

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 8, 2018

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Jane Billman, Tyler Fitch, Lew Hopkins, Nancy Esarey
Ouedraogo, David Trail, Chenxi Yu

MEMBERS EXCUSED: Barry Ackerson, Andrew Fell, Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri
Andel, Planning Administrative Assistant II; John Schneider,
Community Development Manager/Building Safety Manager

OTHERS PRESENT: Magdalena Casper-Shipp, Tim Chao, Caroline Coulston, Peter
Coulston, Leon Dean, Phil Fiscella, Crystal Hall, Jason Hall, Kate
Hunter, Young Jazzy, Adrienne Kim, Sam Kim, Louise Kuhny,
Evan Melhado, Ken Mooney, Laura Mooney, Pierre Moulin, Diane
Plewa, Steve Ross, Stephanie Sutton, Nicholas Temperley, Jonah
Weisskopf

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

Chair Fitch called the meeting to order at 7:05 p.m. Roll call was taken and a quorum of the members was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the January 18, 2018 regular meeting were presented for approval. Mr. Trail moved to approve the minutes as presented. Ms. Ouedraogo seconded the motion. Chair Fitch noted two changes to the minutes, which were as follows:

- Page 5 – 4th Paragraph – 1st Sentence

Amend to read as such, “*Mr. Trail asked ~~if~~ what Mr. Tarter would like to see be developed on the site other than single-family homes.*”

- Page 7 – 3rd Paragraph – 2nd Sentence from the end
Amend to read as such, “*The surrounding property owners believe that the~~y~~ value of their properties would decrease.*”

The minutes were approved by unanimous voice vote as amended.

4. COMMUNICATIONS

Communications received regarding Plan Case No. 2328-SU-18

- Email from Paul Debevec
- Letter from Louise Marie Kuhny
- Email from Steve and Stephanie Sutton
- Letter from Sarah McEvoy and Huseyin Sehitoglu
- Letter from Kate Hunter
- Email from Sasha Rubel
- Presentation by Louise Kuhny

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2328-SU-18 – A request by Frat Life, LLC, represented by its Manager and Sole Member, Jonah Weisskopf, on behalf of the Church in Champaign, represented by two of its Directors, Kenneth Mooney and Nehemiah Tan, for a Special Use Permit to operate a church at 713 West Ohio Street in the R-7, University Residential Zoning District.

Chair Fitch opened the public hearing for this item on the agenda. He introduced Chenxi Yu, the newest member of the Plan Commission. Ms. Yu stated that due to a conflict of interest she recused herself from this case and removed herself from the dais.

Marcus Ricci, Planner II, presented the request for a Special Use Permit to the Plan Commission. He began by explaining the reason for the request. He described the subject property noting its current land use and zoning as well as that of the surrounding adjacent properties. He talked about parking requirements and shared the results of a survey that City staff had conducted of overflow parking used by other churches in the area. He mentioned the concerns expressed by nearby neighbors at an informational meeting held by the owner with residents in the area. He reviewed the requirements in Section VII-4.A. of the Urbana Zoning Ordinance for a special use permit. He summarized City staff findings and read the options of the Plan Commission. He presented City staff’s recommendation for approval including five conditions.

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

Mr. Hopkins asked if the Special Use Permit, if granted, would remain with the property and transfer to a future owner. Mr. Ricci replied yes.

Mr. Hopkins questioned if there was a room in the building that would be large enough to meet code for occupancy of 80 people. Lorrie Pearson, Planning Manager, noted that it was presumed more than 80 people could meet in one of the rooms and meet code unless they place a condition on the Special Use Permit limiting it to only 80 persons. She suggested that they could add language to the condition to limit the occupancy to 80 persons or to the number of occupants that would meet code, whichever is less.

Mr. Hopkins inquired about floor plans and wondered if City staff knew anything about the interior of the building. Mr. Ricci stated that Building Safety Division staff had walked through the building and met with the current owner. Final building plans have not been submitted and are likely contingent upon approval of the proposed Special Use Permit. He noted that the applicant/current owner and proposed buyer were in the audience to answer questions.

Mr. Trail inquired if the maximum 80 occupants and 10 residents came from the applicant's original request or are those limits based on parking requirements. Mr. Ricci answered that the original application mentioned 80 to 85 occupants, but was limited to 80 due to amount of parking. He did not know how the Church choose 10 residents because there are currently 20 bedrooms in the building.

