

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