

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** April 5, 2018

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

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

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**MEMBERS PRESENT:** Jane Billman, Andrew Fell, Tyler Fitch, Nancy Esarey Ouedraogo, David Trail, Daniel Turner, Chenxi Yu

**MEMBERS EXCUSED:** Barry Ackerson, Lew Hopkins

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II, Teri Anel, Administrative Assistant II

**OTHERS PRESENT:** Brad Joseph, Christopher Oswald

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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 a quorum of the members was declared present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

The minutes of the February 22, 2018 regular Plan Commission meeting were presented for approval. Mr. Turner moved that the minutes be approved as written. Mr. Trail seconded the motion. Ms. Ouedraogo noted the following change to Page 9, Paragraph 2, Last Sentence:

Ms. Ouedraogo commented that if the Plan Commission has hesitations because they are thinking about the public good, they need to keep in mind that the public has spoken when they voted and the vote was to not financially support the Champaign County ~~continuing the operation of the n~~ Nursing h Home.

The minutes were approved as amended by unanimous voice vote.

The minutes of the March 5, 2018 regular Plan Commission meeting were presented for approval. Mr. Fell moved that the minutes be approved as written. Mr. Trail seconded the motion. The minutes were approved as written by unanimous voice vote.

#### 4. COMMUNICATIONS

There were none.

#### 5. CONTINUED PUBLIC HEARINGS

**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 stated that this case was continued to the April 19, 2018 meeting.

**Plan Case No. 2339-T-18 – A request by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to combine the Mixed-Office-Residential (MOR) Development Review Board and the Design Review Board.**

Chair Fitch stated that this case was continued to the April 19, 2018 meeting.

#### 6. OLD BUSINESS

There was none.

#### 7. NEW PUBLIC HEARINGS

**Plan Case No. 2341-SU-18 – A request by Tatman Family, L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6<sup>th</sup> day of August 1985, known as Trust No. 1-2125, for a Special Use Permit to operate a Medical Clinic at 520 North Cunningham Avenue in the B-3, General Business Zoning District.**

Chair Fitch opened the public hearing for this case. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He noted the location of the subject property and stated the zoning, existing land uses and future land use designations of the surrounding properties. Referencing the Site Plan, he pointed out that one parking space would encroach into the front yard setback; however, the applicant intended to provide a landscape buffer of one tree and three shrubs to screen it. One access drive would be off Park Street and the second access would be from Walgreens parking lot. He noted the location of the garbage dumpster. He reviewed the requirements for a Special Use Permit according to Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff's recommendation for approval with one condition.

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

Mr. Fell asked if there was an access easement agreement with Walgreens. Mr. Ricci directed the question to the proposed buyer and their attorney.

Mr. Fell asked if there was an access easement agreement for the private drive. Mr. Ricci explained that the private drive has split ownership. The City would require a recorded cross access easement.

Mr. Fell suggested moving the dumpster to a different location so that traffic would not have to cross through the Walgreens parking lot. Has Public Works reviewed the plans? Mr. Ricci replied yes, Public Works had reviewed the Site Plan. He mentioned that this option was suggested to the applicant, and the proposed Site Plan in its configuration is what the applicant submitted.

Ms. Billman expressed concern about the medical use tenant using Walgreens' parking lot as an access. Traffic already congests at this point on the site because there is not much room. She asked if the monument sign could be relocated further north on the corner of Cunningham Avenue and Park Street. Mr. Ricci replied that Public Works had reviewed the circulation and access of traffic and did not have any negative comments.

Mr. Fell noticed that the access drive into the subject property through Walgreens parking lot would remove about five parking spaces for Walgreens. Would Walgreens still comply with their parking requirements? Mr. Ricci explained that these parking spaces were never included in the parking calculations for Walgreens.

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

Christopher Oswald, Attorney for D. Joseph Sons and Associates, Real Estate Company, and Brad Joseph, Vice President of D. Joseph Sons and Associates, approached the Plan Commission to speak.

Mr. Oswald stated that the site would be developed as an urgent care/prompt care type of medical center. He felt it would be convenient to be located next to Walgreens so clients could walk over and pick up their prescriptions.

With regards to the configuration of the Site Plan, they have been working with City staff to address their concerns. They had to place the garbage dumpster in the back because they are not allowed in the front yard setback along Cunningham Avenue.

There is a reciprocal easement agreement for access through the shopping center. It governs the strip center, Walgreens and the subject property. It provides for cross-access rights through the lots and access drives.

Mr. Trail asked if most clients would be accessing the facility without appointments. Mr. Oswald said yes.

Mr. Trail questioned how big the waiting room would be. Mr. Joseph explained that the tenant would provide the design. They do not have the final space plan. They could get the exact sizes for the Plan Commission if needed.

