stated that the rezoning would survive whether the special use permit for a medical clinic was acted on or not. He pointed out that there are aspects of the Zoning Ordinance that would restrict certain uses allowed in a B-3 Zoning District from developing on the proposed site.

He stated that there are more things that the public can do to take action proactively rather than waiting until something bad is proposed or has happened. People should take ownership of their city.

He stated that he is emphatically against the proposed rezoning and encouraged the Plan Commission to reject it and send it back to the City Council.

Mr. Garcia read the letter from OSF Healthcare dated February 22, 2024 into the record. He clarified that the public input received since the previous meeting included an email from Joanne Budde, an email from Jim and Marla Tucker, and an email from Charles Warmbrunn. The communications included in the handout at this meeting were communications handed out at the previous meeting, so the Plan Commission members who were not in attendance of that meeting would have them.

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

Ms. Yu wondered if there was a better way to handle this situation. In 2020, the City allowed the property to be rezoned from B-1 to B-3 because we wanted to encourage a medical clinic to be built. However, things changed and issues that we were afraid of are now happening. She does not feel that the City made a bad decision to rezone in 2020. It is just that the Plan Commission and City Council do not have the tools to support them doing good for the community.

Mr. Hopkins agreed with Ms. Yu. He stated that we know we need to reconstruct the Zoning Ordinance and have ideas of how to do it; however, we do not have enough resources to revise it. So, it is a bit tricky on how to deal with the current situation.

He inferred from the letter OSF Healthcare submitted and their absence at this meeting that OSF has chosen not to actively present their legal arguments against the rezoning of the subject parcel. He believed that to some extent OSF's legal arguments of reduced possibilities and potential gain

from the B-3 zoning are internally contradicted by their own restrictions on the uses allowed in the B-3 Zoning District, and not just the uses that may actually be impossible because of distance constraints, etc. So, he sees this as OSF's own acknowledgement that B-3 is the wrong zoning for the parcel.

Mr. Hopkins stated that they need to understand that the Plan Commission cannot change the fact that a conditional use permit exists for the proposed site. He noted that approval of either this case or Plan Case No. 2484-T-24 would cause the conditional use permit to become non-conforming. If the City only approves Plan Case No. 2484-T-24 and not the proposed case the Plan Commission is discussing now, then the property would remain zoned B-3. He felt that the City might have more opportunity than they might under other circumstances to rezone the property without legal risk. On the other hand, to achieve the tactic of the conditional use permit not becoming a non-conforming use, approving Plan Case No. 2484-T-24 would be a less risky strategy.

Ms. Simms stated that there are many restrictions on the use of the proposed site in the deed restriction, and the deed restrictions follow the property. She asked what uses would still be allowed in the B-3 zoning.

Ms. Yu said that the City approved the rezoning from B-1 to B-3 in 2020 because we wanted OSF to build a medical clinic. That did not happen, so she does not see any reason to not change the zoning back to B-1. She added that the City does not want to change zoning back in all cases; however, in this case, she felt the property should be zoned B-1.

Mr. Hopkins addressed the deed restrictions. There are two reasons not to rely on them: 1) the deed restrictions are putting under private control the control of land use, and it does not restrict every use that would be restricted by rezoning the property to B-1; and 2) the deed restrictions might restrict uses for some people that might not appropriately be restricted by private use of land regulations. He noted that since the public does not have control over the deed restrictions, OSF could renegotiate with Aldi. He does not like delegating or relying on private parties to control city responsibilities.

Chair Allred stated that the Plan Commission does not have a recommendation from staff for approval or for denial. The Plan Commission bylaws require them to adopt a reason for their recommendations based on staff's recommendation. Since there is no staff recommendation, the Plan Commission members need to adopt findings that explain the reason for any motion put forward. The findings should be from the *La Salle National Bank* and the *Sinclair* criteria.

