



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

**Planning Division**

**m e m o r a n d u m**

**TO:** Mayor Diane Wolfe Marlin and City Council

**FROM:** John A. Schneider, Manager, Community Development Services Department

**DATE:** March 29, 2018

**SUBJECT:** **An Ordinance Approving a Special Use Permit** (713 West Ohio Street / Frat Life, LLC – Plan Case 2328-SU-18)

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**Introduction**

Frat Life, LLC, represented by Manager and Sole Member Jonah Weisskopf, has applied for a Special Use Permit to adaptively reuse a portion of the dormitory at 713 West Ohio Street as a church. The Urbana Zoning Ordinance requires a Special Use Permit to allow the proposed church use in the R-7, University Residential District. The remaining portion of the existing dormitory would be used as a rooming house, which is permitted by right in the R-7 District. The applicant is the current owner of the property and is applying for the Special Use Permit on behalf of The Church in Champaign (“The Church”), represented by two of its Directors, Kenneth Mooney and Nehemiah Tan.

The Plan Commission public hearing was opened on February 8, 2018, and heard presentations from city staff and the Petitioner, and public comments for and against the proposed Special Use Permit. Due to questions regarding the location and intensity of church use inside the building, the public hearing was continued to the February 22, 2018, Plan Commission meeting. At this meeting, the Urbana Plan Commission voted four (4) ayes to (1) nay to forward the case to the City Council with a recommendation to approve the request for a Special Use Permit with conditions.

**Background**

**Description of the Site and Surrounding Properties**

The property is located at the southeast corner of West Ohio Street and South Busey Avenue, and is currently the site of the Delta Kappa Epsilon fraternity house (see Exhibit A). The site is 22,302 square feet (0.511 acres) and includes the two-and-one-half (2-½) story, 5,986 square foot house and a 25-space, 8,400-square-foot parking lot. There are currently 18 tenants in the 21-bedroom house. The parking lot has two access drives off South Busey Avenue.

The following table identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (see also Exhibit B: Zoning Map). The surrounding land uses are varying intensities of residential use, including single-family, duplex, and medium- and high-density apartments. There are also three group homes – Delta Zeta (710), Beta

Sigma Psi (706), and Chi Psi (606) – on this block face of West Ohio Street, plus an additional seven group homes in the adjacent blocks (see Exhibit C).

| <b>Direction</b> | <b>Zoning</b>                          | <b>Existing Land Uses</b>                         | <b>Future Land Use</b>                 |
|------------------|--|---|--|
| Site             | R-7, University Residential            | Group home  | Residential                            |
| North            | R-7, and R-2 Single-Family Residential | Group homes; single- and multi-family residential | Residential                            |
| East             | R-2 Single-Family Residential          | Single- and multi-family residential              | Residential                            |
| South            | R-2 Single-Family Residential          | Single- and multi-family residential              | Residential                            |
| West             | R-7, and R-2 Single-Family Residential | Group homes; single- and multi-family residential | Residential and University Residential |

The two-and-one-half (2-1/2) story Tudor Revival fraternity house was constructed in 1927 and, according to a City of Urbana Historic Resources Survey, has always operated as a sorority or fraternity house. Until recently, the chapter house was listed with the University of Illinois’ Private Certified Housing Office and rated by that office for occupancy of up to 40 persons. Occupancy dropped from 22 residents (2010-2011) to 10 residents (2015-2016), then increased to 18 residents when the building changed ownership.

This is another example of an older, larger chapter house experiencing decreasing occupancy rates. Some chapter houses are able to maintain occupancy rates and continue as a University-recognized chapter house. Other chapter houses lose occupancy and change uses, some as non-University-recognized fraternal organizations, and others as rooming houses owned by private entities. Several chapter houses in the Urbana-Champaign area are either vacant, have been demolished, or may experience relocation of their chapter, including:

- the former Zeta Psi House, 803 West Oregon Street, sold in March of 2017; vacant while repairs are made.
- the former Zeta Tau Alpha House, 1404 South Lincoln Avenue, vacant since 2009 and currently under renovation into multi-family units.
- the Kappa Delta House, 1204 South Lincoln Avenue, an occupied sorority chapter house sold in August of 2017; the chapter may move to a new building in Champaign.
- the Delta Zeta House, 710 West Ohio, an occupied sorority chapter house; the chapter may move to a new building in Champaign.
- the former Delta Phi House, Fourth Street (Champaign), vacant since 2009, demolished in 2018.
- the former Alpha Delta Phi House, 310 East John Street (Champaign), vacant from 2015 to 2017, demolished in 2017.
- the former Chi Psi House, 912 South Second Street (Champaign), demolished in 1994.

For the subject property, adaptive reuse as a mixed-use church-and-rooming house would better utilize the building. A recent example of adaptive reuse is the former Zeta Tau Alpha Sorority House, a local historic landmark, which has been vacant since 2009 and in disrepair, especially the interior. Last year,

Pierre Moulin proposed and was approved for a Planned Unit Development to adaptively reuse the chapter house as an 18-unit apartment building. Construction work on that renovation is currently underway.

### **Proposed Use**

Services for The Church are currently held at the Illini Union (1401 West Green Street, Champaign). Increasing attendance levels have prompted church leaders to search for a site near the university where they could move their congregation, two-thirds of which are University students. The ideal site would be one where the church would fit into a residential setting, as the second use of the church building would be as a rooming house. In addition to scheduled services, the church would propose to be open to the community as a study space. The church does hold quarterly regional gatherings, which meet at other, larger facilities. Service and meeting times as proposed by the prospective buyer are as follows (see Exhibit D):

- Sunday, 10:00 a.m.-12:00 p.m.: Main service, 70-80 participants
- Sunday, 8:00-9:00 p.m.: Ladies prayer time, 10-15 participants
- Monday-Friday, 8:30-11:30 a.m.: Meeting of “Christians on Campus” staff, 6-10 participants.
- Monday, 7:00-8:00 p.m.: Meeting of “Christians on Campus” core team members for prayer and planning, 15 participants.
- Monday, 8:00-10:00 p.m.: Meeting of church elders and deacons, 15 participants.
- Tuesday, 7:30-8:30 p.m.: Church prayer meeting, 40 participants.
- Wednesday, 8:00-9:30 p.m.: “Christians on Campus” Bible study, 35 participants.
- Friday, 6:00-9:30 p.m.: Group meetings with dinner and Bible study, 30-45 participants.
- Saturday, 6:00-9:30 p.m.: Student meeting, 40 participants

Although the meeting times start at 8:30 a.m. and end as late as 10:00 p.m., the average daily activity periods average less than 4-½ hours per day:

- Sunday: 10:00 a.m.-9:00 p.m. – 2 events for 3 hours
- Monday: 8:30 a.m.-10:00 p.m. – 3 events for 6 hours
- Tuesday: 8:30 a.m.-8:30 p.m. – 2 events for 4 hours
- Wednesday: 8:30 a.m.-9:30 p.m. – 2 events for 4-½ hours
- Thursday: 8:30 a.m.-11:30 a.m. – 1 event for 3 hours
- Friday: 8:30 a.m.-9:30 p.m. – 2 events for 6-½ hours
- Saturday: 6:00 p.m.-9:30 p.m. – 1 event for 3-½ hours

The applicant plans to maintain tenant occupation until it sells the property to The Church. The prospective buyer plans to reduce tenant occupation when they take possession of the building, renting 10 of the existing 21 bedrooms to individual tenants starting in August of 2018. This rooming house use is permitted by right in the R-7 District and is not subject to the consideration of the Special Use Permit. The remainder of the building would be used as a church, which requires a Special Use Permit in the R-7 District. Church renovation is projected to begin in late 2018. This will include converting several rooms into the assembly seating area, converting rooms to office and meeting spaces, and installing two bathrooms. According to floor plans provided by the applicant, approximately two-thirds (6,048 square feet) of the building would be used for church activities and one-third (3,433 square feet) would be used for residential activities (see Exhibit E). There are some building portions that will be shared including the basement kitchen and pantry. City staff determined building

occupancy loads for the areas of “church use” and “residential use,” as well as an occupancy load for the main assembly hall (see Exhibit F). According to building code occupancy calculations, the church areas of the building could safely contain up to 248 persons while the rooming house areas could contain up to 17 persons, for a total of 265 persons. The main assembly hall alone could safely contain up to 108 persons.

Exterior changes will be minimal and will be completed prior to conducting any church services. These include installing an accessibility ramp from the parking lot to the southwest door, removing the eastern fire escape, repairing and restriping the parking lot, and installing screening fences and shrubbery (see Exhibit G). The site plan shows the proposed access ramp, off-street parking lot reconfiguration, parking lot landscaping and screening, and parking lot shade trees. The north access drive to the parking lot would be widened to allow two-way traffic. The south access drive would not be used and would be screened to block view of the parking lot.

The plan proposes 22 parking spaces, which exceeds the parking requirement for the combined uses. If overflow parking is required, church patrons can park two blocks away at Lot F11 at the McKinley Health Center, which is located at 1109 South Lincoln Avenue (at West Indiana Avenue) on the University campus. Maria McMullen, with University Parking Services, has confirmed that the lot is open to the public from Friday at 5:00 p.m. to Monday at 6:00 a.m. City staff confirmed the non-metered spaces are also available from 5:00 p.m. to 2:00 a.m. Monday-Friday. If overflow parking is needed outside of those times, church attendees can use the metered spaces in the lot. Staff analyzed the service times of other nearby houses of worship to determine potential overlaps in traffic congestion or use of on-street or off-site parking, and determined that the main conflict point would be with Twin City Bible Church’s (TCBC) Sunday services which run from 9:00-10:15 a.m., and from 10:45 a.m. to 12:00 p.m.

To confirm whether this projected overlap in services would result in a shortage of overflow parking at McKinley Health Center, city staff conducted a one-time parking survey of Lot F11 on Sunday, February 4, 2018, on an hourly basis from 8:30 a.m. to 12:30 p.m.. The lot provides 137 spaces. Occupancy before the early TCBC service started was 21 cars, or 15% full. Occupancy during the services increased to 62 and 68 spaces, or 45% and 50% full. Between services, the occupancy dropped to 53 spaces, or 39% full, and then fell after 12:30 p.m. to 27 cars, or 20% full. On this day, the peak occupancy was 50% full, leaving 69 spaces available for others to park. In theory, on this day, if every one of the 80 church attendees at the proposed church drove alone, and 10 of the on-site 22 spaces were being used by the residents, the remaining 68 attendees would have had room to park in the McKinley Health Center lot. This is speculation based on several assumptions. However, the analysis did not include potential reductions in parking need due to carpooling, walkers, and cyclists. The survey did observe four additional bicycles in the TCBC parking lot during services and saw people leaving by bicycle. According to TCBC staff, attendance averages 250 persons during the early service and 150 persons during the later service. If the occupancy of the Health Center lot increased during TCBC services by only 41 and 47 cars, respectively, it is evident that attendees are finding other places to park, or are arriving by foot, carpooling, bicycle, or bus.

Brad Bennett, Assistant City Engineer, assessed the public services available at the site and estimated the proposed use’s impacts to their remaining capacity (see Exhibit H). The water used and the wastewater generated will be reduced by an estimated 30 percent, and the 8-inch sanitary sewer line on South Busey Avenue has sufficient capacity for the projected sanitary sewage load. The stormwater generated should not increase, and the eight-inch storm sewer line running from the storm sewer inlet

on the property has sufficient capacity for the projected load. The 22-space parking lot could generate up to 132 trips per day. The peak hourly trip generation of 22 trips yielding a three-car-per-minute ingress/egress frequency during a church-related event should not add to congestion. Therefore, the traffic impact at this location will be nominal with modest additional traffic on South Busey Avenue or West Ohio Street when events end.

## **Public Outreach and Comment**

The Church representatives Mooney and Tan invited the neighborhood to participate in a public meeting on December 12, 2017, at 7:30 p.m., at the Urbana Civic Center; over 20 people attended. Mr. Mooney provided background on the church's mission, activities, and future goals, including the desire to move its current services to the proposed site to better serve current members and to better reach university students. According to Mr. Mooney, The Church's organizational growth pattern is not to increase the size of any one congregation, but to increase the number of small congregations established in local communities. It currently has congregations in Normal, Peoria, the United Kingdom, and Germany. One of its primary missions is to provide support to students, which is why members want to be located close to campus, why they work with the Christians on Campus Registered Student Organization, and why they plan to host students as residents. If The Church establishes a church at the subject property, it would change the name to "The Church In Urbana."

Meeting attendees asked why they needed to establish the building as a church, and Mr. Mooney responded that the planned number of attendees and services required them to formalize their use as a church and not simply as residents and visitors having frequent informal meetings. The proposed site would also allow them to provide the residential use of the house.

Jonah Weisskopf stated, as the current owner of the property, that the proposed church and rooming house uses would be a less intense use than the current use as an 18-person fraternity house. One neighbor stated that the Delta Zeta fraternity house (710 West Ohio Street) was planning to move to Champaign and that the proposed use was a good way to keep a large fraternity house in use. Several attendees expressed concerns regarding potential over-occupancy of the church assembly hall; city staff responded that this could be addressed by including a condition in the Special Use Permit limiting occupancy of the assembly hall to the requested 80 persons. Another concern expressed was potential light trespass from exterior lighting.

In total, 20 persons have expressed support for the proposal and 10 persons have expressed opposition (see Exhibit I). Concerns expressed by those in opposition included: increases in traffic congestion and parking, light trespass from the parking lot lights, difficulty in enforcement of occupancy limits, managing noise, and future maintenance of the property. These concerns will be discussed below and many will be addressed by recommended conditions on the Special Use Permit.

## **Discussion**

### **Traffic Congestion and Parking**

City staff have determined that there may be a nominal increase in traffic along South Busey at the end of the Sunday service. Otherwise, there should be minimal additional congestion from current levels. The Zoning Ordinance establishes parking requirements differently depending on the proposed use. For churches, the number of seats provided in the main assembly hall determines the parking requirement for the church use; for rooming houses, the number of residents determines the parking

requirements. In this case, the building's mixed-use parking requirement is 16 spaces for the 80 seats of the church's main assembly hall, and 5 spaces for the 10 residents of the building, resulting in a total parking requirement of 21 spaces. The proposed site plan includes 22 parking spaces.

### **Light Trespass**

The site plan does not propose any additional outdoor lighting, which is regulated by Section VI-8 of the Zoning Ordinance. The Ordinance prohibits overly-bright lights, prohibits lights projecting or bleeding-over into neighboring properties, and requires the aiming or shielding of fixtures so as not to cause a nuisance to the public or nearby properties. Section VI-6.B. of the Zoning Ordinance requires that off-street parking adjoining a residential zoning district or use be screened using landscaping or a solid fence or wall four to six feet in height, to act as a direct headlight screen. These two sections of the Zoning Ordinance should adequately address the light trespass concerns expressed by commenters, eliminating the need to place an additional condition.

### **Occupancy**

Although the occupancy load calculations estimate that the building can safely contain greater numbers of people, the prospective buyer is willing to accept a lower occupancy limit to maintain the character of, and compatibility with, the neighborhood. The Building Official and Fire Marshal are permitted to set a building's occupancy or a room's occupancy at a lower number than the building code formula would allow. Two recommended conditions would limit occupancy in both the assembly room (up to 80 persons), and for the church use as a whole including the main assembly room (up to 90 persons total) to allow for limited occupancy of the church use outside of the assembly room during services such as occupancy of the children's rooms or the kitchen. As discussed during the public hearing, service and event times as proposed by the prospective buyer end by 10:00 p.m. Although discussion at the Plan Commission included the possibility of ending Monday events earlier, the prospective buyer has determined they would like to stay with the proposed 10:00 p.m. end time.

Sections VII-4 and VII-5 of the Zoning Ordinance regulate the Special Use Permit process. The Permit and its conditions would apply only to the 6,048 square feet of the building designated for church use. The Permit and its conditions would transfer to any future property owner. If the proposed or future use does not generally conform to the site and floor plans submitted for this Permit, as determined by the Zoning Administrator, the Permit would no longer be valid and any church use must cease. If the conditions of the Permit are violated – including exceeding the occupancy limits set forth in the Permit's conditions – the Zoning Administrator may revoke or cancel the Permit (Section VII-5.C). According to the city's building code, if the occupancy limits established by the Certificate of Occupancy are exceeded, violating the Zoning Ordinance, the Building Official may revoke the Certificate of Occupancy, requiring that portion of the building in violation to be vacated (Section 111.4).

### **Noise Management**

The city's Noise and Vibrations Ordinance (Chapter 16) prohibits "loud and raucous noise," defined as any noise, which, because of its volume level, duration and/or character, would be reasonably deemed to annoy, disturb, injure or endanger the comfort, health, peace or safety of any complainant. Section 16-5 excepts religious worship activities, which would include both the activities of the proposed Sunday services as well as many of the daily meeting activities, e.g., prayer meetings, prayer time. However, non-worship activities – including movement of meeting attendees in the parking lot

after worship activities – would not be excepted and must maintain reasonable noise levels. Otherwise, a neighbor could contact the city police department and file a noise complaint. The applicability of the Noise Ordinance to non-worship activity-related noise and the non-enforceability of conditions to regulate worship activity-related noise eliminate any potential benefit of placing an additional condition regulating the time of church events in an attempt to manage noise.