Mr. Trail asked about the history of the R-7, University Residential Zoning District. He kept seeing "grand-fathered" in the written communications that were submitted by neighbors. Ms. Pearson said that group homes are a permitted use in the R-7 Zoning District, but perhaps the size of homes were what the term was referring to. Mr. Ricci added that zoning districts are created to better reflect and regulate uses.

Mr. Trail inquired how many other churches were located in the nearby area. Mr. Ricci replied that there were three or four other churches within four blocks with Twin City Bible Church being the closest. There were four or five additional churches within eight or nine blocks.

Mr. Trail asked if any of those churches were located in R-7 Zoning Districts. Mr. Ricci replied that he did not investigate what zoning districts the other churches were located in.

Ms. Billman stated that she did not see where limiting the number of residents to 10 was part of the conditions recommended by City staff. Mr. Ricci explained that the rooming house use was permitted by right in the R-7 Zoning District, so it would not be part of the Special Use Permit request. If the Church increased the number of residents, then it would trigger an increase in the number of parking spaces required.

Chair Fitch inquired about the access drive along the southern property line. Where would the cars for the duplex park? Mr. Ricci answered that the tenants of the duplex would have to park in the driveway to the south of the duplex or on the street. Mr. Fitch asked if blocking the access

drive to the south would cause the tenants of the duplex to be out of compliance for meeting their parking requirements. Mr. Ricci did not research this.

Chair Fitch asked if parking was required for office staff. Mr. Ricci explained that parking was based on the size of the congregation at the rate of one parking space per five seats in the assembly hall. The Zoning Ordinance does not require additional parking spaces for church staff.

Chair Fitch questioned if the property changed ownership, could the offices be changed back into residential units. Mr. Ricci said that this would be possible if the new owner created additional parking on the lot or asked the City for an amendment to the Special Use Permit to decrease the number of occupants allowed in the assembly room. He did not believe that it would be possible to add more parking spaces to the proposed site.

With no further questions for City staff, Chair Fitch opened the hearing for public input. He reviewed the procedures for a public hearing.

Jonah Weisskopf, owner, and Ken Mooney, representative for the proposed buyer, approached the Plan Commission to speak in favor of the proposed request.

Mr. Weisskopf talked about his experience owning the subject property. Since he purchased the property in 2016, he has leased the property to Delta Kappa Epsilon. In addition to the updates he made after purchasing the property to bring it up to City Code, he had invested \$70,000 towards other improvements. On a semi-regular basis, he has been called over to the subject property due to the tenants partying and being out of control creating noise and litter issues for the direct neighbors. Fraternity culture is not worth preserving in the 700 block of West Ohio Street. He believed that approval of the proposed Special Use Permit is a chance to preserve the existing Greek building while diminishing the negative impact of a frat house on the block. He encouraged the Plan Commission to recommend approval to City Council.

Mr. Mooney stated that approximately 60 to 70 members currently meet at the Illini Union. Some smaller groups meet in members' homes. The church prefers holding smaller congregations to allow each member an opportunity to speak about what they have read and understand in the Bible. They do not operate as traditional churches do.

The Church is not intending to have large gatherings on the proposed site. When they do have a large gathering, they will use other locations. Members attend their group settings, learn how to practice the church life in a New Testament fashion and then spread this practice to other cities.

He showed pictures of their group meetings. Two-thirds of their members are students. He, then, showed pictures of the parking lot at McKinley Health Center on different Sunday mornings indicating that there were plenty of parking spaces available during church services.

He addressed the concerns mentioned in the written communications from the nearby residents. He talked about the Church's hours of operation and stated that the earliest the church would operate would be 8:30 a.m. and the latest would be 9:30 p.m. Some students may leave the building during early morning hours but that would be related to their specific studies.

The Church plans to purchase the proposed property with cash and to make \$120,000 in improvements to the existing structure. The electrical system was updated in the 1990s and meets City code. The roof is in good shape. By having ten boarders, they would be capable of maintaining the property in the future.

Mr. Hopkins asked Mr. Weisskopf and Mr. Mooney to describe the inside of the building concerning occupancy. Does the Church have a plan for uses of different spaces in the building? Mr. Mooney explained that there is a room big enough to accommodate 80 people. Other spaces would be used for Sunday school, for a group that meets on Monday thru Friday mornings, and for a book sale.

Mr. Hopkins wondered if the children were counted in the maximum occupancy of 80 people. Mr. Mooney said no. There are only four children, because the majority of the members are college students.

Tim Chao approached the Plan Commission to speak in favor. He talked about his experience with being a member of the Church for the last ten years. He explained the format of the church as being different from other churches. The members meet in small groups. An acoustic guitar accompanies music/singing. Often times, groups will meet in a member's home. They will eat together and share in the studies of the Bible.