Mr. Rose stated that in looking at the criteria, he believes that importance should be assigned to the Comprehensive Plan. He moved that the Plan Commission forward Plan Case No. 2483-M-23 to the City Council with a recommendation of approval based on Criterion #8, "*The care with which the community has planned its land use development.*" The guidance from the Comprehensive Plan shows the parcel as being a B-1 property.

Ms. Yu pointed out that the Comprehensive Plan shows the parcel as being "*community business*" not B-1. Mr. Garcia added that is correct and future land use designations do not tie directly into the zoning districts.

Chair Allred asked if Mr. Rose would agree to amend the motion to include Criteria #3, #5, and #7 as well as Criterion #8. Mr. Rose said yes. Ms. Yu seconded the motion. Roll call on the motion was as follows:

Mr. Andresen	-	Yes	Mr. Hopkins	-	Yes
Mr. Rose	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes

The motion passed by unanimous vote.

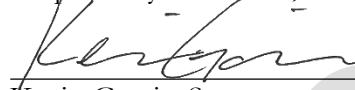
Mr. Garcia noted that the earliest this case would be forwarded to Committee of the Whole would be on March 18, 2024. However, since there is a possibility that City Council may be having a rescheduled meeting on this date, the Committee of the Whole could be rescheduled to Wednesday, March 20, 2024.

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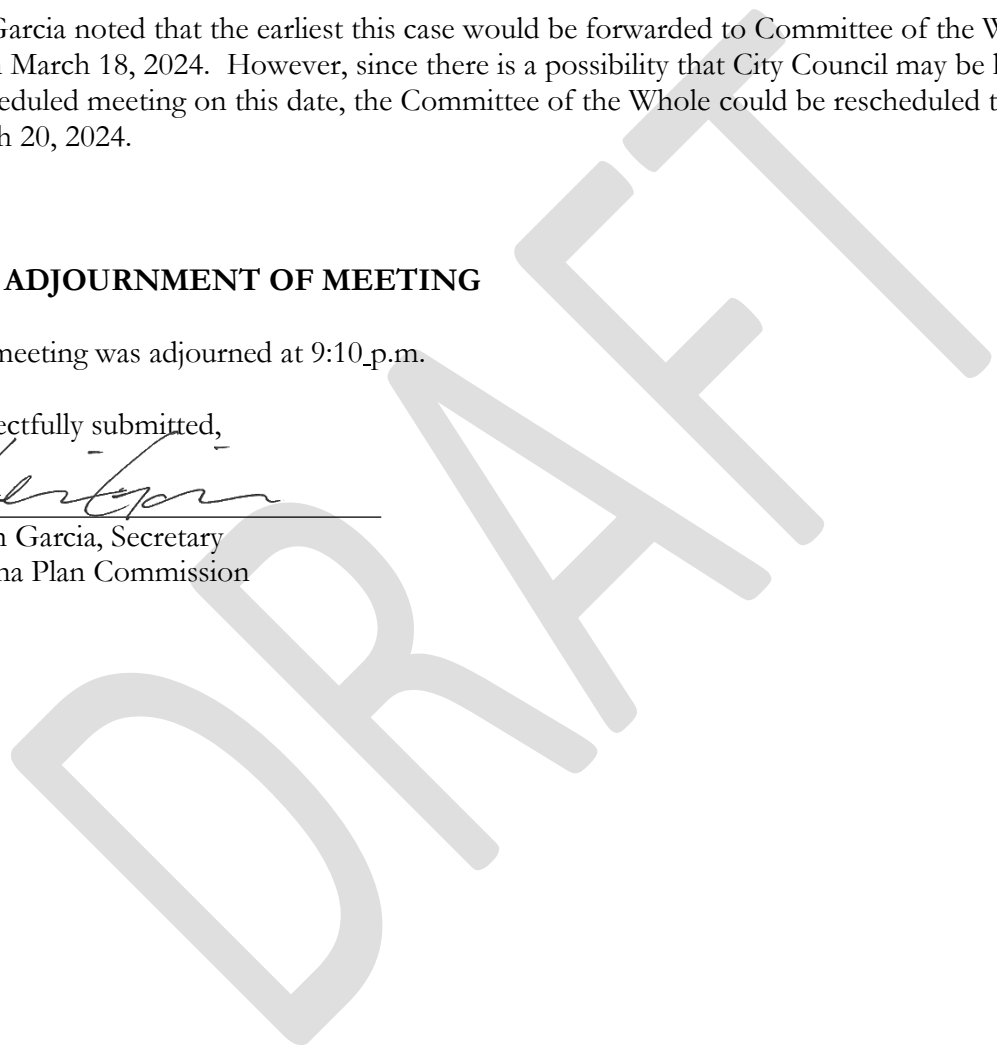
L. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:10_p.m.