## **Property Maintenance**

Because the residence portion of the building will be a rental property, it must be registered with the city's Rental Property Registration Program. If a rental property is not maintained to the standards of the city's Property Maintenance Code (Chapter 5, Article IX), a tenant or other concerned party may file a complaint with the city, which would be investigated and resolved.

## **History of Zoning Districts**

A question was raised during the Plan Commission public hearing as to what district the Special Use Permit Requirement #2 referred to, as regarding unreasonable injury or detriment caused by the proposed use. Section IV-1 of the Zoning Ordinance established 23 unique zoning districts in the city whose boundaries are based on the zoning designation itself, not on the contiguity of parcels with the same zoning designation (“sharing a common border; touching”). This means that all of the parcels of a particular zoning designation make up that district, not just the parcels that are touching each other. In this case, the “district” is the R-7, University Residential Zoning District, which encompasses all of the properties zoned R-7. The subject property is contiguous to an R-7-zoned property to the west which touches several R-7-zoned properties west to South Lincoln Avenue and then north and south. That district also includes the non-contiguous R-7-zoned properties east along West Ohio Street, and further out throughout the city. The purpose of the R-7 district is “to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments.”

Several questions and comments were raised by audience members during the public hearing about when the group homes were established and under what zoning district designation. Staff researched the history of the zoning of the area and determined the following:

- in 1950, the subject property was zoned R-1, One- & Two-Family Residence. This zoning would have permitted the proposed church use by right. The westerly adjacent block was zoned R-2, Multiple Family Residence. These were the only two residential zoning district options at the time.
- in 1961, the subject property was zoned R-5, Fraternity/Sorority, in proximity to properties zoned R-1. The westerly adjacent block was zoned R-2 and R-5. There were five residential zoning district options.
- in 1983, the subject property was zoned R-6, High-Density Multiple-Family Residential. The previous R-1 zoning district – which previously permitted one- and two-family residences – from South Busey Avenue to Race Street and from Michigan Avenue to High Street had been rezoned to the new, less-intense R-2, Single-Family Residential. The westerly adjacent block was zoned R-4 and R-5. There were seven residential zoning district options.
- in 1987, the subject property was zoned R-7, Dormitory Residential, within R-2, Single-Family Residential; the westerly adjacent block was zoned R-4 and R-5. There were eight residential zoning district options.

- in 2000, the subject property was zoned R-7, University Residential, in proximity to properties zoned R-2, Single-Family Residential; the westerly adjacent block was zoned R-7, R-5, and R-3. There were eight residential zoning district options.

The trend of zoning in the area has been from a small number of districts with very broad ranges of uses – from two residential districts in 1950 in which churches were permitted by right – to a large number of districts with stricter separation of uses – now eight districts in which churches are permitted by right in only four residential districts and require a Special Use Permit in the other four districts. Both the parsing of zoning districts to increase compatibility between adjacent uses and the rezoning of parcels to better reflect their current use are accepted zoning practices.

As may be gathered from the above area history, the zones in which churches have been permitted has varied over the years. In the 1970 Zoning Ordinance, churches were permitted by right in almost all districts: AG, R-1 (One- & Two-Family), R-2 (Multiple Family), R-3, (Multiple Family Residential Only), and R-4 (Multiple Family Residential High-Density). Churches were not permitted in the R-5 (Fraternity/Sorority/Dormitory District) or in the B-1 (Neighborhood Business), but were permitted in B-2 (Central Commercial), I-1 and I-2 (Light & Heavy Industrial).

The city started using Special Uses, *per se*, in 1979. This allowed churches to petition to establish in R-1, R-2, R-3, and R-7 districts – in which they were no longer permitted by right – in addition to the R-4, R-5, and R-6/R-6B districts in which they were permitted by right. The 1970 Ordinance did list some Conditional Uses as well as contained language that said “Any of the following uses provided...they are authorized by City Council after a public hearing conducted by the Plan Commission” which is, essentially, the City’s current Special Use Permit process.

### **History of Special Use Permits and Churches**

To confirm the legality of the proposed conditions on a religious facility, staff researched the history of Special Use Permits issued by the city for religious activities since 1989. Of the 18 Permits issued, 11 were for establishing or expanding the principal church building, four were for building or expanding a parking lot, and six were for establishing or expanding an accessory use or building. A tally of a selection of conditions relevant to the recommended conditions in the current case follows:

- conform to submitted site plan – 7
- meet city regulations (building, zoning, engineering) – 5
- parking lot must conform to submitted parking/site plan – 3
- prohibit additional exterior lights – 1 (TCBC)
- install parking lot lighting to minimize light trespass – 1
- restrict hours of ancillary church activities– 1

Although a condition was placed on the operating hours of the Church of Christ’s soup kitchen and food pantry, these were determined to be non-religious activities. Not all of The Church’s evening events are non-religious, so it would not be clearly permissible to set operating hours to limit those activities’ event times. City staff believe that relying on the city’s Noise Ordinance is the best way to manage non-worship activity-related noise levels. It is evident that conditions related to conforming to a site plan or floor plan, adhering to other city regulations, and regulating exterior lighting have been placed on proposed religious activities in the past, and using those conditions in the current case should be considered neither arbitrary nor capricious.



## Requirements for a Special Use Permit

According to Section VII-4.A. of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

1. *That the proposed use is conducive to the public convenience at that location.*

The proposed church is conducive to the public convenience at this location due to its proximity to Lincoln Avenue and to the University. The property is located in a residential neighborhood near the University and one block from Lincoln Avenue, is served by transit, has sidewalks on both sides of the street, and is within walking distance for the primary audience of interest: University students. Over two-thirds of the current congregation are students and the church is the meeting place for the University's "Christians on Campus" Registered Student Organization. There is a public transit stop less than two blocks away and proposed parking for ten bicycles on site, reducing the need to drive to the church. The site's proximity to Lincoln Avenue reduces the depth of incursion into the neighborhood by people driving to the church, and increases its connectivity to a greater population base with direct access to inter-city minor arterial roads.

2. *That 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 proposed church will not be unreasonably injurious or detrimental to the R-7, University Residential District in which it shall be located. As stated earlier, the R-7 district encompasses all of the properties zoned R-7, University Residential, in the city. The church would relocate its services from the Illini Union to this property. The most-attended event (Sunday morning service from 10:00 a.m. to 12:00 p.m.) occurs between the two services held at Twin City Bible Church two blocks away, which begin at 9:00 a.m. and 10:45 a.m. The staggered service times should minimize traffic, except for the final service dismissal. Other planned service times do not appear to conflict with Twin City Bible Church or other nearby houses of worship.

The proposed church will provide one more off-street parking space than is required. All events should be finished by 10:00 p.m. The applicants state there will be no alcohol consumption, no late-night parties, and no loud music. A "quiet time" will be imposed for residents, and all non-residents must leave the building by 11:00 p.m. A "house coordinator" will be designated among the residents to keep order, and the church elders and deacons will oversee the building's operation.

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.*

The character of the R-7, University Residential District will be preserved if the proposed Special Use Permit is granted. The property has been used as a group home since the late 1920s, with as many as 40 residents, and with recent occupancies of more than 20 residents. Nearby residents have become accustomed to activity outside the home, many cars in the parking lot, and auto and foot traffic to the house. The proposed use would limit the number of full-time residents to ten. Although Sunday services may bring additional traffic for a short period of time, the applicants

believe, based on their experience at the Illini Union, that many attendees will walk, bicycle, or take transit to services and events. It will provide more than the required number of bicycle and automobile parking spaces, and will fully screen the parking lot as required. The proposed development would conform to applicable regulations for the R-7, University Residential District.

The City Council shall determine whether the reasons set forth in the applications, and the evidence adduced during the public hearing, justify the granting of the Special Use Permit, and whether the proposed uses will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the City Council may impose additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such uses;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting; and
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Staff initially proposed six conditions to Plan Commission, three of which were designed to address concerns that arose at the neighborhood meeting on December 12, 2017 (see Exhibit J). Two conditions addressed limiting the occupancy of the assembly room and the Special Use portion of the building and the third addressed spillover lighting in the parking lot. As other City codes address potential noise and lighting issues, staff now proposes four conditions to address compliance with regulations and the submitted application materials and to set occupancy levels.

## **Summary of Findings**

1. Frat Life, LLC, represented by its Manager and Sole Member Jonah Weisskopf, requests a Special Use Permit to allow The Church in Champaign to operate a church at 713 West Ohio Street in the R-7, University Residential Zoning District.
2. The proposed use is conducive to the public convenience at this location due to its proximity to both the University where the majority of its congregants live and to public transit and bicycle parking.
3. The proposed use would not be unreasonably injurious or detrimental to the R-7, University Residential District in which it shall be located due to both the coordination of service times to minimize traffic conflicts, and to provision of more than the required number of off-street parking spaces.

4. The proposed use meets the regulations and standards of, and preserves the essential character of, the R-7, University Residential Zoning District in which it shall be located by limiting the number of church use and assembly hall occupants, providing more than the required number of off-street parking spaces, and screening the parking lot from adjacent properties.

## Options

The City Council has the following options in Case No. 2328-SU-18:

1. **Approve** the Special Use Permit without any additional conditions.
2. **Approve** the Special Use Permit **with any conditions** deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.
3. **Deny** the Special Use Permit.

## Recommendation

At its February 22, 2018, meeting, the Urbana Plan Commission voted four (4) ayes and one (1) nay to forward Plan Case No. 2328-SU-18 to the Urbana City Council with a recommendation of **APPROVAL with the following recommended CONDITIONS** for the proposed Special Use Permit:

1. Construction must be in general conformance with the attached site plan entitled “Church Ramp – Ramp Construction – 713 W. Ohio” dated January 26, 2018 (Exhibit G) and floor plans entitled “Floor Plans of 713 W. Ohio” and dated February 12, 2018 (Exhibit E).
2. The occupancy of the main church assembly room will be established and placarded by the Building Official and Fire Marshal to not exceed 80 persons, and noted on the Certificate of Occupancy.
3. The occupancy of the special use portion of the building – including the main church assembly room – will be established and placarded by the Building Official and Fire Marshal to not exceed 90 persons, and noted on the Certificate of Occupancy.
4. Church events conclude by 10:00 p.m.
5. Any future exterior lighting fixtures may be no taller than 12 feet.
6. The use must conform to all applicable zoning, building, and development regulations.

As discussed earlier, City staff conducted additional research on the history of the issuance of Special Use Permits in the city for establishing or expanding religious institutions, and the types of conditions that have been applied to those permits in the past. Due to the ability of managing certain issues such as non-worship activity noise and light trespass under other city regulations, staff now recommends **APPROVAL with the following recommended CONDITIONS** for the proposed Special Use Permit:

1. Construction must be in general conformance with the attached site plan entitled “Church Ramp – Ramp Construction – 713 W. Ohio” dated January 26, 2018 (Exhibit G) and floor plans entitled “Floor Plans of 713 W. Ohio” and dated February 12, 2018 (Exhibit E).
2. The occupancy of the main church assembly room will be established and placarded by the Building Official and Fire Marshal to not exceed 80 persons, and noted on the Certificate of Occupancy.
3. The occupancy of the special use portion of the building – including the main church assembly room – will be established and placarded by the Building Official and Fire Marshal to not exceed 90 persons, and noted on the Certificate of Occupancy.
4. The use must conform to all applicable zoning, building, and development regulations.

Prepared by:



Marcus Ricci, Planner II

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Zoning Map  
Exhibit C: Group Homes  
Exhibit D: Application for Special Use Permit  
Exhibit E: Floor Plans dated February 12, 2018  
Exhibit F: Occupancy Calculations  
Exhibit G: Site Plan “Church Ramp – Ramp Construction – 713 W. Ohio” dated  
January 26, 2018  
Exhibit H: Email from Brad Bennett, Asst. City Engineer, dated January 11, 2018  
Exhibit I: Communications  
Exhibit J: Plan Commission Meeting Minutes: February 8 (APPROVED) and  
February 22, 2018 (DRAFT)

CC: Frat Life, LLC, represented by Jonah Weisskopf  
The Church In Champaign, represented by Kenneth Mooney and Nehemiah Tan

# Exhibit A: Location & Existing Land Use Map



Case: 2328-SU-18  
 Subject: Special Use Permit  
 Location: 713 West Ohio Street  
 Petitioner: Frat Life, LLC  
 Jonah Weisskopf, Sole Member & Manager

 Subject Property

## Legend

# Exhibit B: Zoning Map



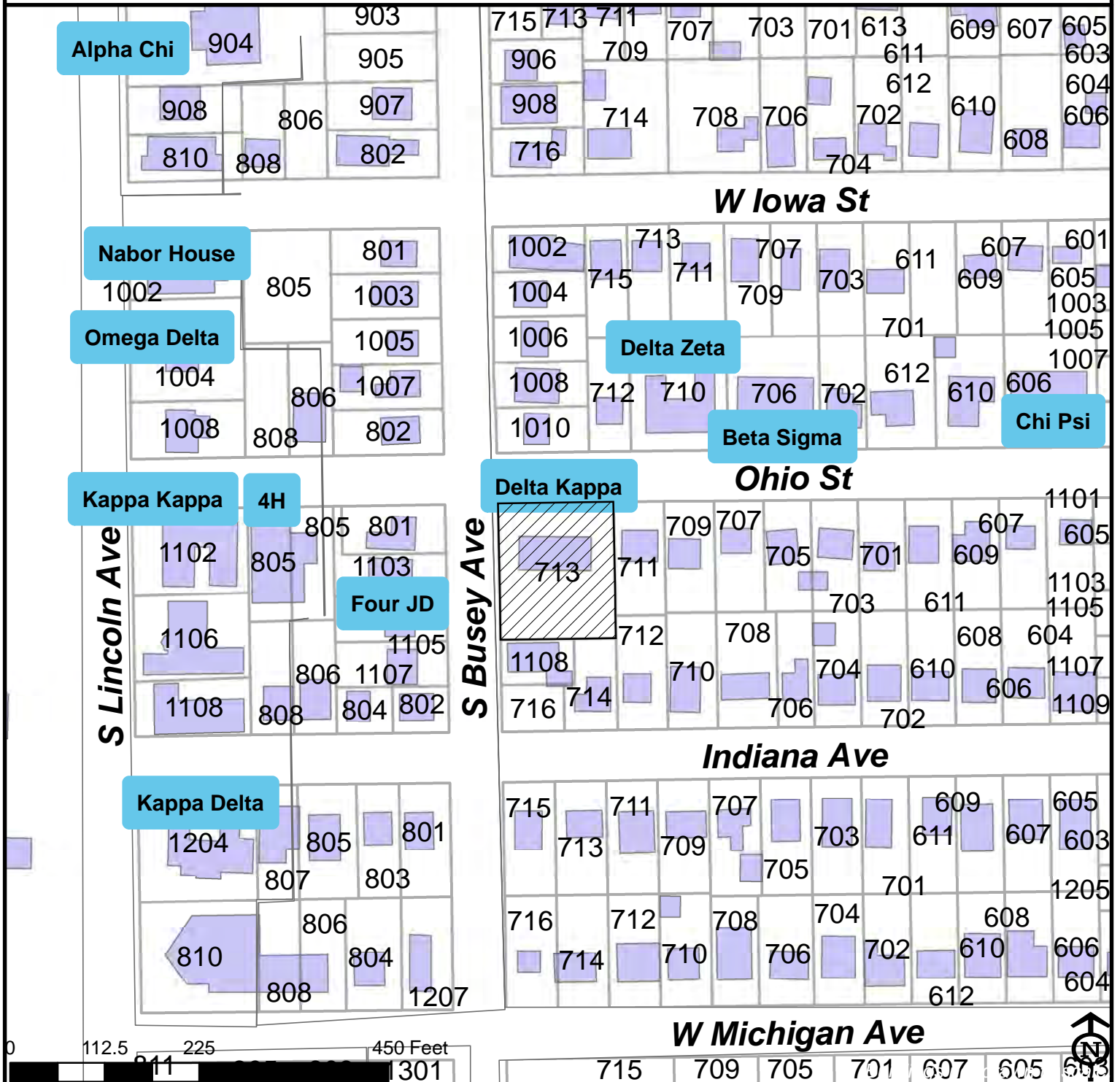
Case: 2328-SU-18  
 Subject: Special Use Permit  
 Location: 713 West Ohio Street  
 Petitioner: Frat Life, LLC  
 Jonah Weisskopf, Sole Member & Manager

 Subject Property

|   |   |
|---|---|
|  B1  |  B3U |
|  CRE |  R1  |
|  R2  |  R3  |
|  R5  |  R7  |

## Zoning

# Exhibit C. Group Homes



Case: 2328-SU-18  
 Subject: Special Use Permit  
 Location: 713 West Ohio Street  
 Petitioner: Frat Life, LLC  
 Jonah Weisskopf, Sole Member & Manager

 Subject Property

# Exhibit D. Application



## Application for Special Use Permit

## PLAN COMMISSION

**The application fee must accompany the application when submitted for processing.** Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

### DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 1/17/2018 Plan Case No. 2328-SU-18  
Fee Paid - Check No. waived Amount \$0.00 Date 1/17/2018

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section VII-4 of the Urbana Zoning Ordinance to allow *(Insert proposed use)* Church on the property described

below. Jonah Weisskopf is the sole agent and manager of Frat Life IIc

#### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Frat life IIc and Jonah Weisskopf Phone: 217-369-2150  
Address (street/city/state/zip code): 206 W Main Urbana, IL 61801 307 E Illinois Urbana IL 61801  
Email Address: jonahweisskopf@hotmail.com

#### 2. PROPERTY INFORMATION

Address/Location of Subject Site: 713 W. Ohio St., Urbana, IL 61801

PIN # of Location: 93-21-17-307-031

Lot Size: 137.6 feet by 162 feet

Current Zoning Designation: R-7 - University Residential

Current Land Use (vacant, residence, grocery, factory, etc): Dormitory (fraternal chapter)

Proposed Land Use: Church (Special Use Permitted) and roominghouse (Permitted By Right)

Legal Description (If additional space is needed, please submit on separate sheet of paper):

**"Lots 3,4 & 5 James Elmo Smiths Sub 162x137"**



# Exhibit D. Application

## 3. CONSULTANT INFORMATION

**Name of Architect(s):** Andrew Fell

Phone: 217-363-2890

Address (*street/city/state/zip code*): 515 Hickory St, Champaign, IL 61820

Email Address: andrewfell@comcast.net

**Name of Engineers(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Surveyor(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Professional Site Planner(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

**Name of Attorney(s):**

Phone:

Address (*street/city/state/zip code*):

Email Address:

## 4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

**See Attachment for Question #1**

Explain how 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 or detrimental to the public welfare.