He mentioned the shooting that occurred at a fraternity house on Springfield Avenue. The existing structure could be continued to be used as a fraternity house that would potentially bring more fire trucks and ambulances on the weekends or the City can approve the special use permit for a church use.

Phil Fiscella approached the Plan Commission to speak in favor of the proposed request. He mentioned that he owns and is renovating a house just down the street from the subject property, so he has a major investment in the neighborhood. The diversity of the Church impresses him. As a community, we need to focus on diversity as we move forward and adapt to changing demographics and the changing face of the University of Illinois. A person should not see a church as a loss of tax revenue; instead, they should see how having a church in a neighborhood is an amenity for the residents. Students need a place to study and a place for community. By providing such amenities, it may encourage students after they graduate to want to buy homes in Urbana and remain part of the community.

Mr. Hopkins asked about his property. Mr. Fiscella stated it is a single-family residence with five bedrooms and two baths.

Mr. Trail stated that much of the conversation had focused on this particular church. However, a special use permit would allow any church. Would Mr. Fiscella's support any church? Mr. Fiscella replied that any church in general would be a good thing. The opposite of this would be to continue to allow the property to be used as a fraternity house. He has never had a bad experience with having a church as a neighbor.

Steve Ross approached the Plan Commission to speak in favor of the proposed special use permit request. He noted that he lives directly across from two church organizations. As neighbors, they are good. In terms of noise and trash, churches are better neighbors than many apartment and

group living arrangements in the area. If the proposed special use permit was denied, he encouraged the Church to look for a property on Green Street where he lives. He would gladly swap out an apartment for a church use.

Pete Coulston approached the Plan Commission to speak in opposition of the proposed request. He stated that he has seen three fraternities come and go on the subject property in the last eight years. They are all bad neighbors. Cars come and go all hours of the night, and there is an issue with noise.

The written staff memo states that the latest the Church would operate would be 11:00 p.m. Most of the residents in the neighborhood are asleep by then. The church use would be a huge increase in density. Most people do not park at the McKinley Health Center. They park on the streets in the neighborhood. The Church is proposing to have meetings five to seven days a week. The fraternities only have parties three days a week. He suggested some kind of remediation to limit the hours in the evenings.

Chair Fitch pointed out that the latest the Church would have meetings would be 10:00 p.m. It is the City staff's recommendation that the Church conclude operations by 11:30 p.m. The Plan Commission can change that time to be more reasonable. Mr. Coulston replied that the neighborhood is quiet all day, not just during the daytime. Having 70 to 80 people come and go will disrupt that peace.

Kate Hunter approached the Plan Commission to speak in opposition of the proposed request. She summarized her written communication that was handed out to the Plan Commission members prior to the start of the meeting. She talked about 811 West Michigan when the Church was using the single-family home as a gathering spot for its members. She expressed concerns about how difficult it is for the City to enforce occupancy, parking in the neighborhood, traffic increase, and noise issues. She discussed the rezoning of some properties to R-7 that was done in the 1990s.

Diane Plewa approached the Plan Commission to speak in opposition of the proposed special use permit. She expressed concern about a non-residential use being granted to a property in a residential area. She wondered if this could change what could be done with the property in the future. If an owner wanted to add on to the existing building or demolish it and rebuild, would the special use permit impact what could be built? She stated concerns about the noise issue of people singing and/or chanting, recourse if the use becomes injurious to the neighbors, parking, limiting the occupancy level, and loss of tax revenue.

Chair Fitch asked City staff for clarification on what would happen if the existing building burns. Would the special use permit remain? Ms. Pearson explained that the special use permit would remain with the property. A new owner would have to operate the use under the same conditions and the same provisions that would be outlined in an approval. If the existing structure burnt down, then a new building would need to match the current development standards.

Chair Fitch stated the requirements for a special use permit, which does not include the consideration of tax revenue. Ms. Pearson confirmed that the Plan Commission could not consider the loss of tax revenue.