Respectfully submitted,



 Kevin Garcia, Secretary
 Urbana Plan Commission





City of Urbana
400 S. Vine Street, Urbana, IL 61801
www.urbanaininois.us

MEMORANDUM TO THE MAYOR AND CITY COUNCIL

Meeting: February 19, 2024 Committee of the Whole
Subject: A Resolution Adopting Mayor/Council Strategic Goals for 2024-2025

Summary

Action Requested

City Council is being asked to approve a Resolution adopting the Mayor/Council Strategic Goals for 2024-2025.

Brief Background

The attached Mayor/Council Goals were developed during facilitated discussions. The purpose of strategic goals is to provide direction when evaluating competing needs for time and resources. The Goals are organized by general strategic areas. Each of the four strategic areas has more specific strategies, which are supported with individual Action Items.

Relationship to City Services and Priorities

Impact on Core Services

The strategic goals will help guide use of City resources and priorities over the next two years.

Strategic Goals & Plans

The proposed Resolution adopts the strategic goals that are typically referenced in this memorandum section.

Previous Council Actions

City Council adopted the 2022-2023 Strategic Goals on April 11, 2023 ([Resolution 2022-04-31R](#)). To create the 2024-2025 Goals, City Council, the Mayor, and City staff participated in facilitated discussions on November 6, 2023, November 27, 2023, and February 1, 2024.

Discussion

Recommendation

City Council is being asked to approve a Resolution adopting the Mayor/Council Strategic Goals for 2023-2024.

Next Steps

If approved, staff would begin working on Action Items and report on progress quarterly.

Attachments

1. A Resolution Adopting Mayor/City Council Strategic Goals for 2024-2025

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

Approved: Carol Mitten, City Administrator

RESOLUTION NO. _____

A RESOLUTION ADOPTING MAYOR/CITY COUNCIL STRATEGIC GOALS FOR
2024-2025

WHEREAS, the Mayor and City Council of Urbana participated in strategic goal-setting sessions on November 6, 2023, November 27, 2023, and February 1, 2024; and

WHEREAS, at these goal-setting sessions, the Mayor and Council discussed strategic areas, individual strategies, and specific action steps.

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

Section 1. The City hereby adopts the following Strategic Areas, Strategies, and Action Steps as priorities for the next two years.

Mayor/Council Strategic Goals 2024-2025

Strategic Area #1: Public Safety and Well-Being

Strategy 1.1: Pursue methods to mitigate community violence

- A. Continue to fund community partners and projects that address the root causes of violence with continual program monitoring and evaluation.
- B. Complete the BerryDunn public safety review, determine which recommendations to implement, and create a plan for 21st century policing.

Strategy 1.2: Enhance and expand public safety resources

- A. Enhance and expand alternative emergency response models (specifically addressing for mental health crisis and domestic disputes).
- B. Develop a comprehensive safety plan based on public safety review and additional public input.
- C. Update the police safety governance model by revising CPRB and updating oversight policies.

Strategy 1.3 Promote community well-being

- A. Complete a systematic review of ARPA subrecipient projects and programs, evaluating outcomes.
- B. Continue to fund community partners and projects that promote health, wellness, drug and alcohol treatment, and families suffering from domestic violence with continual program monitoring and evaluation.
- C. Create a City-wide Equity Plan using GARE template/guidance.