**See Attachment for Question #2**

Explain how 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.

**See Attachment for Question #3**

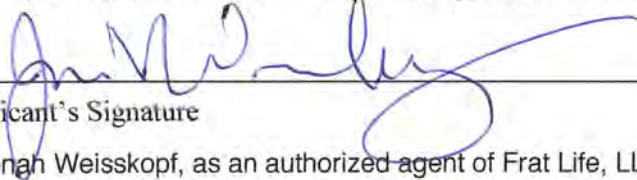
# Exhibit D. Application

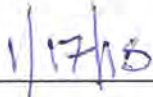
**NOTE:** *If additional space is needed to accurately answer any question, please attach extra pages to the application.*

**By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.**

## **CERTIFICATION BY THE APPLICANT**

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

  
\_\_\_\_\_  
Applicant's Signature

  
\_\_\_\_\_  
Date

I, Jonah Weisskopf, as an authorized agent of Frat Life, LLC, am making this application on behalf of The Church in Champaign, as represented by Kenneth Mooney & Nehemiah Tan. The Church desires to purchase the property at 713 West Ohio Street, contingent upon issuance of the requested Special Use Permit.

## **PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

City of Urbana  
Community Development Department Services  
Planning Division  
400 South Vine Street, Urbana, IL 61801  
Phone: (217) 384-2440  
Fax: (217) 384-2367

# Exhibit D. Application

***Note: These answers were originally submitted with the application submitted by Kenneth Mooney & Nehemiah Tan for Plan Case 2324-SU-17. As the current applicant is request a Special Use Permit with the identical conditions, and is applying on behalf of the original applicants, the answers are being used for the current application for Plan Case 2328-SU-18.***

*Question #1: Explain how the proposed use is conducive to the public convenience at the location of the property.*

The proposed use of the property is to be a church assembly hall of about 70 to 80 persons, and a dormitory for a maximum of 10 persons. It will also be used during the week by the registered U of I student organization "Christians on Campus." There are approximately 25 parking spaces on the property, which will be adequate for the intended use. There is a first-floor meeting space that is easily adequate for 70 to 80 persons according to the present building code. There are 19 bedrooms in the building, of which we will use ten for boarders. To meet ADA requirements a ramp will be added externally on the west side of the building for wheel chair access. Two rest-rooms will be added on the first floor to meet the ADA requirements for wheel chair access.

Because the site is one block east of Lincoln Avenue, on the corner of Busey and Ohio, there is good access to the site. Regardless of whether someone is walking from the campus dormitories to the site, riding a bicycle, taking public transportation, or driving a vehicle it is easy to get to. Currently, 67 % of our congregation is students, so this location is very convenient for them. For example, to get to this facility is an easy 11-minute walk from Illinois Street Residence Hall. Then for those taking a bus, there is a bus stop at 1004 S. Lincoln, 3-minute walk away from the site.

Operating this site as a church assembly hall will benefit the community because the site will be frequented by students and community members whose interest is to study the Bible and worship God according to the way New Testament believers did in the early days of the church. There will be no consumption of alcohol on the property. There will be no late-night parties, or loud and boisterous music to disrupt the community. Our students and community members are quiet, well-mannered people who will fit well into the community.

Another benefit to the community is that residents will have the opportunity to visit our services and see how we endeavor to follow the early churches in their way of worship. I anticipate that some will be attracted to this simple form of worship. If we keep meeting in the Student Union Building on Green St., it is more difficult for the near-by residents to attend. In addition, this site will allow us to have proper facilities for Sunday School for children. Having a proper Sunday School is beneficial for the current members with children, as well as members who desire to participate with us in our worship.

An additional benefit to the community for the proposed use of this property is that we desire to operate it as an open study area during the week days. Students who do not meet with us or with the Christians on Campus Club would be welcome to come and study and eat lunch.

# Exhibit D. Application

*Question #2: Explain how 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 or detrimental to the public welfare.*

The largest regular meeting will be on Sunday morning from 10:00AM to 12:00PM. The property is one block east of Lincoln Avenue, and is on a corner lot with easy ingress and egress for automobiles and bicycles, or pedestrians. On a typical Sunday morning there will be on average of one car coming into the parking lot every 90 seconds from 9:30AM to 10:00AM. There is nearly no other traffic on the streets at this time, so there is no danger of a traffic jam. From 12:15PM to 12:45 PM on average there will be one car every 90 seconds exiting the property. Again, this amount of traffic will not negatively impact the neighborhood traffic pattern.

Below is a list of other potential regular meetings:

- Sunday night, 8:00 to 9:00 PM—Ladies prayer time with 10 to 15 participants
- Monday to Friday 8:30 AM to 11:30 AM—Meeting of Christians on Campus staff members with 6 to 10 participants.
- Monday night 7PM to 8PM—Meeting of Christians on Campus core team members for prayer and planning with about 15 participants.
- Monday night from 8PM to 10PM—Meeting of the elders and deacons of the church with about 15 participants.
- Tuesday night from 7:30PM to 8:30PM—church prayer meeting of about 40 members.
- Wednesday night from 8:00 PM to 9:30 PM is a Christians on Campus Bible study with about 35 participants. This is often held in the ISR dorm, but may be held sometimes on this site.
- Friday night 6:00PM to 9:30PM—Group meetings with dinner and a Bible study. There may be on occasion up to 3 groups meeting with sizes approximately 10 to 15.

Additional details of how the property will be managed:

- There will be a quiet time beginning at 11:00 PM, and a curfew at 11:30 PM, and all remaining nonresidents of the building will need to leave by 11:30 PM.
- There will be a house coordinator designated among the live-in residents whose function will be to keep order.
- The elders and deacons of the church will oversee the building's operation.
- We plan to have the building open during the week days for students to come and eat lunch, hang out, and study academics or Bible topics.

# Exhibit D. Application

*Question #3: Explain how 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.*

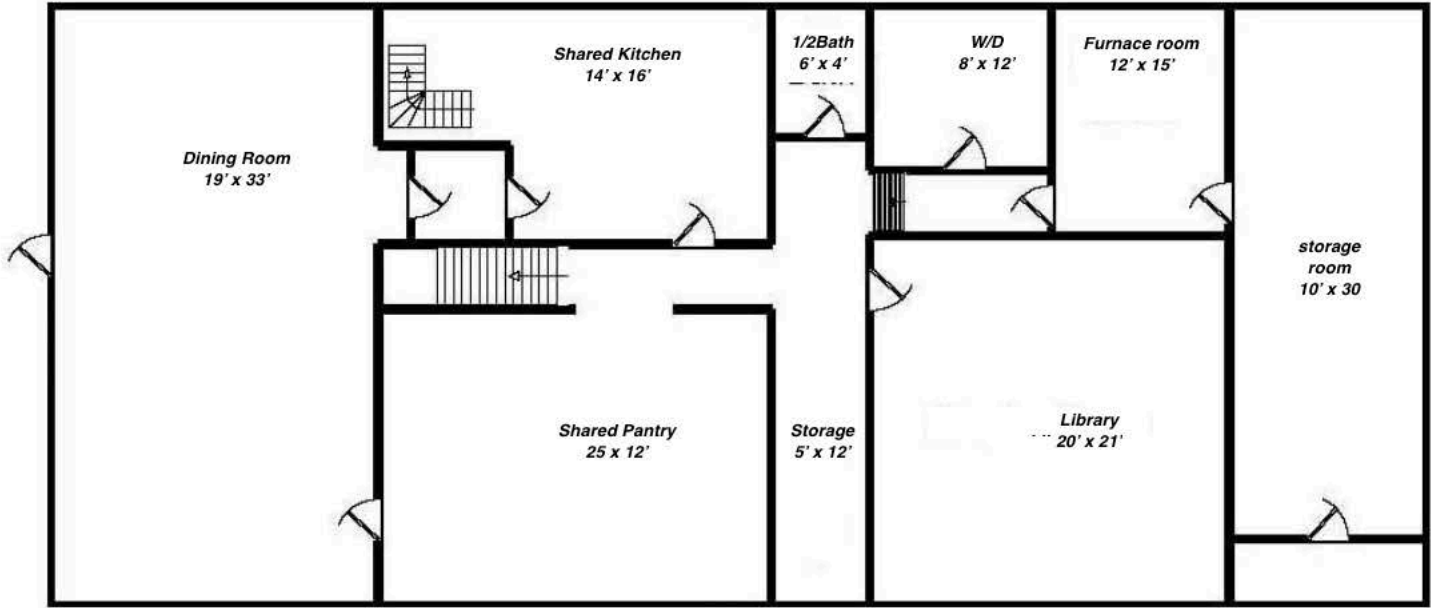
The size of the primary meeting space is about 800 square feet. City regulations state that there needs to be 7 square feet per person for a church assembly hall. With our planned use there will be 10 square feet per person if there are 80 persons in attendance. Also, current city regulations state that there needs to be one parking space for every two single bedrooms, and one parking space for every 5 meeting attendants. Therefore, with ten boarders, we need 5 parking spaces, and for 80 meeting attendants we would need 16 parking spaces ( $80/5=16$ ). Therefore, we would need 21 parking spaces, and the property has 25 spaces. If on special occasions we may have extra visitors, there are over 40 empty spaces available at the McKinley Health Center on a Sunday morning. Another Christian group uses McKinley for their overflow parking. We would probably need at most 5 to 10 of these spaces. McKinley is easy five-minute walk from the proposed property.

The surrounding area of the proposed church assembly hall has a mixture of some R-2 and some R-7 properties. The current use of the property is as a fraternity hall with about 19 residents. We will still use a portion of the current building as a dormitory, similar in use to the current fraternity, but with fewer residents, and no consumption of alcohol, thereby promoting a calmer environment.

The new use of this property should fit well into the current residential environment surrounding it because there will be specific guidelines about how and when to use the property. There will be no rowdy gatherings, and the coming and going of the participants will be quiet and organized.

In mid-September one of the deacons and I were standing on the pavement alongside the building on Busey avenue. We remarked about how calm and peaceful and pleasant the environment around the building was during that mid-day time frame. We said this is the type of environment we want for our meeting hall. We like the residential and calm environment of the area around 713 W. Ohio, and we plan to operate the building to keep it that way.

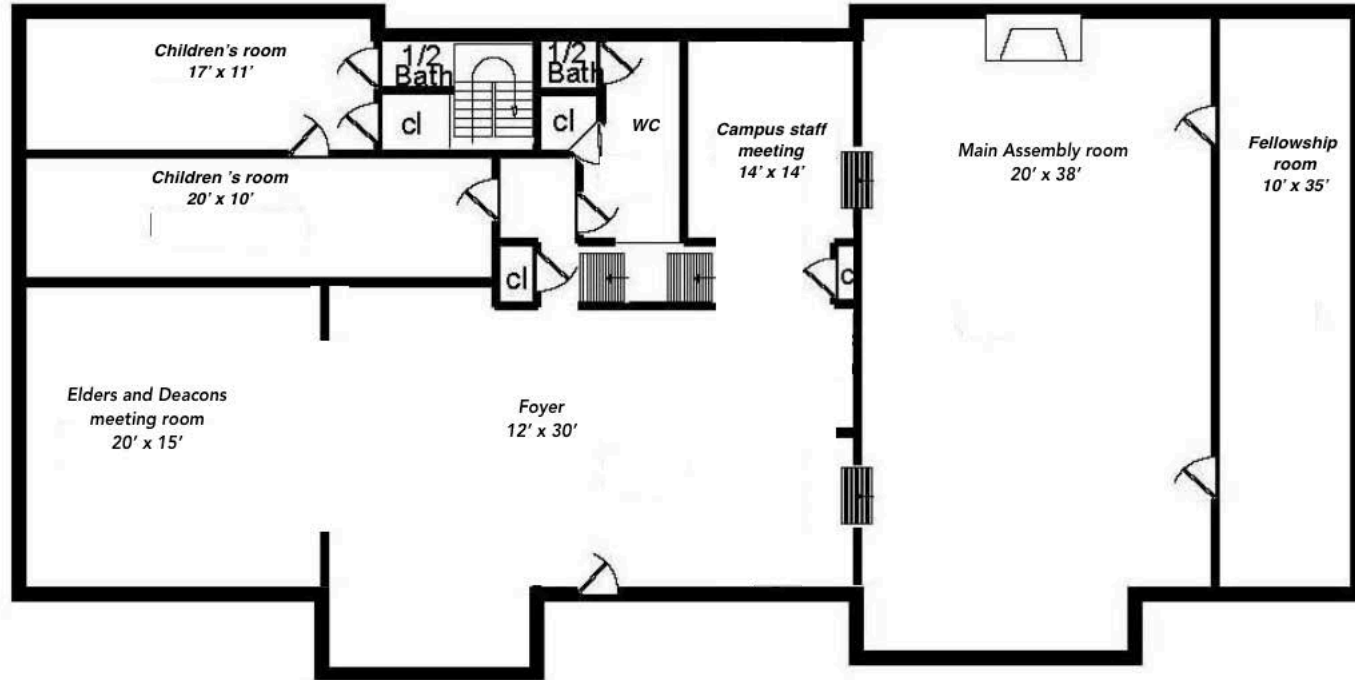
# Exhibit E: Floor Plans of 713 West Ohio, dated February 12, 2018



## **Basement Church use**

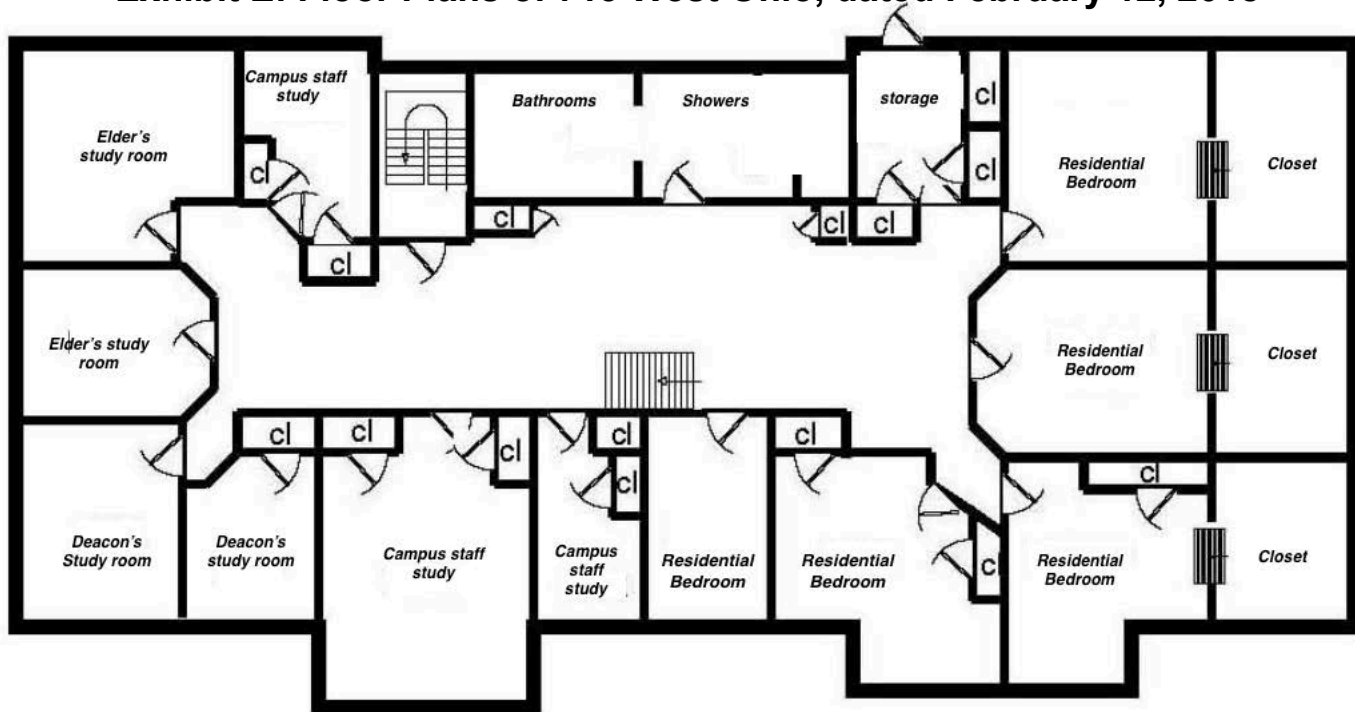
*Except:  
Kitchen shared 50/50  
Pantry shared 80% Church use  
20% Resident use*