Louise Kuhny approached the Plan Commission to speak in opposition of the proposed request. She mentioned that she owns 801 West Indiana Avenue and has a very significant investment in their home, which is a block away from the proposed property. She presented on the following sound bytes:

1. Comparison of the proposed use to a great adaptive reuse like ZTA
Reality: False association. Mr. Moulin is investing very heavily in improving the ZTA House. It should not be used as a comparison.
2. Churches are good neighbors
Reality: The proposed buyer is not a good neighbor. 811 West Michigan Avenue, previous location for this Church's gatherings, is in a great state of disrepair.
3. The church values a quiet community
Reality: The Church stated in a letter that they would be holding meetings from early morning until 11:30 p.m. each day. There will be issues with noise and headlights flashing into neighbors' windows.
4. Maximum occupants 70-80
Reality: Occupancy is not easily enforceable. The existing building could hold hundreds of people.
5. Maximum residents 10 students
Reality: Makeup of tenants would not be limited to students.
6. Adequate Parking
Reality: Neighbor Parking Study shows that the parking lot at the McKinley Health Center was full. There were not any parking spaces available.
7. Anything is better than loud music and red Solo cups
Reality: Some Greek houses are respectable neighbors. Not all fraternities and sororities are animal houses.
8. The building will be boarded up if not granted the Special Use Permit
Reality: The building is currently rented and has not been vacant. The City of Urbana needs a comprehensive strategy for adaptive reuse of Greek houses.
9. Church going to improve the existing building on the proposed site
Reality: The neighborhood has not been told what improvements would be made to the existing structure.

Ms. Kuhny addressed how the proposed Special Use Permit related to the requirements in Section VII-4.A. of the Urbana Zoning Ordinance. Her comments were as follows:

1. The proposed use is conducive to the public convenience at that location
Homeowners and residents in the area will not benefit from this church whose primary outreach is students. Members would not be denied the ability to practice their religion because they have a current location to meet already.
2. 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 increase in foot and vehicular traffic, headlights shining in neighbors' windows and noise that would be generated from the proposed use would be detrimental to the district.
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.

Long hours of operation every day of the week is more of a business occupancy than a residential occupancy, so it would be fundamentally changing the essential character of the neighborhood. Enforcement of occupancy limitations would not be feasible.

Evan Melhado approached the Plan Commission to speak in opposition of the proposed request. He stated that the area is a residential area with R-7 structures created by a series of historical accidents. It is not clear that the way to deal with the character of this neighborhood is to perpetuate those accidents on an ad hoc basis. To grant a special use permit to one of the R-7 structures may carry long-term implications that would be undesirable and difficult to foresee in all of their fullness. Therefore, we have a set of historical accidents and we have fraternities and sororities in their residential character going into decline, which suggests that the City should create an overall plan that would reduce the accidental character of the zoning in the area and would impose a plan that would be consistent with the residential character of the neighborhood.

Another concern he shared was that the City of Urbana has not done much to preserve the character of the pavement of the street. There is a lot of traffic on Ohio Street. The proposed use would entail a significant increase in traffic.

Mr. Weisskopf and Mr. Mooney re-approached the Plan Commission to address some concerns expressed.

Mr. Mooney explained that all meetings would be over by 9:00 p.m. or 9:30 p.m. The one meeting that goes until 10:00 p.m. could be adjusted to end earlier. Some students may want to hang out after the last meeting to talk, but they set quiet time to be no later than 11:30 p.m. The big traffic time would be on Sunday mornings. As for weddings, there would not be many held at the proposed site because most of the members are from out-of-town; only living here to attend school.

Mr. Weisskopf encouraged the Plan Commission to not allow what happened with Twin City Bible Church to affect the members' decision in this case. The Twin City Bible Church and the Church in Champaign are two separate church organizations.

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

Chair Fitch reviewed the requirements of the Zoning Ordinance for a special use permit. Since parking was one of the major concerns of the residents in the neighborhood, he asked if the Plan Commission members felt that an increase in traffic would be conducive or unreasonably injurious or detrimental to the district.

Ms. Ouedraogo stated that it did not appear that the increase in traffic from the proposed use would occur during peak times of the day or week.

Mr. Trail pointed out that the Plan Commission is bound by the Zoning Ordinance. The R-7 Zoning District is intended to protect nearby low-density residential districts and to preserve existing buildings in their current form. Since most churches are located in residential areas and it would preserve the essential character of the existing structures, he presumed the writers of the Zoning Ordinance believed the church use would be conducive to the R-7 Zoning District with

approval of a special use permit. It seems hard to deny a special use permit unless there are good reasons for doing so.

Chair Fitch asked City staff if “the district” referred to the zoning district or the neighborhood. Ms. Pearson interpreted it to mean the zoning district.

Mr. Hopkins believed that the church use is allowed in every residential district with approval of a special use permit, so it is not unique to the R-7 Zoning District. It is about how churches are treated in regulation and how they relate to residential neighborhoods.