Strategic Area #2: Housing

Strategy 2.1 Support housing security and equity

- A. Coordinate with housing and social service agencies to reduce homelessness.
- B. Continue supporting Tenant-Based Rental Assistance providers through pilot programs that address gaps in services, and by expanding existing programs.

Strategy 2.2 Improve housing quality

- A. Provide targeted assistance for rehabilitation and repairs of dilapidated homes in targeted neighborhoods, with a special emphasis on seniors.
- B. Partner with developers to generate affordable rental and homeowner housing.
- C. Explore a plan/program that provides funding for rehabilitation of older housing stock throughout the City (similar to Enterprise Zone).
- D. Enhance Community Development's capacity to address rental registration inspection backlog and maintain a 3-5 year Systematic Inspections cycle, by adding one FTE Housing inspector.

Strategic Area #3: Infrastructure

Strategy 3.1 Improve quality of infrastructure assets

- A. Complete sanitary sewer asset management plan and roadway asset management plan by the end of fiscal year 2025.
- B. Review and adjust dedicated revenue streams for infrastructure assets, beginning with the Local Motor Fuel Tax.

Strategy 3.2 Increase investments in infrastructure equity

- A. Complete 10 EQL projects by end of calendar year 2024 and initiate a second EQL round by end of calendar year 2025.
- B. Prioritize ensuring adequate staffing for CD to pursue public infrastructure grants.

- C. Develop revisions to the Zoning Ordinance to improve the process in order to enhance public notice and ensure appropriate protest procedures.

Strategy 3.3 Expand sustainable infrastructure within the community

- A. Evaluate the practical and financial feasibility of sustainability improvements in City facility capital projects.
- B. Promote Green stormwater management by revising the Stormwater Utility Credits and Incentive Manual.
- C. Create a grant program for community environmental projects.

Strategic Area #4: Economic Health

Strategy 4.1 Support local businesses

- A. Create an Ordinance to enhance City contracting opportunities by MWVBE and local businesses.
- B. Educate businesses on available resources and explore resource gaps for challenges identified in the 2023 Illinois State Black Business Survey.
- C. Issue at least two Request for Proposals for development of Downtown City-owned sites for housing developments.

Strategy 4.2 Enhance Employment Opportunities in Urbana

- A. Collaborate with Parkland College, RPC, or other partners to create workforce development scholarships for low-income Urbana Residents focusing on the trades & hospitality industry.

Strategy 4.3 Recruit new businesses and industries

- A. Create an incentive package and recruit a grocery store in NW Urbana.

Strategy 4.4 Create a Tourist and Entertainment District

- A. Direct UIUC visitors to Downtown Urbana with signage at Lincoln Avenue and Green Street.
- B. Implement selected recommendations of Downtown Public Realm study.
- C. Enhance the vibrancy of Downtown Urbana by working with private entities to increase murals, sculptures, and other physical art.

Section 2. These goals are a collaboration among the Mayor, Council, and staff. Staff will make quarterly reports on Action Steps and make any necessary adjustments in consultation with the Mayor and City 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



City of Urbana
400 S. Vine Street, Urbana, IL 61801
www.urbanainillinois.us

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

Meeting: March 25, 2024, Council Meeting
Subject: Board and Commission Appointments

Summary

Action Requested

City Council is asked to approve the appointment of Darius White to The Urbana Free Library Board of Trustees for a term ending June 30, 2027.

Brief Background

Darius, a six-year resident of Urbana, is the Community & Experience Manager at Dick's House of Sport, where he plays a pivotal role in fostering community engagement and driving business growth. His job responsibilities encompass a wide range of tasks, from hiring and developing effective community teams to managing budgets and ensuring overall store contribution. Additionally, as the Diversity, Equity, & Inclusion Head Coach, he is committed to promoting a culture of inclusivity within the organization.