# Exhibit E: Floor Plans of 713 West Ohio, dated February 12, 2018



**1st Floor**  
**100% Church use**  
3,066 sqft

# Exhibit E: Floor Plans of 713 West Ohio, dated February 12, 2018



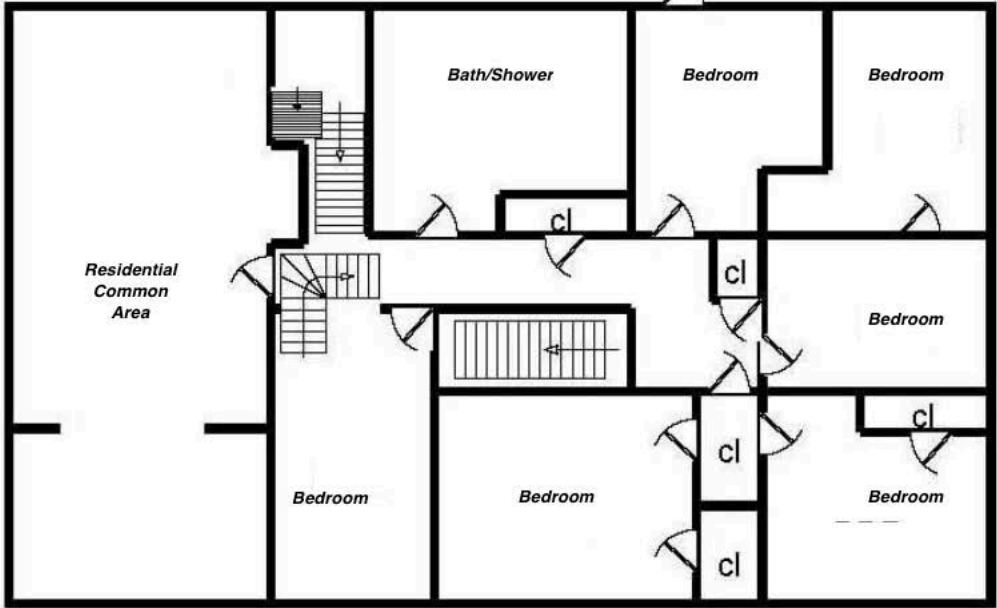
## 2nd Floor

3066' Total sqft

60% Church use or 1840'  
40% Residential or 1226''



# Exhibit E: Floor Plans of 713 West Ohio, dated February 12, 2018



## ***3rd Floor***

*100% residential*

*2,035 sqft*

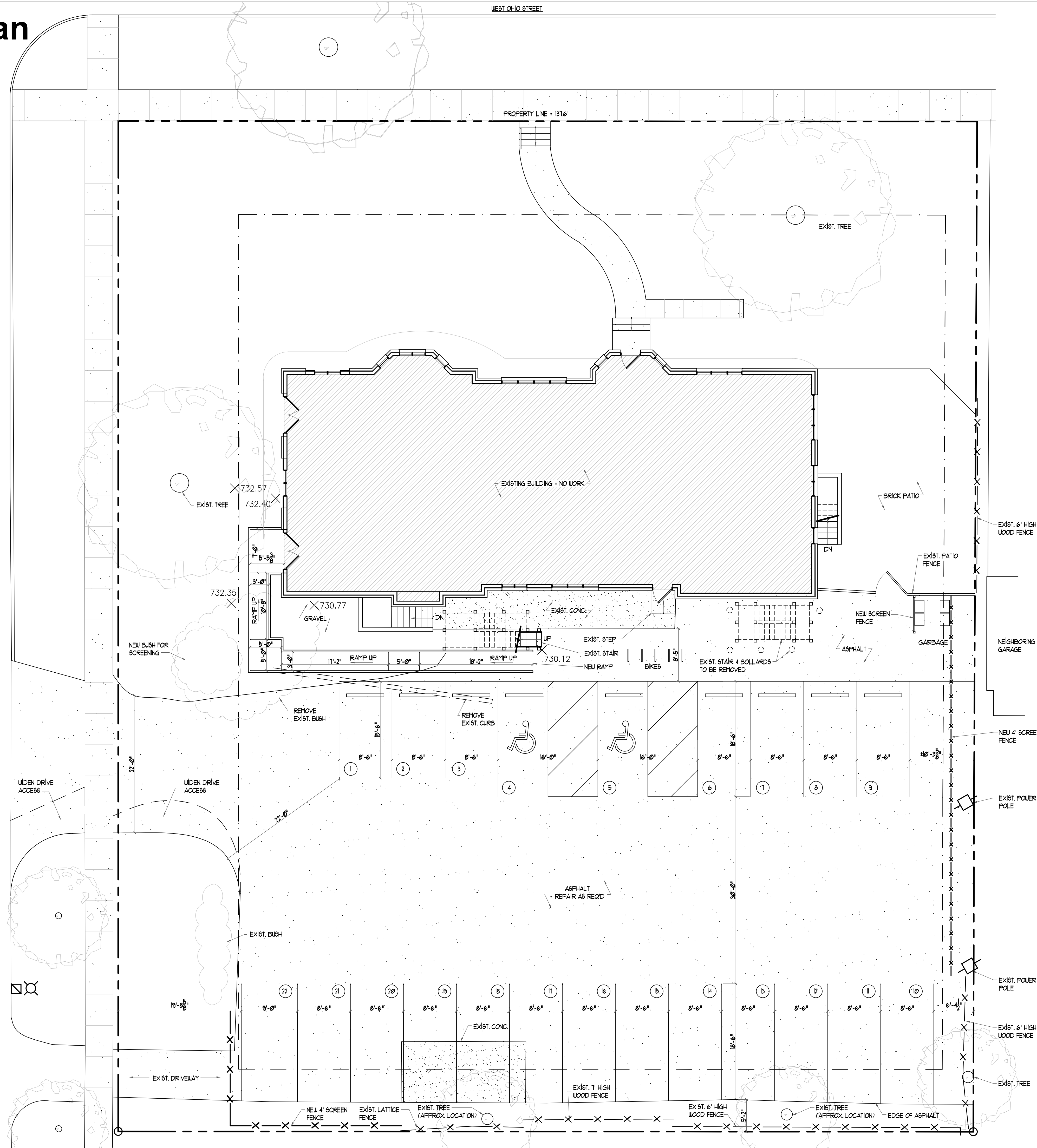
## EXHIBIT F. 713 WEST OHIO OCCUPANCY CALCULATIONS

| Floor    | Room                   | Length | Width | Area       | Church % | Church sf         | Res'l % | Res'l sf               | Church occ'y           | Res'l occ'y                 |                 |
|----------|------------------------|--------|-------|------------|----------|-------------------|---------|------------------------|------------------------|-----------------------------|-----------------|
| Basement | Dining Room            | 19     | 33    | 627        | 100      | 627               |         | 0                      | 42                     |                             |                 |
| Basement | Shared Kitchen         | 14     | 16    | 224        | 50       | 112               | 50      | 112                    | 0.5                    | 0.5                         |                 |
| Basement | Shared Pantry          | 25     | 12    | 300        | 80       | 240               | 20      | 60                     | 0.5                    | 0.5                         |                 |
| Basement | Storage                | 5      | 12    | 60         | 100      | 60                |         | 0                      | 1                      | 0                           |                 |
| Basement | Storage                | 10     | 30    | 300        | 100      | 300               |         | 0                      | 1                      | 0                           |                 |
| Basement | Library                | 20     | 21    | 420        | 100      | 420               |         | 0                      | 8                      | 0                           |                 |
| Basement | Washer/Dryer           | 8      | 12    | 96         | 100      | 96                |         | 0                      | 0                      | 0                           |                 |
| 1st      | Children's 1           | 17     | 11    | 187        | 100      | 187               |         | 0                      | 5                      | 0                           |                 |
| 1st      | Children's 2           | 20     | 10    | 200        | 100      | 200               |         | 0                      | 6                      | 0                           |                 |
| 1st      | Elders/Deacons meeting | 20     | 15    | 300        | 100      | 300               |         | 0                      | 3                      | 0                           |                 |
| 1st      | Foyer                  | 12     | 30    | 360        | 100      | 360               |         | 0                      | 3                      | 0                           |                 |
| 1st      | Campus staff meeting   | 14     | 14    | 196        | 100      | 196               |         | 0                      | 2                      | 0                           |                 |
| 1st      | Main Assembly          | 20     | 38    | 760        | 100      | 760               |         | 0                      | 108                    | 0                           |                 |
| 1st      | Fellowship room        | 10     | 35    | 350        | 100      | 350               |         | 0                      | 50                     | 0                           |                 |
| 2nd      | Shared                 |        |       | 3066       | 60       | 1839.6            | 40      | 1226.4                 | 18                     | 6                           |                 |
| 3rd      | Residential            |        |       | 2035       |          | 0                 | 100     | 2035                   | 0                      | 10                          |                 |
| Totals   |                        |        |       | 9,481      |          | 6,048             |         | 3,433                  | 248                    | 17                          | 265             |
|          |                        |        |       | Total Area |          | Total Church Area |         | Total Residential Area | Total Church Occupancy | Total Residential Occupancy | Total Occupancy |

### Occupancy Rates

Church        1 person / 100 sf  
 Residential   1 person / 200 sf  
 Storage       1 person / 300 sf  
 Kitchen       1 person / 200 sf

# Exhibit G: Site Plan



4 SITE PLAN  
 51 SCALE: 1/8" = 1'-0"  
 NORTH

PROJECT # 170109  
 DATE: 2017.JAN.20  
 REV./NO./BY:

**A N D R E W F E L L**  
 ARCHITECTURE AND DESIGN  
 615 NORTH HICKORY STREET, SUITE 101  
 CHAMPAIGN, ILLINOIS 61820  
 PHONE: 217.363.2800  
 WWW.ANDREWPELL.COM  
 EMAIL: andrewfell@comcast.net

These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design, and shall not be used or reproduced without the written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancy shall be brought to the notice of the Architect prior to the commencement of any work.

**CHURCH RAMP**  
 RAMP CONSTRUCTION  
 715 W. OHIO  
 URBANA, ILLINOIS 61801

1/11/17  
 S1

# Exhibit H: Email from Brad Bennett, Asst. City Engineer

**From:** [Bennett, Brad](#)  
**To:** [Ricci, Marcus](#)  
**Cc:** [Pearson, Lorrie](#)  
**Subject:** Public Infrastructure Impacts to city services at 713 W. Ohio Street  
**Date:** Thursday, January 11, 2018 10:08:18 AM  
**Attachments:** [Urbana-Public-Works-Memo-BCA-study-response\\_20170214.doc](#)  
[713 W Ohio Urbana - Church Site Plan 11x17\\_20171218-v4.pdf](#)

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Marcus:

Hi! How are you doing? Please see e-mail below for summary of impacts of proposed change of use for property at 713 West Ohio Street.

**Sanitary Sewer** – The existing wastewater load for the 20 person group home is 20 population equivalents (P.E.). The wastewater load for the proposed 10 person group home and 80 person church is 14 P.E. so there will be a reduction of wastewater generated by the proposed development. This is based on 10 P.E. for the residents at the group home plus 5 gallons/church seat and 100 gallons per P.E. ( $5 \times 80 / 100 = 4$  P.E.). There is an 8-inch sanitary sewer running down the centerline of South Busey Avenue that serves this property. We have no reports of sewer capacity issues for the sanitary sewers in that area. **So, in conclusion the existing sanitary sewer infrastructure has sufficient capacity to support the proposed change in use for the property at 713 West Ohio Street.**

**Storm Sewer** – There appears to be minimal change in the impervious area between the existing use and the proposed change in use so there would not be any noticeable increase in stormwater runoff from proposed change in use. There is storm sewer inlet on the northwest corner of the property that has an 8-inch storm sewer that runs west across South Busey Avenue and then runs north up to a 30-inch storm sewer on West Iowa Street. One potential issue is that if they reconstruct the parking lot it may trigger that they have a storm sewer connection for the parking lot per the Zoning Ordinance requirements. It appears the existing parking lot drains via sheet flow to the west onto South Busey Avenue. If the storm sewer connection is triggered by the zoning ordinance the developers would need to run a storm sewer from the parking lot to the inlet on the northwest corner of the property. **So, in conclusion the existing storm sewer infrastructure has sufficient capacity to support the proposed change in use for the property at 713 West Ohio Street.**

**Water** – Please see sanitary sewer item above for discussion about water and wastewater loads for the project. It appears that there will be a reduction in the water load for the proposed change in use for the project. You would need to check with Illinois American Water to see what specific water infrastructure they have for the property but since there is a reduction in the water load for the project I am confident the water infrastructure could support the proposed change in use. **So, in conclusion the existing water infrastructure has sufficient capacity to support the proposed change in use for the property at 713 West Ohio Street.**

**Traffic and Parking** - The proposed site plan includes a 22 space vehicular parking lot. The parking lot could generate up to 132 trips per day (22 parking spaces x 6 trips per space per day) or a peak hour of 22 ( All spaces filled and the service/meeting/event ends and all users leave within the hour) trips which is three cars per minute on average traveling in and/or out of the parking lot during a church related event. This volume of expected traffic in the worst case will not add to congestion. There is on-street parking on the east side of Busey Avenue and on the south side of Ohio Street and arrangements have been made for parking off-site at the McKinley Health Center. **In conclusion, the traffic impact for a 22 vehicle parking lot at this location will be nominal with modest additional traffic on South Busey Avenue or West Ohio Street when services/meetings/events end.**

# Exhibit H: Email from Brad Bennett, Asst. City Engineer

Hope this helps!

Brad Bennett

Assistant City Engineer, Public Works Department

---

**From:** Ricci, Marcus

**Sent:** Monday, January 08, 2018 4:08 PM

**To:** Gray, William <[wgray@urbanainlinois.us](mailto:wgray@urbanainlinois.us)>

**Cc:** Bennett, Brad <[bmbennett@urbanainlinois.us](mailto:bmbennett@urbanainlinois.us)>; Shonkwiler, Craig <[ceshonkwiler@urbanainlinois.us](mailto:ceshonkwiler@urbanainlinois.us)>

**Subject:** request for statement of projected impacts to services at 713 W. Ohio Street

Good afternoon, Bill.

During our recent CD-Engineering meetings we have discussed the proposed Special Use Permit for operating a church at 713 W. Ohio Street, in conjunction with a roominghouse at the same site. This would be a change in use from the previous "group home/fraternity" at the site, with earlier occupancies ranging above 20 residents. I have not been able to find a copy of a Certificate of Occupancy for the entire building, likely due to its age.

Attached is a copy of a memo that Public Works wrote for the Lincoln-Nevada proposed apartment building (which is coming along quite nicely, thank you) indicating it was its belief that the proposed development would not exceed the capacities of the existing services at the site (sanitary sewers, storm sewers, parking and traffic), as well as the current proposed site plan indicating 22 off-street parking spaces and a two-way ingress/egress.

Would this be sufficient data for Public Works to make a determination on the adequacy of the existing services (sanitary, storm, water, roadways) to support the conversion of a 20-person group home to a combination 10-person roominghouse-and-80-person church hall? The main church services would be on Sunday from 10am to 12noon. With regard to Sunday morning traffic flows, the nearest church with Sunday services is at 806 W. Michigan (Twin City Bible, 2 blocks southwest at Lincoln Avenue); both will be sending their overflow parking to the McKinley Health Center's lot which is open to the public M-F 5pm-2a, and Sat-Sun 6am-2am.

As we are not responding to an engineering firm's memo, the determination does not need to be as refined; even an email statement by PW regarding potential impacts would help put neighbor's minds at ease. It was helpful – and very calming for me – to have Brad there for the Lincoln-Nevada discussion to field the stormwater questions regarding his response to their memo.

I am drafting my staff report now, and would like to include a statement in the report for the Plan Commission packet which goes out this Thursday. Thank you for considering the request.