Mr. Hopkins inquired if the special use permit would be for the entire property including the rooms used for tenants. Or would it apply to specific rooms designated for church usage? Ms. Pearson replied that the Church would only be allowed to occupy areas in the building that they are approved to occupy. The Church would not be allowed to use the area where the ten residents would reside. The special use permit would only apply to the areas in the building that the Church would be approved to operate in.

Mr. Hopkins remarked that the conditions that the Plan Commission would be trying to apply would be on a portion of a building; however, they have no information about the building with which to apply those conditions. Mr. Ricci stated that the condition recommended by City staff was specifically for the assembly hall. The Plan Commission could amend the condition to include other portions of the building if they desired to do so. Mr. Hopkins stated that he understood that, but without knowing how many rooms and their size and location that the Church would hold other meetings, he did not feel that the Plan Commission had enough information to make a decision.

Mr. Trail agreed with Mr. Hopkins. The assembly hall is not the church. The Church would be the assembly hall plus some unspecified number of rooms. When the City limits the occupancy of the Church to 80 people, would that mean they are limiting the occupancy of all the rooms to 80 or just 1 room? Ms. Pearson responded that the language in the condition might be too limited. The intent was for the total occupancy to be 80 people for the church use, not limiting it to just the assembly room. Chair Fitch commented that this would make enforcement even harder.

John Schneider, Community Development Services Manager/Building Safety Manager, replied that Section 1004.1.2 of the 2015 International Building Code gives a formula for calculating occupancy of areas without fixed seating. There is an exception, which states as follows, “*Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation shall be permitted to be used in the determination of the design occupancy load*”. He stated that this would allow the City to limit the occupancy to 80 people for the church use and 10 residents. If someone suspected an over-occupancy occurring during anytime, that person could call the Fire Marshall by calling 9-1-1. The Fire Marshall would then go the property and de-occupy the building. The Fire Marshall would count the number of people re-entering the building. Once they reached the 80 occupancy limit and 10 residents, then no one else would be allowed to enter the building. If there would be a continued violation, the Building Official could revoke the Certificate of Occupancy and the Zoning Administrator could revoke the Special Use Permit.

Mr. Hopkins commented that he does not like to write subtle language amendments for conditions during the meeting. He would prefer if the Plan Commission continue the case to the next regular meeting. He went on to say that he did not believe this to be a Fire Marshall issue. The Fire Marshall may be the way to limit occupancy, but the reason for limiting the occupancy is based on the Special Use conditions of the location of the proposed building. He could foresee that if this is viewed as a Fire Marshall issue, then the occupancy could be easily appealed or remodeled. Ms. Pearson replied that the rule allows the Fire Marshall to set a lower number than the formula calculates. The occupancy level was a concern voiced at the neighborhood information meeting for this case, so City staff thoroughly discussed and reviewed different options. City staff concluded that this would be the best way to enforce the occupancy level.

Chair Fitch clarified that Mr. Hopkins was trying to determine how the Special Use Permit would apply to the existing building. What spaces would be designated for church use and what spaces would be restricted to residential use?

Mr. Trail replied that the building had previously been evaluated to hold 40 residents. He wondered how many people the building would hold under Fire regulations. Mr. Fitch agreed that would interesting information to know.

Mr. Hopkins moved that the Plan Commission continue Plan Case No. 2328-SU-18 to their regular meeting on February 22, 2018. Mr. Trail seconded the motion.

Mr. Trail asked that City staff provide information on what portions of the building would be used for a church use and what portions would be designated only to the residents. Mr. Hopkins added that they are not asking for remodeling plans. They simply want to know what areas of the building would be used by the church so they can more precisely apply language when placing conditions on the Special Use Permit. He is thinking about future users, not the proposed buyer.

Ms. Ouedraogo wondered what language was missing from the first paragraph of the written staff report that would cover what Mr. Hopkins and Mr. Trail were looking for. Mr. Hopkins replied that he does not know what the relative square footage of the two portions are. Therefore, he has no idea what the potential expansion of the church use might be. Chair Fitch explained that they want to generally know more about the plan for specific uses of the church use and the resident use so they can figure out what, if any, conditions to apply to the Special Use Permit if the Plan Commission chooses to approve it.

Ms. Pearson asked if the February 22, 2018 date would work for Mr. Weisskopf and Mr. Mooney to be able to get the requested Floor Plan information. Mr. Weisskopf said yes.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Trail	-	Yes
Ms. Billman	-	Yes			

The motion was passed by unanimous vote.

Plan Case No. 2331-T-18 – A request by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to modify who may submit an application for various permits and approvals.

Chair Fitch opened the public hearing for this case and continued it to the March 8, 2018 meeting of the Plan Commission at the request of City staff.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission