

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 18, 2021

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

**PLACE:** City Council Chambers | Zoom Webinar

**MEMBERS ATTENDING REMOTELY:** Dustin Allred, Jane Billman, Andrew Fell, Lew Hopkins, Debarah McFarland, Jonah Weisskopf, Chenxi Yu

**MEMBER ATTENDING AT CITY BUILDING:** Tyler Fitch

**STAFF PRESENT:** City of Urbana (Host); Brianna Gaspar, UPTV Camera Operator, Marcus Ricci, Planner II; Kat Trotter, Planner I

**OTHERS ATTENDING REMOTELY:** Norman Baxley, Ryan Donaldson, Monica Huang

**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 present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES**

The minutes of the March 4, 2021 regular Plan Commission meeting were presented for approval. Mr. Fell moved that the Plan Commission approve the minutes as written. Ms. Billman seconded the motion. Roll call on the motion was as follows:

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

The minutes were approved by a vote of 7 yeses and 1 abstention.

#### 4. COMMUNICATIONS

Correspondence received for Plan Case No. 2416-SU-21:

- Email from Thomas Sheehan of 25 O’Clock Brewing Company, LLC
- Email from Tom Faux
- Email from Kathryn Fitzgerald
- Email from Catherine of Beads Botanicals
- Email from Scott G
- Email from Gene Koprowski
- Email from Denis and Aisha Chiaramonte
- Email from Anonymous Person
- Email from Lois Steinberg

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. OLD BUSINESS

There was none.

#### 7. NEW PUBLIC HEARINGS

**Plan Case No. 2416-SU-21 – A request by Norman Baxley, on behalf of Montessori School of Champaign-Urbana, for a Special Use Permit to allow operation of a School at 121 Goose Alley in the B-4, Central Business Zoning District.**

Chair Fitch opened the public hearing for Plan Case No. 2416-SU-21. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He began by explaining the purpose of the proposed Special Use Permit request, which is to allow the operation of a school in the B-4 (Central Business) Zoning District. He noted the location, existing uses, zoning and future land use designations of the proposed site as well as for the adjacent properties. He reviewed the requirements for a Special Use Permit according to Section VII-4.A of the Urbana Zoning Ordinance. He summarized staff findings and read the options of the Plan Commission. He presented City staff’s recommendation for APPROVAL with the following conditions:

1. Operation must be in general conformance with the floor plan submitted with the Special Use Permit application (Exhibit D);
2. Parking and loading must be in general conformance with the plan submitted (Exhibit F);
3. The Special Use Permit would expire on August 31, 2024. The school may apply for another special use permit for this or another location, as permitted by the Urbana Zoning Ordinance;
4. Student enrollment will be capped at 28 students;
5. The school must rent at least three parking spaces;
6. The school must work with the property owner to install bicycle loops on the property;
7. The school must sign a waiver of its protective buffer from future retail liquor licenses.

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

Mr. Allred asked why the City would essentially lock the floorplan to the Special Use Permit rather than keeping it flexible. He did not understand how the applicant uses the interior of the building would be important. Mr. Ricci explained that this is one of the default conditions placed on Special Use Permits that gives the City some confidence that the interior would not be altered in a major fashion or possibly increase the occupancy level. There is no requirement in the Zoning Ordinance that the floor plan remain static. He added this condition because both the applicant and the Montessori school said that they were not planning any major renovations.

Mr. Allred asked about potential conflicts with cannabis uses. The NuMed facility has a medical cannabis dispensary. Would the school locating at 121 Goose Alley create a conflict for NuMed with regards to buffer requirements from schools? Mr. Ricci stated that NuMed is now called nuEra. It is both an adult and a medical cannabis dispensary. From his analysis, the proposed school would not affect any future cannabis uses in Downtown Urbana as they are already prohibited from the downtown area or there is not a school buffer requirement depending on each type of cannabis use. The only type of cannabis uses that require a buffer from school zones are medical cultivation centers and non-medical dispensaries, and neither of these are allowed in the downtown area. Craft growers and infusers would be allowed in the downtown area but do not require a buffer from school zones. He shared the interactive map that shows what cannabis uses would be allowed on any given parcel.

Mr. Ricci stated that nuEra is located 1,000 feet from the downtown area, so it would not be affected by the presence of the proposed school. Mr. Hopkins asked if the school had located Downtown Urbana first, then nuEra would not have been allowed in its current location. Mr. Ricci said that was correct. Mr. Allred clarified that there is a buffer of 2,500 feet for cannabis cultivation centers and 1,000 feet for medical dispensaries. Mr. Ricci noted that there are other schools located in and around Downtown Urbana that trigger the buffer requirements, so adding another school in the downtown area would not change the permission of a current cannabis use.

Mr. Allred stated that the written staff report addresses the issuance of new liquor licenses to retail liquor establishments. What about existing liquor licenses for businesses located within the 100 feet of the proposed site? Would the existing liquor licenses be grandfathered in? A new retail liquor establishment could not be located within 100 feet of an existing church or school; however, a school can locate near an establishment with a liquor license. It is a one-way prohibition. Renewals of established businesses with liquor-licenses are exempt from the 100-foot school buffer requirement. If an established business with a liquor-license wanted to expand their license, it is possible that it might be affected by the proposed school. However, the Montessori school is considering signing a waiver to prevent them from affecting businesses expanding their liquor licenses or new businesses needing a liquor license in the future.

Mr. Fell stated that the application asks to be allowed to operate a church on the proposed site, but the written staff report talks about a school use. Mr. Ricci stated that he would change the application to reflect school, not church.

Mr. Fell stated that he had many building code questions. He asked if the plans had been reviewed by the City's Building Safety Division staff. Mr. Ricci replied no.

Chair Fitch asked about the traffic speed in Downtown Urbana. Mr. Ricci believed that the speed limit was 35 mph [it is 30 mph]. Chair Fitch asked if this would need to become a school zone. Mr. Ricci stated that during internal discussion, Public Works staff brought up this concern. The triggering requirements for a school zone were not discussed though. He mentioned other businesses that were school-aged-student oriented. He pointed out that there is a marked cross walk on Main Street and signalized intersections at both ends. The school could request a school zone, which would go before the Traffic Commission. He could check into this more and get back to the Plan Commission. Chair Fitch thought this would be a good idea and he asked for more information about speed suppression and traffic suppression measures being required. Mr. Ricci mentioned that the communication received about installing a speed bump or a slow sign came from the proprietor of C4A Art and Music School.

With there being no further questions for City staff, Chair Fitch opened the hearing for public input. He stated the rules and procedure for public input. He invited the applicant(s) to speak.

Norman Baxley, applicant, raised his hand to speak. He stated that he was available to answer any questions.

Monica Huang, representative for the Montessori school, raised her hand to speak. She thanked the Plan Commission for their consideration of the proposed Special Use Permit.

There was no further testimony or input from the public, so Chair Fitch closed the public input portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell stated that he did not intend to sound like he was opposed to the proposed Special Use Permit. However, he had a lot of questions for the Building Safety Division. Building Safety staff needs to review this plan in terms of allowing a school use with the existing Building Code. He believed that the school and the building had different use occupancy codes, which are drastically different. One difference is the Champaign-Urbana Public Health regulations for the existing kitchen. Some of the differences are going to take some effort to work around.

Mr. Hopkins expressed concern about the building meeting American Disability Act (ADA) regulations. While it is hard to determine from the submitted floor plan, what the levels are; however, it was reasonably clear that there are places in this space that are not accessible. While the occupancy codes and accessibility compliance are not within the purview of the Plan Commission, he felt it was important to point them out. Mr. Fell stated that he would not feel comfortable tying the floor plan to the Special Use Permit. Mr. Hopkins added that the Building Safety Division would assess an occupancy limit based on the Building Code, so the Plan Commission did not need to worry about this either. Chair Fitch agreed with both Mr. Hopkins and Mr. Fell.

Chair Fitch reiterated concern about traffic suppression. While he did not want a speed bump in the middle of Downtown Urbana, he felt signage was important. He felt it would be appropriate to have signage at the unlit crosswalk on Main Street, possibly at the egress of Water Street and along Goose Alley. He suggested looking further into the school zone requirements.

Ms. Billman moved that the Plan Commission forward Case No. 2416-SU-21 to the Urbana City Council with a recommendation for approval with the following conditions:

1. Parking and loading must be in general conformance with the plan submitted (Exhibit F);
2. The Special Use Permit would expire on August 31, 2024. The school may apply for another special use permit for this or another location, as permitted by the Urbana Zoning Ordinance;
3. Student enrollment will be capped at 28 students;
4. The school must rent at least three parking spaces;
5. The school must work with the property owner to install bicycle loops on the property.
6. The school must sign a waiver of its protective buffer from future retail liquor licenses.

Mr. Hopkins asked for a friendly amendment to delete Condition #1 that the Operation be in general conformance with the floor plan. Ms. Billman agreed to the amendment. Mr. Hopkins seconded the motion.

Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Mr. Ricci noted that Plan Case No. 2416-SU-21 would be forwarded to Committee of the Whole on April 5, 2021.

**8. NEW BUSINESS**

**CCZBA-002-AM-21 – A request by Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC to amend the Champaign County Zoning Map to change the zoning district designation at 3804 Cunningham Avenue from the AG-2, Agriculture Zoning District, to the B-4, General Business Zoning District, in order to establish and operate the proposed Special Use in related Zoning Case CCZBA-003-S-21.**

Chair Fitch opened Case No. CCZBA-002-AM-21. Kat Trotter, Planner I, presented the staff report to the Plan Commission. She began by explaining the purpose of the proposed zoning amendment request, which is to allow the applicant to establish and operate the Illini Fire Service, LLC, a fire suppression equipment and design company. She stated that at the March 11, 2021 meeting of the Champaign County Zoning Board of Appeals, they voted unanimously to enact the rezoning with one condition. She noted the location, existing land uses, and zoning of the subject property and adjacent properties. City staff found that the proposed rezoning to County B-4 (General Business) Zoning District would generally be consistent with the City’s 2005 Comprehensive Plan. She showed the Site Plan and talked about the drainage concerns

detailed in the County memo. She read the options of the Plan Commission and presented City staff's recommendation to DEFEAT A RESOLUTION OF PROTEST as presented. She mentioned that Ryan Donaldson, applicant, was available to answer questions.

Chair Fitch asked if any members of the Plan Commission had questions for City Council. There were none, so he opened the case for public input. There was no public input. Chair Fitch closed the public input portion and opened the case for Plan Commission discussion and/or motion(s).

Chair Fitch stated that he was glad that they are addressing the drainage issues.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-002-AM-21 to the City Council with a recommendation to DEFEAT a Resolution of Protest. Mr. Allred seconded the motion. Roll call on the motion was as follows:

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

The motion passed by unanimous vote.

Ms. Trotter noted that Case No. CCZBA-002-AM-21 would be forwarded to City Council on Monday, April 12, 2021.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Chair Fitch inquired about Plan Case Nos. 2411-PUD-20 and 2412-PUD-20. Had City Council discussed these two cases and taken any action? Mr. Ricci reported that City Council denied the Planned Unit Development requests.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

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Kevin Garcia, Secretary  
Urbana Plan Commission