Regards,

Marcus

# **EXHIBIT I: COMMUNICATIONS**

## **COMMUNICATIONS RECEIVED FOR PLAN CASE NO.2328-SU-18 FEBRUARY 8, 2018 PLAN COMMISSION MEETING**

### **SUPPORT**

Email from Dick Brazee, 905 South Busey

Email from Magdalena Casper-Shipp

Letter from Phillip Fiscella, 701 West Ohio

Email from Mike Kellner, 606 West Ohio

Email from Dustin Kelly, 700 block of West Nevada

Email from Drew Livingston, 1008 South Busey

Email from Grant Neal, 807 South Busey

Email from Johnny Robinson

Email from Dee Savariale & Jacob Dilley, 1008 South Busey, #2

Email from Craig Williams, 1108 South Busey

2<sup>nd</sup> Email from Sasha Rubel – support, February 5

### **OPPOSITION**

Email from Paul Debevec

Email from Louise Kuhny

Email from Stephanie Sutton

Email from Sarah McEvoy

Email from Katie Hunter, February 5, 2018

1<sup>st</sup> Email from Sasha Rubel – oppose, February 4

# EXHIBIT I: COMMUNICATIONS

**From:** Brazee, Richard J  
**To:** [Ricci, Marcus](#)  
**Subject:** Support for conditional use permit for 713 W. Ohio  
**Date:** Thursday, February 01, 2018 11:16:05 AM

---

Subject to a condition, I support a conditional use permit to allow 713 W. Ohio to operate as a congregation gathering space. The condition is that size of all services be limited so that all congregants can either park on site at 713 W. Ohio or in parking spaces physically bordering on 713 W. Ohio.

If this condition is met, then I believe the congregation's footprint would be appropriate for the neighborhood, and the new residents of 713 W. Ohio could be welcomed into the neighborhood.

I live at 905 S. Busey about 1.5 blocks from 713 W. Ohio.

Sincerely,

Dick Brazee

# EXHIBIT I: COMMUNICATIONS

**From:** Magdalena Casper-Shipp  
**To:** [Ricci, Marcus](#)  
**Subject:** letter for planning  
**Date:** Thursday, February 01, 2018 6:50:54 AM

---

Dear Planning commission,

I am writing to support the special use permit for the church in Champaign to use the building at 713 w Ohio as a church space and associated private housing. While I am not necessarily pro-religion, I think that a church group using a large, corner lot for a house of worship on sundays and meeting space for their outreach to students is a much better way for the building to be a good neighbor. The leaders of the church seem to genuinely care about the project (I attended the informational meeting at the civic center), and the couple vocal detractors have what are quite frankly ridiculous concerns. I am afraid the vocal minority will outshout the rest of the people who live and work in our community and don't see the need for a fraternity house to retain the use as a dormitory.

Greek houses are plentiful in the strip of Urbana along campus, and allowing this project to go through sets a positive precedent as Urbana evolves. The "cool" place for undergrads is NOT west Urbana, and the majority of Greek houses are now on campus (and it seems like they are preferring to be in the champaign side of campus). We need to be future thinking about the number of large, beautiful building that have housed Greek chapters for decades - and most likely will NOT continue to do so indefinitely.

I urge the planning commission to think about the potential for the future of these structures as active parts of a vibrant, diverse community in Urbana - a church, while maybe not appropriate for each Greek house on the block to be converted to, is a good use for one on the corner, with a parking lot that is accessed directly from the street. If the special use permit is denied, as other Greek houses become vacant and likely get sold to private owners (as this one is - it is NOT owned by a national Greek organization), knowing that the planning commission is willing to allow adaptive reuse projects that fit the character and location of each structure will help ensure that these buildings continue to be used as part of our community, rather than turning into giant vacant shells.

Thank you for reading,

Magdalena Casper-Shipp



# EXHIBIT I: COMMUNICATIONS

Philip Fiscella  
701 West Ohio  
Urbana IL 61801  
217-840-9978

The Urbana Plan Commission  
City of Urbana  
400 South Vine Street  
Urbana IL 61801

January 12, 2018

Dear Sirs,

I am writing you today in regards to the Special Use Permit submitted for a former fraternity house located at 713 West Ohio Street. The planning case number for this permit application is 2324-SU-17. Unfortunately, I had a prior commitment for the evening of January 18<sup>th</sup>, and will be unable to attend the meeting of The Commission. Nevertheless, I wanted to be able to share my enthusiasm for the proposed project with you.

As you may be aware, I recently purchased and have been restoring a home at 701 West Ohio, just down the street from the subject property. As a preservationist and amateur historian focused on the history of structures, it is my opinion that the foremost challenge facing us today is that of finding economically feasible ways to preserve functionally obsolete historic structures. It is never difficult to find individuals who are excited about keeping the past alive. In a market economy, however, preservation without an economical vision for creative reuse simply relegates historic buildings to neglect and inevitably to their eventual demolition. As you are doubtlessly and painfully aware, there is no mechanism to restore and maintain a historic structure for free in the world that we live in.

The former fraternity house at 713 West Ohio is one of several ornate and irreplaceable homes in the neighborhood. Unfortunately, its future is in grave danger. Fraternities, under great pressure to adapt to the rapidly changing student housing market, have been moving away from traditional dormitory-style off-campus homes. Several fraternity houses in our neighborhood, including this one, have been sold by their Greek owners, and are now being used as overflow housing for different groups each year. These groups of renters are not the conscientious Greeks of yesteryear, with alumni boards and house mothers watching their behavior. Rather, this is a hard use on a building, causing rapid depreciation of the structure. Furthermore, it is tough on the neighbors. The house at 713 W Ohio has, in the warmer months, been host to dozens of late-night parties, and easily half a dozen late-night fire alarms. After a decade or so of such high-intensity use, is doubtful that even fraternities will be interested in renting the house. At that point, one could reasonably expect it to be written off and demolished to make room for new University-Certified Housing.

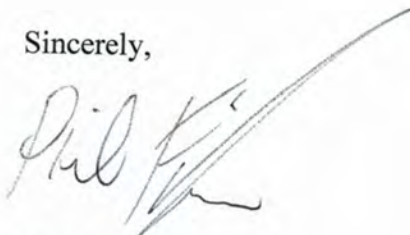
# EXHIBIT I: COMMUNICATIONS

It is my opinion that the special use permit which you are considering tonight is a wonderful way to repurpose and preserve the structure at 713 West Ohio for future generations to appreciate. This seems like everything we could hope to see in a proposal: Bringing the building up to code, adding ADA accessibility for the entire first floor, and most importantly, creating a revenue stream that will allow the owners to pay for maintaining the building for years to come.

As a neighbor, I am not concerned about having a Church on the block. We have seen Ohio Street parking almost entirely unused these past few weeks with the students gone. I am of the opinion that the proposed change of use will benefit the street parking situation on Ohio immensely by eliminating some of the student-housing beds on the block. Currently, most of the cars parked on the street are sorority and fraternity members' cars, and are never moved for weeks on end. Sunday and weekday evening parking for a church should be far less intensive and far more transient. I also believe that it is reasonable to expect that the Christians will have fewer late-night alcohol-fueled parties than the Greeks have been having this past year.

I sincerely hope that you will thoughtfully consider the proposal before you and ultimately approve it. I look forward to being able to appreciate this wonderful cornerstone of our block for decades to come, and to welcoming our new neighbors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip Fiscella", with a long, sweeping flourish extending upwards and to the right.

Philip Fiscella

# EXHIBIT I: COMMUNICATIONS

**From:** Michael Kellner  
**To:** [Ricci, Marcus](#)  
**Subject:** Turning 713 West Ohio into a church space  
**Date:** Wednesday, January 31, 2018 5:22:42 PM

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Dear Mr. Ricci,

I hope this message finds you well.

I own 606 West Ohio and I support this conditional use permit for 713 West Ohio. I operate 606 West Ohio as a frat house and find it can be very difficult. Our current group has great alumni support but many do not. Anything from property damage, loud parties, and criminal activity can occur when frat parties get out of control. Ohio street often has little street parking because sorority and fraternity members from all the frat/sororities are spilling out into the street with their cars.

As long as the church does not use this property as a homeless shelter, I'm all for it.

Allowing this conditional use permit will cut down on the weekly parking congestion and diminish the amount of students that live on West Ohio. The church is saying that half the people will live in the building than the current group and there will be an onsite supervisor! I believe this conditional use permit will tone down the amount of Greek activity on the street and that's why I support it.

Best Regards,

Mike Kellner

Owner of 606 West Ohio and Kellner Rental Properties

# EXHIBIT I: COMMUNICATIONS

**From:** Dustin Kelly  
**To:** [Ricci, Marcus](#)  
**Subject:** Turning a frat into a church  
**Date:** Thursday, February 01, 2018 10:17:02 AM

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Hello Marcus,

I'm writing in support of the proposed plan for the special permit for 713 Ohio to operate as a church.

I believe a church / boardinghouse is a big improvement over a fraternity house. The noise and mess will be much reduced. The risk for violence or disruption of the peace will all greatly decrease. Yes, there will be an influx of members at certain times but so is there for a fraternity. I know the property well, knowing the owner, his workers, and walked it several times and I don't believe it would be economical to convert it to condos as some people may like. In addition, I live in the neighborhood with my family at 700 block of W Nevada, and I would welcome a church as a neighbor over the constantly devolving culture involved with a fraternity. I hope the city makes a wise choice for the long lasting peace and prosperity of This precious West Urbana neighborhood.

Dustin Kelly  
217 766 9228

# EXHIBIT I: COMMUNICATIONS

**From:** Drew Livingston  
**To:** [Ricci, Marcus](#)  
**Subject:** Special use permit at 713 W. Ohio  
**Date:** Wednesday, January 31, 2018 8:32:30 PM

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Marcus,

This is Drew Livingston and I own an apartment at 1008 S Busey along with my business partner Lane Nicolette,

We know the owner, and have talked with the owner of 713 W Ohio about what is going on with the Special use permit request, and we think it will help the quality and character of the neighborhood. As small landlords we want to get grad students and young professionals wanting to live in this area. We think that allowing the special use permit at will help create a quieter neighborhood and will help us appeal to an older more mature tenant. We approve of the special use permit for 713 West Ohio.

Thanks  
Drew

# EXHIBIT I: COMMUNICATIONS

**From:** Grant Neal  
**To:** [Ricci, Marcus](#)  
**Subject:** 713 West Ohio  
**Date:** Wednesday, January 31, 2018 7:47:18 AM

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Hello Mr. Ricci,

My name is Grant, and I am a resident of 807 S. Busey in Urbana.

I am writing to you in support of allowing a conditional use permit for 713 West Ohio. As a student, I value having a neighborhood that is quiet, friendly, courteous, and conducive to a healthy social environment. I am also a Catholic and believe wholeheartedly in the value of social institutions like churches, which foster solidarity and community development. I believe that allowing a good church institution to operate out of 713 West Ohio is more in line with my values than the frat house which currently resides there. I firmly believe that the so-called 'Greek life' promotes a variety of social ills that hurt our community, including but not limited to excessive substance abuse and violence against women. A frat house is more likely than a church to be noisy, rowdy, and unresponsive to the neighborhood. I generally find fraternities to be institutions that hurt community values that we all wish to abide by. Please give this church a chance to find a home in my community.

# EXHIBIT I: COMMUNICATIONS

**From:** Johnny Robinson  
**To:** [Ricci, Marcus](#)  
**Subject:** 713 W. Ohio  
**Date:** Thursday, February 01, 2018 8:10:39 AM

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Mr. Ricci,

I am a home inspector and I frequently work in the neighborhood around the frat at 713 W. Ohio. ( I recently did a house on busey, within sight of the frat.) I am naturally concerned about the success of the neighborhood and the property values of my client's homes. It is my opinion that that neighborhood is under a lot of pressure from unruly behavior and trash associated with large student housing. It is a struggle for homeowners to maintain property value without sliding into "slumlord" student housing themselves.

I have become aware that the building is for sale to a church group and that would require a conditional use permit. I want to support that action. I believe it would be helpful for the homeowners in the area.

Johnny Robinson  
Robinson Home Inspection

217-714-2748  
[www.robisonhomeinspection.weebly.com](http://www.robisonhomeinspection.weebly.com)

# EXHIBIT I: COMMUNICATIONS

**From:** Dilley Jacob  
**To:** [Ricci, Marcus](#)  
**Subject:** 713 west Ohio  
**Date:** Thursday, February 01, 2018 9:37:04 AM

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To whom it may concern,

My name is Dee Savariale and Jacob Dilley and we live at [1008 South Busey #2](#). We live two houses down from 713 West Ohio.

We support a conditional use permit allowing 713 West Urbana to operate as a congregational space.

We do not support Frat culture and we sometimes find the noise and partying intrusive. We would welcome a change for the better from that building and we think that a church will do better than the current Frat.

Thanks,

Jacob and Dee"



# EXHIBIT I: COMMUNICATIONS

**From:** Sasha Rubel  
**To:** [bjackson@hotmail.com](mailto:bjackson@hotmail.com); [Jane Billman](mailto:Jane.Billman); [Esarey@gmail.com](mailto:Esarey@gmail.com); [andrewfell@comcast.net](mailto:andrewfell@comcast.net); [tfitch71v@gmail.com](mailto:tfitch71v@gmail.com); [ldhopkins@sbcglobal.net](mailto:ldhopkins@sbcglobal.net); [dave.trail@gmail.com](mailto:dave.trail@gmail.com); [danturner13@gmail.com](mailto:danturner13@gmail.com); [Ricci, Marcus](mailto:Ricci.Marcus); [Pearson, Lorrie](mailto:Pearson.Lorrie); [Marx Christopher](mailto:Marx.Christopher); [Garcia, Kevin](mailto:Garcia.Kevin); [Andel, Teri](mailto:Andel.Teri)  
**Subject:** Re: Special Use Permit, to operate a Church at 713 West Ohio Street, Plan Case 2328-SU-18:  
**Date:** Monday, February 05, 2018 8:49:09 PM

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Hello again.

A quick follow-up on my previous letter. I got to see the proposal for the church applying special permit for 713 West Ohio, and was somewhat persuaded on a couple of points.

1. Some of the neighbors located closest to the house, seem to welcome the change. While I haven't been negatively affected by the current residents, they have reported noise issues and noisy cars and behavior. The needs of those nearest to the house are of higher concern and if enough neighbors are okay with it, that counts for something.
2. The plan states the church will primarily use the rear parking lot, which if true, lessens my concerns about a bottleneck on Ohio near Busey. It still looks a bit pinched from what I can see, but maybe someone can address that?
3. There will be fewer residents (10 rather than 18 or more), so fewer cars and presumably less traffic.
4. The church (with enough investment, mind you) could help maintain the property. I'm concerned these places will deteriorate and be replaced with something much less proportional or in keeping with a residential area. I wasn't aware that other frats were considering relocating as well, which raises concerns about who else would take over and whether they'd care for the property or add to the neighborhood in a positive way.

I'm still concerned about the loss of tax revenue, and whether the church and its members will use the rear parking lot and overflow parking as proposed. Problems may still arise with street parking and traffic, but those are concerns with any densely used property. Perhaps if there were letters of support or references from the Illini Union that might speak to the church's history and past behavior? That might put people's concerns to rest. For some of us it's a bit of an unknown quantity.

I'll look forward to hearing more about the meeting, but wanted to adjust my earlier email.

Thanks for your time.

Yours sincerely,

Sasha Rubel

# EXHIBIT I: COMMUNICATIONS

**From:** Debevec, Paul  
**To:** [bjackerson@hotmail.com](mailto:bjackerson@hotmail.com); [jane@janebillman.com](mailto:jane@janebillman.com); [Esarey@gmail.com](mailto:Esarey@gmail.com); [andrewfell@comcast.net](mailto:andrewfell@comcast.net); [tfitch71v@gmail.com](mailto:tfitch71v@gmail.com); [ldhopkins@sbcglobal.net](mailto:ldhopkins@sbcglobal.net); [dave.trail@gmail.com](mailto:dave.trail@gmail.com); [danturner13@gmail.com](mailto:danturner13@gmail.com); [Andel, Teri](#); [Garcia, Kevin](#); [Marx Christopher](#); [Pearson, Lorrie](#); [Ricci, Marcus](#)  
**Subject:** Plan Case 2328-SU-18  
**Date:** Thursday, February 08, 2018 12:46:37 PM

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February 8, 2018

Dear Urbana Plan Commission,

I believe that the request from Frat Life, LLC for a special use permit to operate 713 West Ohio St, currently the Delta Kappa Epsilon fraternity, as a church should be denied. This property is one of a dozen Greek houses east of Lincoln Ave, and boarding Ohio St. As is the case nationally, many Greek houses in Urbana are financially challenged. Some number of these properties will be repurposed and redeveloped. Urbana needs a comprehensive plan for these properties. Absent such a plan, the current request, Plan Case 2328-SU-18, should be denied. I recommend that the Plan Commission formulate a policy for the repurposing and redeveloping of these properties.

Should the special use permit be granted, Urbana will lose needed property tax revenue. In contrast to 713 West Ohio St, 1404 South Lincoln Ave., the former Zeta Tau Alpha Sorority, is being redeveloped by Pierre Moulin to become an 18-unit apartment building called Chateau Normand. The property will add additional quality rental housing and stay on the tax rolls.

If 713 West Ohio St becomes a church, there will be congestion on the streets during services, a negative impact to the neighborhood. Such congestion is already noticed with the Twin City Bible Church on the corner of Michigan and Lincoln. More congestion is not needed. R-7 does allow a church as a special use, but residential is to be preferred.

Thank you for your attention to my comments.

Regards, Paul Debevec

708 W. California Ave., Urbana, IL 61801

# EXHIBIT I: COMMUNICATIONS

Ms. Louise Marie Kuhny  
801 W. Indiana Avenue  
Urbana, Illinois 61801

February 7, 2018

Plan Commission  
City of Urbana  
400 South Vine Street  
Urbana, Illinois 61801

Dear Chairman Fitch and Plan Commissioners,

I am writing in opposition to the special use permit requested for 713 W. Ohio. It is my opinion, and that of my neighbors, that the proposed use does not meet any of the three criteria for a special use permit:

- Approval of this church/rooming house is not conducive to the public convenience of the neighborhood residents. Homeowners and residents in the area will not benefit from this church whose primary outreach is students. Denial of the special use permit will not diminish students' ability to attend this particular organization's services or practice their religion because they are currently functioning at the Illini Union and other UIUC buildings (at no cost) due to RSO status.
- The proposed use will pose a detriment to the residential district in which it is proposed to be located. The proposed use will generate a significant amount of vehicular and foot traffic and noise daily as early as 7am and as late as 11:30pm. This daily vehicular and foot traffic at early and late hours will disturb neighbors. The number of occupants and tenants are not yet determined, and could be many more than proposed. There is no way to regulate occupancy in an effective manner.
- The essential R-2 (72% of properties) residential character of the district will be fundamentally changed. Residential use by students (R-7) is currently permitted for 21 residents, and could be increased to possibly hundreds of congregants based on formula from city staff (see below). Long hours of operation every day of the week make this proposed use similar to a business occupancy. Even if a restriction were imposed on the number of occupants, enforcement would be nearly impossible.

I find that the proposal has been presented by city staff and the Church in Champaign as a series of sound bytes, many of which are not reality. Therefore, I will review my concerns by addressing each of those sound bytes, which were stated in the application, in the "neighborhood meeting", or in letters to you addressed by alleged supporters (most of them not local residents) of the special use permit:

1. Sound byte: This is another great "adaptive re-use" just like the ZTA House (now Chateau Normand). Reality:
  - a. We were ensured there would be no precedent with the ZTA House at Plan Commission and City Council last fall. I attended both meetings to express concern about a precedent, and at both meetings the discussion was that every case would be unique and taken on a case-by-case basis. Now, just a few months later, we have a staff report suggesting the ZTA was a precedent.
  - b. These two cases are nothing alike. Not at all a valid comparison. ZTA was a vacant building that was unoccupied and in terrible condition on the interior and exterior. It was not safe to be occupied without significant investment. 713 W. Ohio has been continuously occupied and, while outdated on the interior, needs no updates for continued use. The ZTA House (now Chateau Normand) will decrease the intensity of use, while the applicants' proposed use would increase the intensity of use. Finally, M. Moulin is pouring a fortune into renovating the ZTA House in a historically-respectful manner, while the occupants have no plans for improvements to 713 W. Ohio. I asked that the statement be removed from the staff report; it was not.
  - c. Adaptive re-use should be planned, not accidental. I'm an RN, not a city planner. But I easily found at least ten sample adaptive re-use plans from various cities; two of them were specific to Greek houses. If City Staff is so concerned about the potential for vacant Greek houses, why isn't there a plan? Allowing the first organization that expresses interest to have a special use permit against neighborhood opposition is just complacency, not city planning.

# EXHIBIT I: COMMUNICATIONS

2. Sound byte: Churches are good neighbors. Reality: Sometimes, but not this church. The organization has owned 811 W. Michigan for more than ten years. It is in a state of disrepair with multiple requests from neighbors ignored through the years. At this point, the eaves are falling off the house and squirrels can be seen entering and exiting the building. A photo will be shown at Plan Commission. When many concerns were raised at the “neighborhood meeting”, a church leader agreed that the church could have taken better care of the house. Please note that the original staff report contained a statement regarding the concerns, and that they had all been addressed. When I asked that the report reflect outstanding major issues of which we have pictures, all references to maintenance of 811 W. Michigan were deleted from the new report. Please remember that this organization was denied a special use permit for 811 W. Michigan and was issued an order to cease holding services there. Summary: Please don’t allow a larger, historically-important building to fall into the hands of this organization that has repeatedly failed to maintain a single-family house.
3. Sound byte: The church values a quiet community. The current occupants are a noisy nuisance. Reality: Meetings will be held daily in the early morning and until 11:30pm. Headlights will be flashing into neighbors’ windows at early morning and very late night hours, and there are obvious noise concerns. This will be a very active building, not appropriate for a residential neighborhood with children. And please don’t suggest that screening will be in place around the parking lot; neighbors were promised that with the special use permit for the church at Michigan and Lincoln. There is still no screening in place after multiple complaints. Finally, I live only three properties away and across the street, and I’ve never heard one noise from 713 W. Ohio in six years. Summary: Please don’t allow a great increase in the intensity of use of this building to the detriment of single-family homes (72% of properties within 250 feet).
4. Sound byte: Maximum occupancy of 80. Reality: Hundreds could be allowed if approved by the City (10,000 square foot building (per current owner’s statement at “neighborhood meeting”, ½ of first floor alone could allow over 300). Per an email dated Jan 10, city staff stated occupancy limits could be greater than 80 and would be determined after the special use permit approval:
  - “No fixed seating, e.g., waiting spaces and wheelchair spaces: based on total area of room, divided by factor:
    - concentrated (chairs only, not fixed) – one person per 7 net square feet
    - standing space – one person per 5 net square feet
    - concentrated (tables and chairs) – one person per 15 net square feet”Even if Plan Commission places a condition that maximizes occupancy, this is essentially unenforceable. Another church at Michigan and Lincoln had conditions placed on its special use permit about 10 years ago; they violate them every week. One might ask why this organization wants such a huge building if they want to remain small. Summary: Please don’t take a chance with trying to limit occupancy in a large building. History has proven that limits on special use permits for churches are never enforced.
5. Sound byte: Maximum residents 10 students. Reality: Maximum occupancy 40 according to RSO office records. All residents will not be students; Mr. Mooney stated at the community meeting that “like-minded” members of the community who are not students would be welcome. This intent is very distant from the original intent of R-7 and is more of a rooming house approach. Services such as food preparation, housekeeping, etc. are unknowns in terms of safety. Mr. Mooney concedes they do not have funds to update the building except for installing a handicapped ramp, dividing some interior space into offices, and (his words) “striping the parking lot”. The current owner stated that major systems, including electrical could be from the 1950s. Summary: Please don’t allow occupancy of an unknown number of people living in this building in combination with frequent large assemblies, especially with unsafe aging functional systems.
6. Sound byte: “We have adequate parking”. Reality: Inadequate parking for residents (10) plus congregants (80), will be worse if greater occupancy allowed. Zoning ordinance requires one parking spot per four occupants of an assembly. The building has 22 spots, and the church is petitioning for 80 occupants. See page 105 of zoning ordinance. Boarding/rooming house of 10 people: 1 spot for every 2 residents=5 spots. Minimal requirements: 20+5=25 spots. Obviously, if the occupancy increased at all (likely), parking would be even less adequate. Error in staff report: There are no spaces at McKinley on Sundays during University terms. On Sundays, the McKinley lot is full and there is no street parking for at least a six-block diameter. Traffic on many streets is impassable. Summary: According to our math, there is not adequate parking with minimum occupancy, and statements about using McKinley or side streets Sundays are not based in reality.

# EXHIBIT I: COMMUNICATIONS

7. Sound byte: Anything is better than loud music and red Solo cups. Reality: Reality: Vehicle and foot traffic daily (7am, 11:30pm) will be disturbing to neighbors. Every Greek house is not “Animal House”. Most people live peaceably next to fraternities and sororities. The current landlord states he has the misfortune of tenants with wild parties. I live very close and can see the building from my house, and I’ve never heard one noise in six years. Instead of a special use permit, why not try different tenants? Neighbors knew they were investing their life savings in homes near Greek houses, not in a neighborhood of churches with daily meetings in the early morning and late night. Summary: We should not assume that all tenants of Greek houses are a menace.
8. Sound byte: The building will be boarded up or torn down if we don’t allow this special use permit. Reality: The building is currently rented and has not been vacant. This is a beautiful, historic building that needs the right investor. There are many other options to be considered. This is not the neighborhood’s one and only chance. Summary: Let’s wait for the right investor, not just complacently agree to an organization that is not a good match for this residential, mostly R-2 neighborhood.
9. Sound byte: An “historical resource survey” listed the condition of the building as excellent. Reality: Those “surveys” were done circa 2005 by students curbside, and their primary purpose was not to evaluate the condition of a building. A more accurate assessment would have been for city staff to ask one of the code enforcement or building safety officers to look at the building now, in 2018. Summary: Don’t accept a check box on a student report from 13 years ago as an assessment of the current status of a building.
10. Omission: The original staff report stated the following: “Much of the meeting’s discussion focused on Mr. Mooney’s property at 811 West Michigan Avenue at which some of the church’s members currently reside and where some meetings have taken place in the past. Neighbors to that property expressed concern that the history of a lack of maintenance at that property would occur again at the new property. Mr. Mooney admitted they had “overused” the Michigan Avenue property and did not properly focus on property issues. After a reported lack of maintenance early on, the condition of the house has been kept up recently, as evidenced by a staff site inspection. Mr. Mooney said they would take good care of the new property and would work with neighbors to maintain good relations.” While I agreed that much of the meeting was taken up by angry neighbors expressing concern about lack of property maintenance, I objected to the statement that a staff site inspection showed recent upkeep. In fact, we have pictures of squirrels living in the decaying eaves. However, instead of removing the incorrect positive statement about the church, staff removed all mention of neighbors’ concerns. Summary: The staff report does not accurately describe the concerns of neighbors about the church’s lack of maintenance at 811 W. Michigan. The church has ignored neighbors’ pleas to repair and maintain its property for the past twelve years.

Thank you for taking the time to review my thoughts and thank you for your service to the City of Urbana.

Respectfully,

Louise Marie Kuhny

# EXHIBIT I: COMMUNICATIONS

**From:** scsutton@gmail.com  
**To:** [bjackson@hotmail.com](mailto:bjackson@hotmail.com); [Jane.Billman](mailto:Jane.Billman); [Esarey@gmail.com](mailto:Esarey@gmail.com); [andrewfell@comcast.net](mailto:andrewfell@comcast.net); [tfit71v@gmail.com](mailto:tfit71v@gmail.com); [ldhopkins@sbcglobal.net](mailto:ldhopkins@sbcglobal.net); [dave.trail@gmail.com](mailto:dave.trail@gmail.com); [danturner13@gmail.com](mailto:danturner13@gmail.com); [Andel.Teri](mailto:Andel.Teri); [Garcia.Kevin](mailto:Garcia.Kevin); [Marx.Christopher](mailto:Marx.Christopher); [Pearson.Lorrie](mailto:Pearson.Lorrie); [Ricci.Marcus](mailto:Ricci.Marcus)  
**Subject:** Special Use Permit for 703 W Ohio St  
**Date:** Wednesday, February 07, 2018 5:08:45 PM

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Dear Plan Commission,

As long time West Urbana residents living about one block away from 713 W Ohio St, we oppose the special use permit for the former fraternity house.

Here are some of our reasons:

1. Street parking. Ohio St is usually 75% or more full during the school year. We are concerned about inadequate parking space for the church attendance of 70-80 people. This is a narrow street so heavy, 2-way traffic would be a problem.
2. Maintenance of the building. The Church of Champaign organizers appear to have limited resources as seen by the decline of the West Urbana building they currently own/occupy. We are concerned that 713 W Ohio will continue to decline if under the Church of Champaign's direction.
3. Loss of property taxes of \$19,000 annually.
4. Not a good fit for the neighborhood. This building, when a fraternity, was grandfathered in an R-2 residential designation and given a new zoning category of University Residential. We prefer this building to remain a residential building, not a church. Will the Church be a positive addition for the neighborhood? Will they be interested in community issues, preservation of the neighborhood values? We fear not.
5. We would encourage the Plan Commission to look for other options for adaptive re-use of this Greek house.

Thank you for your time and attention.

Kind regards,  
Steve and Stephanie Sutton

# EXHIBIT I: COMMUNICATIONS

Dear Plan Commission and City Staff,

Attached is our letter regarding the special use permit request for 713 W. Ohio. We are Sarah McEvoy and Huseyin Sehitoglu of 805 W. Michigan Ave., next door to 811 W. Michigan Ave. (owned by David Chang/Trust and managed by Nehemiah Tan and Ken Mooney.)

Thanks for reading,  
Sarah McEvoy and Huseyin Sehitoglu  
805 W. Michigan Ave.

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I have lived at 805 W. Michigan Ave. with my husband Huseyin Sehitoglu since 2000 and Huseyin has lived there since 1997. We have had a decade of experience living next door to 811 W. Michigan Ave. and have watched the home fall into disrepair. Over the years, I voiced my complaints directly to the owner: David Chang in California. I would leave a message. He wouldn't call back, but often shortly thereafter I would receive a call from Nehemiah Tan (one of the names of the applicants for a special use permit for 713 W. Ohio.) Nehemiah would come over and I would point out the overgrowth in the yard, the hole in the eaves, etc. While it is true that they responded when the circumstances were very extreme (plants growing in the gutters, etc.) they never proactively and without prompting made an investment in the exterior. I can't speak to the condition of the interior, though I have never seen construction trucks outside the house or in the driveway. While I have been encouraged by the City of Urbana staff to file more complaints anonymously, I prefer to reach out directly to the owners and designated caretakers.

The church appears to be relying on one or two individuals to financially support their organization. The current owner of 811 W. Michigan Ave. is David Chang (or his trust). Mr. Chang lives in California and he has invested nothing since the purchase to upkeep the exterior.

Signs of continuous neglect: the front yard, the overgrowth in the back yard that cascades over the fence and into our backyard, the patched roof, the clogged gutters, the two holes in the eaves. We've had American Pest Control out for

## **EXHIBIT I: COMMUNICATIONS**

mice and Anything Wild out for bats and those services always say that the lack of upkeep at 811 W. Michigan Ave. affects our house.

Mr. David Chang, Nehemiah Tan and Ken Mooney have neglected 811 W. Michigan Ave. to the point that it will cost an enormous amount of money to bring the house back to the way it looked a decade ago. We make continual efforts to upkeep our house and while we have a ways to go, we keep investing. It will take a very deep pocketed buyer to purchase 811 W. Michigan Ave. and reclaim the beauty of the house.

Students are coming in and out all hours. We hear people leaving between 11:00 pm and 1:00 am. My husband's study is on the west side of our home and he works until all hours, so he hears their comings and goings.

When Jonathan and Amy Freund sold the house in 2008, their yard had rose bushes, flowering trees, and it was landscaped. The very qualities that attracted the Church of Champaign to that home and our neighborhood are the very things that they themselves shamelessly don't bring to the neighborhood.

I say this because I want the City of Urbana and the neighbors of 713 W. Ohio to have their eyes wide open. Promises of quiet after hours and upkeep of the property are phantom promises. We have a decade of proof at 811 W. Michigan Ave. of how little regard the owner has for our neighborhood.



# EXHIBIT I: COMMUNICATIONS

Kate Hunter  
510 W. Oregon St.

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- I. The name on the original request, Ken Mooney, is a name which we've seen before in the 2008 city case at 811 W. Michigan Ave. Mr. Mooney does not own that property, nor did he ever reside there as far as we can determine. The owners of 811 Michigan live in Anaheim California, but Mr. Mooney seems be their agent here in Urbana. 811 W. Michigan is a single family R-2 property and after complaints from neighbors, the city ordered the church group to cease and desist their illegal use of the property. According to neighbors, 811 W. Michigan has now fallen into a state of disrepair.

This same group is proposing to buy 713 W. Ohio. In 2008 they stated that they had no plans to grow their congregation, and yet this new proposal seems to be just that. Mr. Mooney has conceded that they will not have the resources to make repairs to 713 W. Ohio. That property is also in need of repairs and upgrades. In particular it has been noted that the electrical system is decades old. Maintenance of the building has been deferred for years, but it does not appear that this group will be able to make any improvements to this historic property.

- II. In considering the special uses permitted for an R-7 property, it does appear that religious/church uses would be allowed. The occupancy requested in the application is for 10 live-in residents. For the many meetings which will be scheduled each week, they are stating that the maximum number of attendees would be 80 for peak times, but less than that for most other gatherings. This city has determined that this level of attendance is acceptable. Unfortunately, there will be no way to determine if this group will stay within their self declared ten resident limit, or if they will limit attendance at meetings to their stated numbers, to the numbers calculated by city staff. The application is being made based on these low numbers, but promises are easily broken. City monitoring of occupancy will be difficult.

- III. Parking in this area is a long standing problem due high demand and to chronic and severely limited on-site and on-street parking. Many of the residents of the apartments and Greek houses located along Lincoln Avenue are using on-street overnight permits due to limited parking at their respective residences. It would be useful to have statistics for the number of overnight permits issued for the addresses in the 900-1200 blocks of Lincoln and the adjacent side streets. With parking on one side only, it is estimated that on a given block of any of these near campus streets there are on average about 8 spaces. There are likely more permits than that issued every year. Does the church plan to apply for overnight on-street permits? Do they plan on making use of daytime single use permits which are free for the asking?