Beyond his professional commitments, Darius actively contributes to various boards and commissions, including the Eastern Illinois University Alumni Board and the Urbana Park District Advisory Board. He holds a Master of Business Administration Essentials Certification from the University of Illinois Urbana-Champaign, and a Bachelor of Science in Human Services and Community Leadership from Eastern Illinois University.

“I am interested in joining the Urbana Free Library Board [of Trustees] because I am passionate about promoting lifelong learning within our community. I believe that libraries play a vital role in providing access to information, resources, and educational opportunities for individuals of all ages and backgrounds. By serving on the board, I hope to contribute my skills and knowledge to help shape the future direction of the library and ensure that it continues to be a valuable asset for our community.”

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 by offering professional expertise, involving the community in decision-making, and connecting residents, City staff, and Council.

The Library Board of Trustees approves an annual budget for the library and requests the corresponding levy from the Urbana City Council, is charged with setting policy for the library, anticipates and directs the development of future library services, and hires the Executive Director.

Strategic Goals & Plans N/A

Previous Council Actions N/A

Discussion

Recommendation

City Council is asked to approve the appointment of Darius White to The Urbana Free Library Board of Trustees for a term ending June 30, 2027.

Next Steps

If approved, the Office of the Mayor will notify Mr. White of his appointment as a Trustee and of Open Meetings Act requirements.

Originated by: Kathryn B. Levy, Executive Coordinator/Deputy Liquor Commissioner

Reviewed: Diane Wolfe Marlin, Mayor

Approved: Carol J. Mitten, City Administrator



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

Meeting: March 25, 2024, Council Meeting
Subject: Board and Commission Appointments

Summary

Action Requested

City Council is asked to approve the appointment of William “Bill” Rose as the Boneyard Creek Commissioner for a term ending June 30, 2027.

Brief Background

Bill is a 39-year resident of Urbana and has been an Illinois Registered Architect since 1987. He retired from the University of Illinois at Urbana-Champaign, where he held the position of Research Architect at the Building Research Council within the School of Architecture. Subsequently, he served as a Senior Research Architect at the Applied Research Institute in the College of Engineering, focusing on Indoor Climate Research and Training. Bill previously served on the Property Maintenance Code Board of Appeals and the Historic Preservation Commission. He was appointed to the Plan Commission in October 2023.

“My interest in serving...is sparked by my long-held intrigue at the potential of the Boneyard Creek water feature for Urbana residents, and in following through on the initiatives already begun, to beautify and enliven the site.

The qualifications I bring to this application include 1) planning education as part of my degree and architecture practice, 2) professional work as a U of I researcher at the Building Research Council, where the focus of my work was on water management (I authored the book Water in Buildings), 3) ...I consider myself very qualified to review plans and evidence, and to apply these skills in arguing for public good.”

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 by offering professional expertise, involving the community in decision-making, and connecting residents, City staff, and Council.

The Boneyard Creek Commissioner is appointed by the Mayor to assist in the administration of the Creekway Permit system in the Boneyard Creek District, as set forth in Section XIII-4 of the Zoning Ordinance. According to the Ordinance, the Zoning Administrator shall, after consultation with the City Engineer and the Boneyard Creek Commissioner, be authorized to administratively grant certain Creekway Permits based on the determination that the provisions of the underlying zoning classification have been complied with.

Strategic Goals & Plans N/A

Previous Council Actions N/A

Discussion

Recommendation

City Council is asked to approve the appointment of Bill Rose as the Boneyard Creek Commissioner for a term ending June 30, 2027.

Next Steps

If approved, the Office of the Mayor will notify Mr. Rose of his appointment as the Boneyard Creek Commissioner and of Open Meetings Act requirements.

Originated by: Kathryn B. Levy, Executive Coordinator/Deputy Liquor Commissioner

Reviewed: Diane Wolfe Marlin, Mayor

Approved: Carol J. Mitten, City Administrator