

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** March 5, 2020

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

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

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**MEMBERS PRESENT:** Dustin Allred, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Jonah Weisskopf, Chenxi Yu

**STAFF PRESENT:** Kevin Garcia, Planner II; Lily Wilcock, Planner I

**OTHERS PRESENT:** Mohammad Abed, Shubhuka Agarwal, Ryan Clark, Lori Edwards, Will Finkelstein, Andreas Guevara, James Heimbürger, Fernando Nader

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**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 with all members in attendance.

**2. CHANGES TO THE AGENDA**

Mr. Garcia stated that there is a correction in the original agenda for Plan Case No. 2396-PUD-20. It stated the subject property was 1.51 acres, and it is 14.51 acres.

**3. APPROVAL OF MINUTES**

The minutes of the February 20, 2020 regular Plan Commission meeting were presented for approval. Mr. Fell moved that the Plan Commission approve the minutes as written. Ms. Yu seconded the motion. The minutes were approved by unanimous vote as written.

**4. COMMUNICATIONS**

There were none.

**5. CONTINUED PUBLIC HEARINGS**

There were none.

**6. OLD BUSINESS**

**Review of Bylaws**

Chair Fitch opened this item on the agenda. He asked if any of the members had thoughts about changing the bylaws.

Mr. Hopkins mentioned that the bylaws state that the Plan Commission has a Vice-Chairperson; however, the Commission does not have one. He suggested that the Plan Commission should at some time make their bylaws consistent with their actions or vice-versa. Kevin Garcia, Planner II, stated that he would look into this and bring it back to the Plan Commission in the future.

Mr. Hopkins moved that the Plan Commission amend the bylaws as presented in Section 6. Ms. Billman seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

**7. NEW PUBLIC HEARINGS**

**Plan Case No. 2396-PUD-20 – A request by Union Development Holdings, LLC to amend the Melrose Apartments of Urbana Planned Unit Development to exclude the western 14.51 acres at 1208 West Bradley Avenue.**

Chair Fitch opened the public hearing for this case. Lily Wilcock, Planner I, presented the staff report to the Plan Commission. She began by clarifying that the petitioner is requesting an amendment to an existing Planned Unit Development (PUD). There is a proposed development for the portion of the existing PUD that would be removed, if approved. The proposed development would be allowed to be built by right, if the proposed amendment is approved. She discussed the history of the proposed site. She noted the zoning, existing land use and Future Land Use designation of the proposed properties and of the surrounding sites.

Mr. Hopkins questioned the “commercial” label on Exhibit B that Ms. Wilcock used during her presentation. Ms. Wilcock and Kevin Garcia, Planner II, explained that the label is an error on the map. 1208 West Bradley Avenue is currently zoned R-4, Medium Density Multiple Family Residential.

Ms. Wilcock continued with her presentation. She reviewed the criteria in Section XIII-3 of the Urbana Zoning Ordinance that is required to be met for approval. She read the options of the

Plan Commission and presented City staff's recommendation for approval. She noted that the petitioners were in the audience and would be able to answer questions.

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

Mr. Fell asked for clarification on whether the 14-acre subject parcel was being changed from what the existing PUD would allow or if the petitioner is asking for the subject parcel to be removed from being part of the existing PUD. Ms. Wilcock clarified that the petitioner is asking for the 14-acre parcel to be removed from the existing PUD.

Mr. Fell asked about a Site Plan. If this request is approved, would the petitioner need to conform to the Site Plan in the PUD? Ms. Wilcock said no. There would be no Site Plan to conform to. The proposed development would be allowed to be constructed by right. All of the requirements of the existing PUD were constructed in Phase I and have been completed.

Mr. Fell asked if the existing apartment buildings on the west side of Phase I meet the setback requirements as well as other City codes, if the proposed amendment is approved. Essentially, he said, when a development is constructed on two parcels, the adjoining property line goes away. In this case, the amendment would be separating the two parcels and putting the property line back in, causing the existing building along the western property line to be out of compliance. Mr. Hopkins added that there would need to be a Code variance granted for the layout of the entry and the property line would need to be moved west by 25 feet to allow the existing building to stay in compliance. Mr. Fell stated that the problem would not be a zoning code compliance issue, but rather a building code fire separation distance issue.

Mr. Hopkins felt that connectivity to Browning Road in the northwest corner of the parcel, if the proposed amendment is approved, is important. How can they be sure that the connectivity happens? Ms. Wilcock replied that the Public Works Department had reviewed the proposed development, and they have their requirements for access guidelines.

Mr. Allred asked if removing the parcel at 1208 West Bradley Avenue from the PUD would have any negative impact on One North. Does One North want a connection to the proposed development where there is currently a dead end? What relief from the City codes was the developer of the original PUD granted?

Mr. Allred asked if the proposed northwest connection to Browning Road would be connecting to the Union Gardens Subdivision. Ms. Wilcock said yes. The developer of Union Gardens proposed a connection to Federal Drive via Browning Road. The petitioner is proposing a connection to Browning Road and Federal Drive from 1208 West Bradley Avenue.

Regarding the dead end street in One North, Ms. Wilcock stated that while the original PUD intended to have a connection from Phase I into Phase II, the current owners of One North have not expressed interest in having a connection to the proposed 1208 West Bradley Avenue. The original PUD did not have an entry access lined up with Goodwin Avenue either. The only zoning relief granted in the original PUD in 1996 would allow them to not have to build a chain-link fence [which was a requirement at the time].