Use of the on-site parking spots for the subject property is a bit vague. With ten residents, additional church staff, and only 25 parking places on site, people attending meetings who arrive by car will likely not be able to find legal parking spots during the day Monday through Friday. Most of the on street spots are taken during the evening and overnight hours also according to surveys done by some of the nearby neighbors.

It is unlikely that there will be spaces available in the McKinley parking for the Sunday

# EXHIBIT I: COMMUNICATIONS

morning meetings. The 9AM service at the Twin City Bible Church usually fills that parking lot and attendees there will not vacate those spaces until later in the morning. Those leaving the McKinley parking lot will simply relinquish their spots to attendees for the 10:45AM service.

- IV. The traffic along Busey is mostly cars transiting in or out of the area, or looking for parking spots. However, at busy times of day, its also used as a bypass for Lincoln Ave. traffic which tends to pile up at the pedestrian crossings and at the traffic light at Lincoln and Pennsylvania. The proposed special use would add to this congestion because of the meetings which are scheduled to take place throughout the day and into the evening. The city estimate of 132 ingress/egress trips per day is certainly far more than a similar calculation for the current 18 occupants.
- V. In the application process the applicant is asked to "explain how 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 or detrimental to the public welfare." It is clear that the number of cars, the limited parking availability, the expected attendance, and the frequency of the proposed activities will disrupt the lives of residents and property owners in the residential neighborhood in which this property is embedded. It is stated that events will conclude by 11:30PM. That is quite a late hour for working people and for families with young children. Exterior lighting fixtures "are not to exceed" 12 feet. This is certainly a height well above the required 6' fence or vegetation screening, and nearby houses and yards would be disturbed by this light pollution.
- VI. Contrary to statements in the application and in the case documents, this property is not in an R-7 "district". That term is misleading since the subject property is a single grandfathered in R-7 lot embedded within the R-2 single family district. It will therefore will have more direct impacts on its neighbors than is implied. The majority of nearby properties are R-2 single family residential but the wording on the application makes it sound like the entire area is much higher density zoning than it actually is.
- VII. There additional questions: - will there be food service provided for tenants or visitors, and would there need to be inspections of the food preparation areas? Will there be paid employees working at the house? Would this type of business activity be allowed at an R-7 property given its geographic position within the residential area?
- VIII. The ultimate fate of the Urbana Greek houses is of concern, but several of the statements made are of questionable relevance to this case. The mention of the demolition of two Greek houses in Champaign is a red herring. That is occurring in a neighborhood where developers with high profit motives are gobbling up real estate, tearing things down, and building high rise student apartment complexes. This in no way is relevant to the situation with the houses Urbana.
- IX. The letters of support submitted by "residents of the city" (some of whom are not residents of Urbana) make a number arguments in favor of the request based on false assumptions. Several writers believe the house is still a fraternity. Below are some quotes from letters.

# EXHIBIT I: COMMUNICATIONS

"and most importantly creating a revenue stream that will allow the owners to pay for maintaining the building for years to come". \*\* The revenue from renting ten rooms will be unlikely to generate enough income to do much more than pay utility bills, insurance and property taxes.

"I am of the opinion that the proposed change will benefit the street parking situation on Ohio immensely by eliminating some of the student-housing beds on the block." \*\* The 18 current tenants who have 25 available spaces are not likely parking on street so there will not be a reduction in the number of cars needing on-street spaces.

" any sounds that might emanate from Sunday morning gatherings". \*\* Clearly the frequency of the meetings is not being addressed here. There will be daily meetings some of which will extend into late evening hours. There are also questions regarding the Urbana noise ordinance which may exempt churches from the strict limits on noise audible outside structures. Nearby residents may not have any recourse if they are bothered by noise.

"I firmly believe that the so- called 'Greek life' promotes a variety of social ills that hurt our community, including but not limited to excessive substance abuse and violence against women."... "As long as the church does not use the property as a homeless shelter, I'm all for it." ... "I believe that that allowing a good church institution to operate out of 713 West Ohio is more in line with my values than the frat house which currently resides there."... "I am a home inspector....and am naturally concerned about the success of the neighborhood".

\*\* Are any of the above statements relevant to the discussion?

# EXHIBIT I: COMMUNICATIONS

**From:** Sasha Rubel  
**To:** [bjackson@hotmail.com](mailto:bjackson@hotmail.com); [Jane Billman](mailto:Jane.Billman); [Esarey@gmail.com](mailto:Esarey@gmail.com); [andrewfell@comcast.net](mailto:andrewfell@comcast.net); [tfitch71v@gmail.com](mailto:tfitch71v@gmail.com); [ldhopkins@sbcglobal.net](mailto:ldhopkins@sbcglobal.net); [dave.trail@gmail.com](mailto:dave.trail@gmail.com); [danturner13@gmail.com](mailto:danturner13@gmail.com); [Ricci, Marcus](mailto:Ricci.Marcus); [Pearson, Lorrie](mailto:Pearson.Lorrie); [Marx Christopher](mailto:Marx.Christopher); [Garcia, Kevin](mailto:Garcia.Kevin); [Andel, Teri](mailto:Andel.Teri)  
**Subject:** re: Special Use Permit, to operate a Church at 713 West Ohio Street, Plan Case 2328-SU-18:  
**Date:** Sunday, February 04, 2018 12:19:48 PM

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Dear Plan Commission,

We have lived at 609 West Ohio Street for 12 years. We're east of the proposed site of the church at the corner of Ohio and Busey. I have a few concerns about having a church at that site, chiefly having to do with increased density leading to traffic and parking problems that would have an impact on the neighbors in the surrounding area.

Ohio Street is narrow with street-side parking on the southern side. There's not enough room for two cars to pass, so one car must always pull over. Add to that the delivery trucks that need to park mid-block to service the other frats & sorority (although the Delta Kappa Epsilon fraternity takes deliveries via a rear parking lot). It's a bottleneck but remains workable, if not ideal, as long as there isn't more density added.

A church would bring more traffic, coming-and-going, and stoppages; people both looking for parking and dropping off and picking up passengers. While the current frat is a stable element, the church adds a wild card or two. When I lived in Chicago, we lived on a one-way street up the block from a church; the church attendees frequently stopped abruptly to let people out, double-parked, blocked the street and were a low-level nuisance. Frankly, I expected a church to be a better neighbor. Now this church applying for permission, The Church in Champaign, has a history of cutting corners; they bought a residential home that wasn't zoned to be a church, and were denied permission. That location was opposite Twin City Bible Church, an already problematic location, density-wise. It makes me question their management and decision-making and ability to follow through and finance the proposed improvements to the property. A lot of questions remain about their organizational fitness.

While we've had occasional problems with frats on our street, calling in noise complaints or speaking directly to them, on the whole they've changed their behavior, keeping parties inside, quieting down after hours, turning speakers inward, and so on. Likewise, the City of Urbana police are empowered to issue increasing fines for noise complaints. I'm not sure how this would apply to a church when it comes to noise complaints. Several years ago a religious organization rented the frat opposite us and for a couple of nights in a row they had loud, boisterous activities outside on the lawn, late into the night. We eventually asked them to wrap up, which they did, but they seemed surprised. I'm not sure how police would respond to a similar complaint when it's a church.

Surprisingly, fraternities & sororities have been responsive to our concerns. Maybe it's because they have to stay in good standing with the larger national fraternal or sorority organizations, so neighbors have some leverage over them? A couple of years ago the frat house opposite (a chemistry frat) was shut down by their chapter after one too many parties got out of hand and after too many police calls. In the case of Delta Kappa Epsilon, we've never had any problems with them; they don't seem to bring much traffic or other problems, or at least we're not aware of it this far down the street.

Finally, I'm concerned to hear that the City of Urbana would lose 19K of tax revenue if we allow a church in that location. Can we afford to give up revenue to that degree, when that location could continue to bring in tax dollars? Urbana is already hamstrung by the university and Carle Hospital, tax-wise. Couldn't they find a location with better parking, traffic flow, that wouldn't supplant a significant source of income? What assurances do we have that they will invest in that property? I'll try to attend the meeting Thursday to learn more about this process. I'm interested to hear a balanced discussion of the issues, from all sides.

Many thanks for your work on behalf of our city and its people,  
Sasha Rubel

# EXHIBIT I: COMMUNICATIONS

609 West Ohio Street  
Urbana, IL 61801  
217-344-2447  
[sasha@sasharubel.com](mailto:sasha@sasharubel.com)

# **EXHIBIT I: COMMUNICATIONS**

## **COMMUNICATIONS RECEIVED FOR PLAN CASE NO.2328-SU-18 FEBRUARY 22, 2018 PLAN COMMISSION MEETING**

### **SUPPORT**

Letter from Sofia Sianis and Andrew  
Anderson Email from Joe Edwards  
Email from Ricardo Loret de Mola  
Email from Bob Schimmel

### **OPPOSITION**

Letter from Kate Hunter

# EXHIBIT I: COMMUNICATIONS

To: Marcus Ricci & The Urbana Plan Commission

From: Sofia Sianis and Andrew Anderson

Date: 2/22/2018

Subject: Plan Case 2328-SU-18

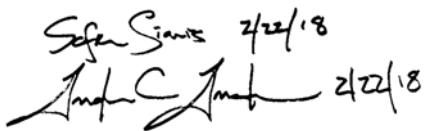
To whom it may concern,

My husband and I support the special use permit for 713 West Ohio Street. Our family, the Andersons, have called 209 W. Green home in West Urbana for three generations (almost 60 years) and take the issues and concerns of this community very seriously. While the neighborhood has changed and will inevitably continue to change, we want to make sure that the changes we see are consistent with local zoning regulation, but more importantly compatible with the use and enjoyment of the existing homes and properties in the area.

After carefully following the special use permit process for this property, we agree and support the summary of findings by the city staff. We think the proposed church would, in fact, be a positive change of use for this property and we feel any potential concerns have been thoroughly addressed by the conditions attached to the special use permit. Measures such as placarding the main assembly room, capping the occupancy of the building, and having church events conclude by 10pm are good ways to ensure that the church use does not adversely impact the neighborhood. Finally, it is also nice to see that the church use will have more than the required number of parking spots. This is always an important issue so we are glad no parking exemptions are being given.

Overall, it seems fairly clear to us that this property is MORE compatible and LESS disruptive as a church rather than a fraternity house. It is also apparent that both the city staff and owners have thoughtfully contemplated the conditions attached to the special use permit to ensure this change is a positive one for the whole neighborhood.

Thank you,

Handwritten signatures of Sofia Sianis and Andrew Anderson, dated 2/22/18. The signatures are in black ink and are written in a cursive style. The date is written to the right of each signature.

Sofia Sianis and Andrew Anderson  
209 West Green Urbana, IL

# EXHIBIT I: COMMUNICATIONS

**From:** Joe Edwards  
**To:** [Ricci, Marcus](#)  
**Subject:** 713 W Ohio Special Permit  
**Date:** Tuesday, February 20, 2018 9:28:25 PM

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Hello Mr Ricci,

My name is Joe Edwards and I live with my family in Orchard Downs in Urbana. We have lived in West Urbana in the past and have many friends there now. It is possible we will be so lucky one day to find ourselves living in the tree lined streets of West Michigan or West Oregon or West Ohio. We love Urbana. We love the farmers market, public library, Sipyard, Amara Yoga. We could go on and on about how this particular town and the neighborhood of West Urbana has been a source of great pleasure and enjoyment for my partner, myself, and our young daughter. We think that Greek fraternity houses do not reflect the values that make West Urbana so warm and pleasant a place to be. We feel that Fraternity culture too often promotes excessive alcohol consumption, drug abuse, and hazing. I think we are all familiar with the countless episodes that we hear about across the country where young vulnerable pledges are humiliated and often physically abused. In Penn State a young pledge died after he fell down the stairs and no one called the police. I do not think this type of male dominated culture has a place in West Urbana. My family supports the special use permit for 713 West Ohio because although I am not religious, I feel that a church will be a far better neighbor than a frat house. I feel that a church will be more likely to represent the values that make Urbana special and I do hope you grant this special use permit.

Thank you,

Joseph Edwards and family



# EXHIBIT I: COMMUNICATIONS

**From:** Ricardo Loret de Mola  
**To:** [Ricci, Marcus](#)  
**Subject:** Please support turning 713 West Ohio into a church  
**Date:** Wednesday, February 21, 2018 12:22:40 AM

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Dear Mr Ricci,

Our names are Ricardo and Emma Loret de Mola and we are the new proud owners of 907 South Busey in Urbana. We have two daughters who are currently attending the University of Illinois, as well as another daughter who is a U of I graduate and we have come to really enjoy West Urbana. We think it is a lovely mix of students, young professionals, and families. We support a special use permit for 713 West Ohio to operate as a church. We want to continue to enjoy the active but quiet streets of west Urbana and we think removing a Fraternity house and replacing it with a church will be a benefit to the neighborhood. We see from the proposal that the church not only meets but exceeds its parking requirements. We also appreciate that occupancy of the church will be capped. We think that this proposal is a good benefit to the neighborhood and we do hope you approve it!

Thanks!

Ricardo and Emma Loret de Mola

907 South Busey

# EXHIBIT I: COMMUNICATIONS

**From:** Bob Schimmel  
**To:** [Ricci, Marcus](#)  
**Subject:** 713 West Ohio  
**Date:** Thursday, February 22, 2018 9:38:39 AM

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Dear Mr. Ricci,

I am writing in support of the special use permit for 713 W. Ohio in Urbana. I have been a small time landlord in West Urbana for over 20 years. I currently own 711 W. Illinois and 307 S. Busey. I am writing as a stake holder in this neighborhood and I am hoping you grant the special use permit to 713 West Ohio. As a landlord I care about the quality of the overall neighborhood as well as the character of my tenants. I believe that in this instance this special use permit will help maintain an historic building AND reduce the congestion on West Ohio. Every time I drive by that Frat at 713 has a full parking lot AND cars parked up and down West Ohio. This proposal has a site plan that shows MORE than the required parking.  
Please grant this special use permit.

Bob Schimmel  
Owner of 711 W. Illinois and 307 S. Busey

# EXHIBIT I: COMMUNICATIONS

To: Urbana Plan Commission

From: Kate Hunter

RE: Case plan 2328-SU-18

I am ever more disturbed by the proposed use of the former fraternity house at 713 W. Ohio. I attended the meeting on February 8th and spoke against the Special Use Permit request. In reading the new discussion of this case presented by Marcus Ricci in his February 16th memorandum, I find that the points which I made on the 8th regarding occupancy, traffic, parking, noise and other negative aspects of this proposal are now even more pertinent.

In the memorandum submitted on February 16th, it appears that the potential intensity of use of the building and property might well at some point increase beyond the limits of the numbers discussed on February 8th.

According to calculations made based on the City's Building Code, the potential number of residents has now increased from 10 to 27 and the potential occupancy in the "church area" from 80 to 248. As long as the Fire Marshal's limits are imposed, the original numbers (10 and 80) could be enforced, but these limits are voluntary on the part of the church, and as discussed on the 8th, it would be very difficult, time consuming, and costly to enforce the agreed upon limits.

The new occupancy calculations are based on formulas which differentiate between allowed occupancy based on the number of seats in the principal assembly area (80), and allowed occupancy of the building as a whole which includes other uses. Those additional uses could include uses such as a children's room, and perhaps meetings to be held in auxiliary rooms - and these additional uses could be concurrent with the larger meetings. This then affects discussion of the parking requirements, traffic, congestion, noise.

The statement that parking requirements are met with the 10-80 formula is based only on the number of seats in the assembly hall and would apparently not cover the additional uses of the building space. Would this mean that standing persons above the 80 person limit would not be in violation of the occupancy limits? Would this mean that other activities which are concurrent with the meeting times such as book sales, child care, smaller meetings in other rooms in the building would be allowed? Per the Building Code calculations this might allow an additional 175 additional persons on the property at any given time as shown in table 9. It seems quite clear that much higher occupancy than allowed or promised is going to be a constant issue.

The discussion on the 8th regarding the need to split the building in terms of the portion for which the Special Use Permit has been requested will only add to confusion in the future regarding the use and fate of this building.

The discussion about the R-7 "district" is a distraction. I am attaching a map showing the supposed "district". Historically this was a classification of convenience and not one of

## EXHIBIT I: COMMUNICATIONS

planning. Staff discussion on the 8th referred to the subject property as being "contiguous" to the other R-7 properties. The subject property is in not exactly contiguous to other R-7 properties in its "district" (which in this case is only one property). **CONTIGUOUS DEFINITION: "shares a boundary"**. The northeast corner of the subject property is 68.5 feet from the nearest R-7 property; the south boundary is 500 feet from the nearest R-7 property; the west boundary is 65 feet from the nearest R-7 property (and that property is only 43 feet wide); to the east there are no other R-7 properties. The subject property has no shared boundary with any other R-7 property. The R-7 property at 713 W. Ohio is very much like an island surrounded by low density residential uses.