Mr. Oswald pointed out that urgent care is not a high traffic type of use. It is not an emergency room type facility, but rather a clinic for people who have colds to go see a doctor. Mr. Joseph added that during cold and flu season, they would have peak times; otherwise, they would be lucky to have 10 to 15 clients per day.

Mr. Trail wondered if the applicant planned to install signs indicating clients of the proposed medical use clinic to not park in Walgreens parking lot. Mr. Joseph replied that they did not anticipate anyone parking in the Walgreens parking lot. Walgreens expected the proposed site to be developed

someday, which is why they have already planned for the curb cut for an access drive onto the subject lot. If anything, he would think that Walgreens would be thrilled to have a medical clinic located next door, because it will boost Walgreens business.

Ms. Ouedraogo noted that there is already visibility issues for the L-shaped mall center. Would it be possible for the applicant to locate their building on the southeast corner of the proposed site rather than the northeast corner? Mr. Joseph stated that even if they constructed the building on the southeast corner, they would still be blocking the visibility of one of the other tenants. His potential tenant was specific about what they needed, and his company tried to configure the proposed site as best they could. They did not consider which business would be affected. The original developer intended for the proposed lot to be developed, and hopefully he shared that with his tenants in the strip mall already.

Mr. Turner asked if the proposed medical clinic would be related to any existing clinic in the area. Have they researched to see if an additional clinic is needed? Mr. Joseph replied that their potential tenant did not give them permission to disclose their name. The tenant plans to open several branches, and they do not want their competitors to know their strategy. Also, the tenant did their own research, and they felt there was a need for an urgent care medical center in Urbana.

Mr. Fell questioned if all of the parcels were subject to a collective parking agreement. Mr. Oswald stated that the agreement only pertained to access easement. He believed that each of the lots were to provide their own parking.

Mr. Fell inquired about the configuration and why the applicant had traffic going across Walgreens parking lot when they did not have to. Mr. Oswald said that the layout of the center predated their involvement. They were simply adding on where the developer originally intended the access to be. There were challenges in fitting the building and the parking area on the lot without conflicting with the code requirements. Having two access drives allows for better flow of the traffic. In addition, the dumpster location is trickier than it looks because they had to allow room for the truck to turnaround in the parking lot.

Mr. Turner questioned if the proposed medical clinic would accept low-income clients. Mr. Joseph stated that the tenants do not turn anyone away. Medical treatment will be available to everyone in the community.

With no additional public input, Chair Fitch closed the public input portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motions.

Ms. Billman asked if the special use permit would transfer to a future owner and if a future owner would be able to change the site plan. Mr. Ricci answered that the special use permit would transfer with the land to future owners. A new owner would have to generally conform to the Site Plan submitted with this special use permit. If they wanted to significantly vary from the Site Plan, then the special use permit would no longer be valid and would require a new special use permit.

Mr. Trail stated that if it is the future tenant's intent to serve the low-income population, the proposed location is one of the least pedestrian accessible areas that they could locate such a medical clinic. Mr. Fitch agreed that it would not be pedestrian friendly.

He went on to say that he likes the two ways in and out of the proposed site. He was concerned about the exit from Walgreens being far enough away from the entrance into the proposed site until he visited the site. He felt the two access points would be far enough away that it would not create

traffic flow issues. To help prevent any problems, he suggested requiring stop signs at the northeast corner of Walgreens where the private drive and the entrance into the entire site meet and at the northwest corner of Walgreens where traffic exits Walgreens Parking lot. Lorrie Pearson, Planning Manager, commented that there might be language in the cross access easement that would prohibit stop signs. Mr. Fell felt that stop signs might confuse traffic going in different directions.

Ms. Ouedraogo talked about visibility. She would prefer that the monument sign would be better located on the northwest of the proposed site. Mr. Fell stated that while he agreed, site access to the strip mall is not this petitioner’s problem. The developer intended for this lot to be developed and could have configured the site differently for the strip mall.

Mr. Turner moved that the Plan Commission forward Plan Case No. 2341-SU-18 to the City Council with a recommendation for approval for the reasons articulated in the written staff memo with the condition that *the use generally conforms to the site plan submitted in this application as shown as Exhibit D, except where modified to meet City regulations.* Mr. Fell seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Trail	-	No	Mr. Turner	-	Yes
Ms. Yu	-	Yes			

The motion was approved by a vote of 6 to 1. Ms. Pearson noted that this case would be forwarded to City Council on Monday, April 16, 2018.

**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 7:45 p.m.

Respectfully submitted,

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Lorrie Pearson, Secretary  
Urbana Plan Commission