Ms. Billman asked if there would be only one entrance into the proposed development. Ms. Wilcock explained that the developer for the proposed development planned to have an entrance off Bradley Avenue and one off of Federal Drive in the northwest corner of the parcel. Both access drives would still need to be constructed.

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

Lori Edwards, representative of the Annex Group and Union Development Properties, approached the Plan Commission to speak in favor of the proposed amendment. She stated that nothing could be developed on the parcel at 1208 Bradley Avenue without the PUD being removed. They believe that with student housing to the east and new student housing being developed to the west, their proposed affordable housing would be a new mix and meet with the City's Comprehensive Plan.

Jim Heimbürger approached the Plan Commission to speak. He stated that he owns the undeveloped property adjacent to the west of 1208 Bradley Avenue. He said he is not opposed to the proposed amendment. His property is currently under contract; however, the developer has not acted on it as of yet.

He expressed concern about there not being any information on the back table so people can read what cases are about. As a neighboring property owner, he felt he should have been more informed by the City.

In addition, he said the sound system in the Council Chambers is not great. He could not hear what anyone had said at the meeting. Unless a person speaks directly into the microphone, their voice is not picked up by the sound system.

Mr. Heimbürger asked about the boundary issue [that Mr. Fell had raised earlier]. Chair Fitch explained that removing 1208 West Bradley Avenue from the original PUD reintroduces the boundary line between the two properties. The Plan Commission was concerned that separating the two properties in the PUD might put the existing buildings from Phase I of the original PUD out of conformance with the City's building code.

Mohammad Abed approached the Plan Commission to speak. He lives at 1125 Bradley Avenue, which is south of 1208 Bradley Avenue. He asked what his property is zoned. Mr. Garcia replied that it is zoned B-2, Neighborhood Business. Chair Fitch added that they are not proposing any changes to his property.

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

Ms. Yu asked for clarification as to when Public Works and the Fire Departments looked at the proposed development plans. Ms. Wilcock explained that the City's Building Safety Division, and the Public Works, Police and the Fire Departments all looked at the plans for the entire PUD in 1996 and approved them. They have also reviewed the proposed amendment and approve of it.

Mr. Fell asked what guarantee the City has that Union Gardens will develop the extension to Federal Drive on their proposed development site so that the proposed development can connect to it. Mr. Garcia said that there is no guarantee at this time; however, that is what is proposed. The Annex Group has agreed to dedicate some right-of-way on the Phase II portion for a future road and to build a stub in the northwest corner. If Union Gardens develops the west property as planned, the extension will connect to both this stub and to Federal Drive.

Mr. Fell asked if the Fire Department would be okay with there only being one access to the proposed site if the Union Gardens proposed development falls through. Mr. Garcia replied that the Fire Department would prefer the connection be constructed, and for there to be a second access. However, the original PUD was not going to connect at all [to Bradley Avenue or Federal Drive].

Mr. Allred asked if the Site Plan had any bearing on the Plan Commission's decision to amend the PUD agreement. Mr. Garcia did not believe that the Site Plan factored in. The Site Plan was included in the packet to give the Plan Commission information. City staff consulted with their Legal Division on how to proceed with removing 1208 Bradley Avenue from the PUD. It was decided that an amendment would need to be reviewed and approved by the Plan Commission and City Council. Mr. Hopkins added that the Plan Commission would be doing nothing at this meeting other than creating a 14.51-acre parcel zoned R-4. The record of the Plan Commission's discussion includes commentary about the Site Plan, which is in the record as being relevant if 1208 Bradley Avenue ends up being a vacant R-4 parcel, but it has no legal standing.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2396-PUD-20 to the City Council with a recommendation for approval. Mr. Weisskopf seconded the motion.

Mr. Fell reiterated that he was convinced if the property line is reintroduced in its current location, then the existing western buildings of One North would be out of code compliance. If the applicant and the City are acceptable to this, then he is happy to vote yes to the proposed amendment. Ms. Yu agreed with Mr. Fell.

Commissioners briefly discussed how to proceed with the case and whether they could place a condition on the motion. Mr. Garcia said he did not feel that the Plan Commission could place a condition on the motion [regarding the property line question]; however, he could consult with the Building Safety Division about the concern prior to the case going before City Council so that staff could have more information on the topic.

Mr. Hopkins noted that the owner of One North is not in attendance to ask how they feel about this concern. He felt comfortable with Mr. Garcia's idea for staff to deal with it before the case goes to the City Council. Ms. Wilcock pointed out that the application for amending the PUD is signed by the current owners of One North. There was much discussion between One North and City staff on whether the proposed amendment would affect One North's ability to rebuild and how conforming their property would be. When looking at the Site Plan, it appears there is more than five feet from the western most buildings to the proposed property line [which would meet zoning setbacks].

Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Mr. Garcia noted that the case would be forwarded to the City Council on March 23, 2020.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Kevin Garcia, Planner II, reported on the following:

- Comprehensive Plan Update – City staff is about to embark on updating the 2005 Comprehensive Plan. Andrea Ruedi has been hired on a three-year contract to lead this project.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

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Kevin Garcia, Secretary  
Urbana Plan Commission