This may seem like a fine point but for this particular property it is critical since other than the narrow lot at 1103 S. Busey the contiguous properties on all sides are actually R-2. In the case plan documents the discussions of "meeting the regulation and standards" of and "preserving the essential character" of the district in which this property stands, the text really ought to read R-2 rather than R-7 as is shown on the attached map. Truly, this property stands within an R-2 district. Planning documents over time have repeatedly emphasized protecting the existing residential uses and preserving and enhancing the character of Urbana's established residential districts. I don't see how this Special Use request fulfills those goals, and in fact it seems contrary to those goals.

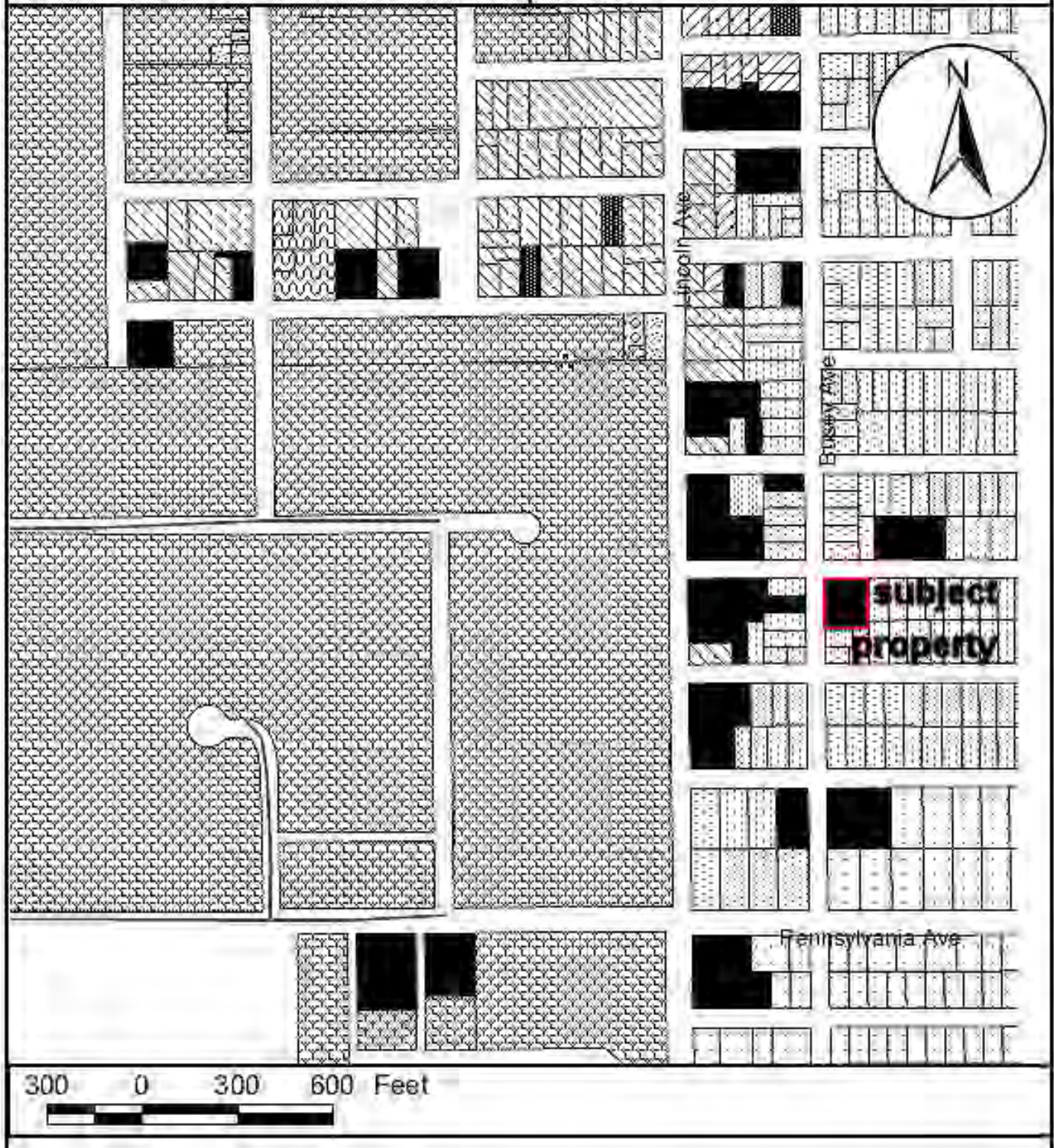
The newly presented floor plans show 11 bedrooms. Are the bedrooms to be single occupancy? Even so, there are accommodations for 11 tenants, not 10. I count rooms for a total of 4 individual staff members plus 2 study rooms for "campus staff". How many staff members will there actually at various times of day? Where will these staff members park? The current Zoning Ordinance apparently does not require spaces for staff. This case points out the need for some changes in the wording of that ordinance.

Staff discussion about churches use sited in residential districts did not address the stated purpose and uses made by the applicants. This particular church is, as they themselves state, not like other churches - it operates 7 days a week, potentially for 14 hours a day (9AM to 11PM). thus the claims of minimal impact on the neighboring residential area cannot be taken at face value.

Each of these points show the direct negative impacts to the R-2 residential area. In the case plan documents and the statements made by the owner and the possible future owners, none of my concerns have been alleviated - traffic, congestion, parking, and occupancy.

# EXHIBIT I: COMMUNICATIONS

## Exhibit D: 2007 R-7 Properties



# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

## 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

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**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

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## 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

## 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**

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

**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.

## EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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



# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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

## EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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.*

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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.

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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.

## EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

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.

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

## MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

**DRAFT**

**DATE:** February 22, 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, Tyler Fitch, Nancy Esarey Ouedraogo, David Trail, Daniel Turner, Chenxi Yu

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

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Christopher Marx, Planner I, Marcus Ricci, Planner II; Teri Andel, Planning Administrative Assistant II

**OTHERS PRESENT:** Chris Billing, Magdalena Casper-Shipp, Jacob Croegaert, Jason Doornbos, Derick Fabert, David Farrar, Michael Fuerst, John Hall, Mike Hosier, Ken Mooney, Pierre Moulin, Dale Rex, Sasha Rubel, Alex Ruggieri, Noah Ruggieri, Nehemiah Tan

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## COMMUNICATIONS

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

- Letter from Sofia Sianis and Andrew Anderson, *in support*
- Email from Joe Edwards and Family, *in support*
- Email from Ricardo and Emma Loret de Mola, *in support*
- Email from Bob Schimmel, *in support*
- Letter from Kate Hunter, *in opposition*

## CONTINUED 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 re-opened the public hearing for this case. Ms. Yu stated that due to a conflict of interest she recused herself from this case and removed herself from the dais.



# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

Marcus Ricci, Planner II, presented an update to the staff report for this case to the Plan Commission. He began by noting the following corrections to the written staff memo: 1) the list of conditions is now properly numbered 1 through 6 rather than 1 through 5 and 2) the original floor plans showed 11 bedrooms; however, one of the bedrooms will actually be a storage room, so the updated floor plans now reflect only ten bedrooms. He reviewed the updated floor plans, as shown in Exhibit B, which now indicate the percentage of the church use and the percentage for the residential use. Referring to Exhibit C, he discussed the occupancy calculations that would be allowed by the requirements and regulations of the Building Code. He addressed other concerns that were expressed at the previous Plan Commission meeting regarding how parking requirements are calculated and the intent of the R-7 Zoning District. He concluded his presentation by reading the options of the Plan Commission and presenting City staff's recommendation for approval including six conditions.

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

Chair Fitch asked if the maximum occupancy of 90 people included the main assembly room and the other rooms designated for church use. Mr. Ricci said yes.

Mr. Trail wondered about the practical effect of the percentages for the floor plans beyond this meeting. Mr. Ricci replied that one of the proposed conditions recommended by City staff requires construction to be in general conformance with the Site Plan and Floor Plans. If it does not conform, then the Special Use Permit would no longer be valid and they would not be allowed to conduct church activities in the building. In addition, if they violate the occupancy of the church use portion of the building, then they risk losing their Certificate of Occupancy and would be forced to vacate that portion of the building. There are definite consequences to not following the building plans as submitted.

There were questions about having two conditions rather than one simplified condition regarding the occupancy of the church use. Planning staff stated that they could combine the two conditions; however, they could not include or limit the residential use because it is not part of the Special Use Permit. If the Plan Commission was concerned about the conditions being too specific with using the floor plans, then they could replace it with the square footage. The Special Use Permit would carry over to all future owners.

With there being no further questions, Chair Fitch opened the public input portion of the hearing. He reviewed the procedures for a public hearing.

Jonah Weisskopf, owner, and Ken Mooney, representative of the Church in Champaign, approached the Plan Commission to speak in support of their request. Mr. Mooney stated that the church board met and agreed that they could abide by the conditions recommended by City staff.

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).

Mr. Trail moved that the Plan Commission forward Plan Case No. 2328-SU-18 to the City Council with a recommendation for approval including the following conditions as listed in the revised staff memo:

# EXHIBIT J: PLAN COMMISSION MEETING MINUTES

1. Construction must be in general conformance with the site plan entitled “Church Ramp – Ramp Construction – 713 W. Ohio” dated January 26, 2018 (Exhibit A) and floor plans entitled “Floor Plans of 713 W. Ohio” and dated February 12, 2018 (Exhibit B).
2. The occupancy of the main church assembly room will be established and placarded by the Building Official and Fire Marshal to not exceed 80 persons, and noted on the Certificate of Occupancy.
3. The occupancy of the church use portion of the building – including the main church assembly room – will be established and placarded by the Building Official and Fire Marshal to not exceed 90 persons, and noted on the Certificate of Occupancy
4. Church events conclude by 10:00 p.m.
5. Any future exterior lighting fixtures may be no taller than 12 feet.
6. The use must conform to all applicable zoning, building, and development regulations.

Ms. Billman seconded the motion. Roll call was as follows:

|               |   |     |           |   |     |
|---------------|---|-----|-----------|---|-----|
| Ms. Billman   | - | Yes | Mr. Fitch | - | No  |
| Ms. Ouedraogo | - | Yes | Mr. Trail | - | Yes |
| Mr. Turner    | - | Yes |           |   |     |

The motion was passed by a vote of 4 ayes to 1 nay. Ms. Pearson noted that this case would be forwarded to City Council on March 5, 2018.

**ORDINANCE NO. 2018-04-027**

**An Ordinance Approving a Special Use Permit**

(713 West Ohio Street / Frat Life, LLC – Plan Case 2328-SU-18)

**WHEREAS**, Frat Life, LLC, on behalf of The Church In Champaign, has petitioned the City for approval of a Special Use Permit to allow the establishment of a church in the R-7, University Residential Zoning District; and

**WHEREAS**, the Urbana Zoning Ordinance requires a Special Use Permit for a Church, Temple, or Mosque in the R-7, University Residential Zoning District; and

**WHEREAS**, the proposed use is conducive to the public convenience at this location due to its proximity to both the University where the majority of its congregants live and to public transit and bicycle parking; and

**WHEREAS**, the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious, detrimental to its location or the public welfare; and

**WHEREAS**, the proposed development is consistent with the development regulations for properties in the R-7, University Residential Zoning District and preserves the essential character of the district in which it shall be located; and

**WHEREAS**, after due publication. the Urbana Plan Commission held a public hearing on February 22, 2018, and voted with four (4) ayes and one (1) nay to forward Plan Case 2328-SU-18 to the Urbana City Council with a recommendation to approve the request for a Special use Permit, subject to certain conditions; and

**WHEREAS**, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section XIII-1 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:**

Section 1. A Special Use Permit is hereby approved to allow a church in the R-7, University Residential Zoning District with the following conditions:

1. Construction must be in general conformance with the attached site plan entitled “Church Ramp – Ramp Construction – 713 W. Ohio” dated January 26, 2018 (Attachment 1) and floor plans entitled “Floor Plans of 713 W. Ohio” and dated February 12, 2018 (Attachment 2).
2. The occupancy of the main church assembly room will be established and placarded by the Building Official and Fire Marshal to not exceed 80 persons, and noted on the Certificate of Occupancy.
3. The occupancy of the special use portion of the building – including the main church assembly room – will be established and placarded by the Building Official and Fire Marshal to not exceed 90 persons, and noted on the Certificate of Occupancy.
4. The use and any construction must conform to all applicable zoning, building, and development regulations.

Legal Description:

Lots 3, 4 and 5 of James Elmo Smith's Subdivision of Lot 5 of Assessor's Subdivision of Lot “E” of Assessor's Plat of the Northwest Quarter of the Southwest Quarter of Section 17, Township 19 North, Range 9 East of the Third Principal Meridian, except Lincoln Place, as per Plat recorded March 28, 1922 as Document Number 155959, Plat Book "D", Page 206, situated in the City of Urbana, in Champaign County, Illinois.

PIN: 91-21-17-307-031, Address: 713 West Ohio Street

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the City Council. This Ordinance shall be in full force and effect from and after its passage and

publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

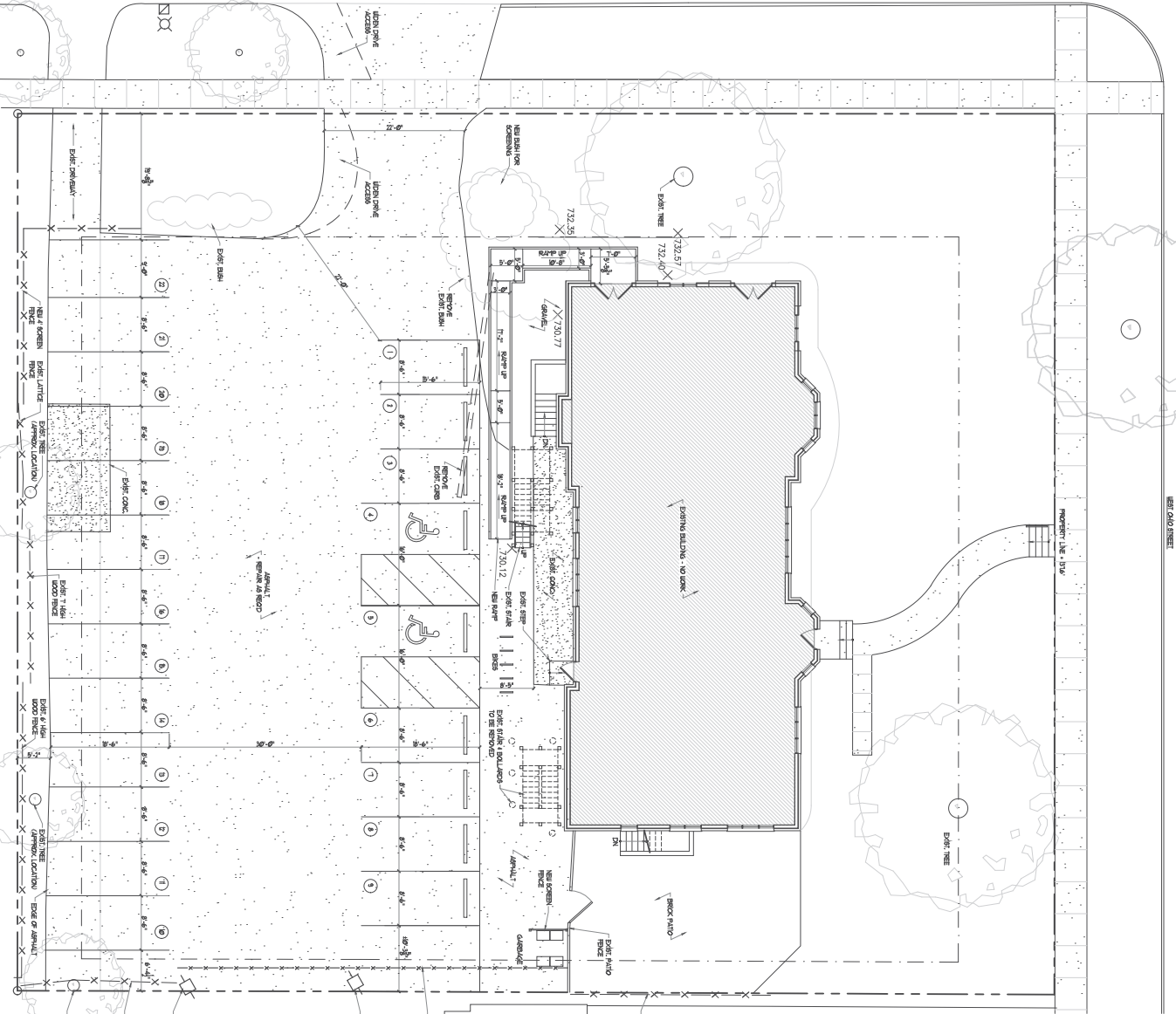
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2018, the City Council of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “An Ordinance Approving a Special Use Permit (713 West Ohio Street / Frat Life, LLC – Plan Case 2328-SU-18)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. - \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

# Ordinance Attachment 1: Site Plan

4 SITE PLAN  
 5' SCALE 1/4" = 1'-0"  
 NORTH



CHURCH RAMP  
 RAMP CONSTRUCTION  
 715 W. OHIO  
 URBANA, ILLINOIS 61801

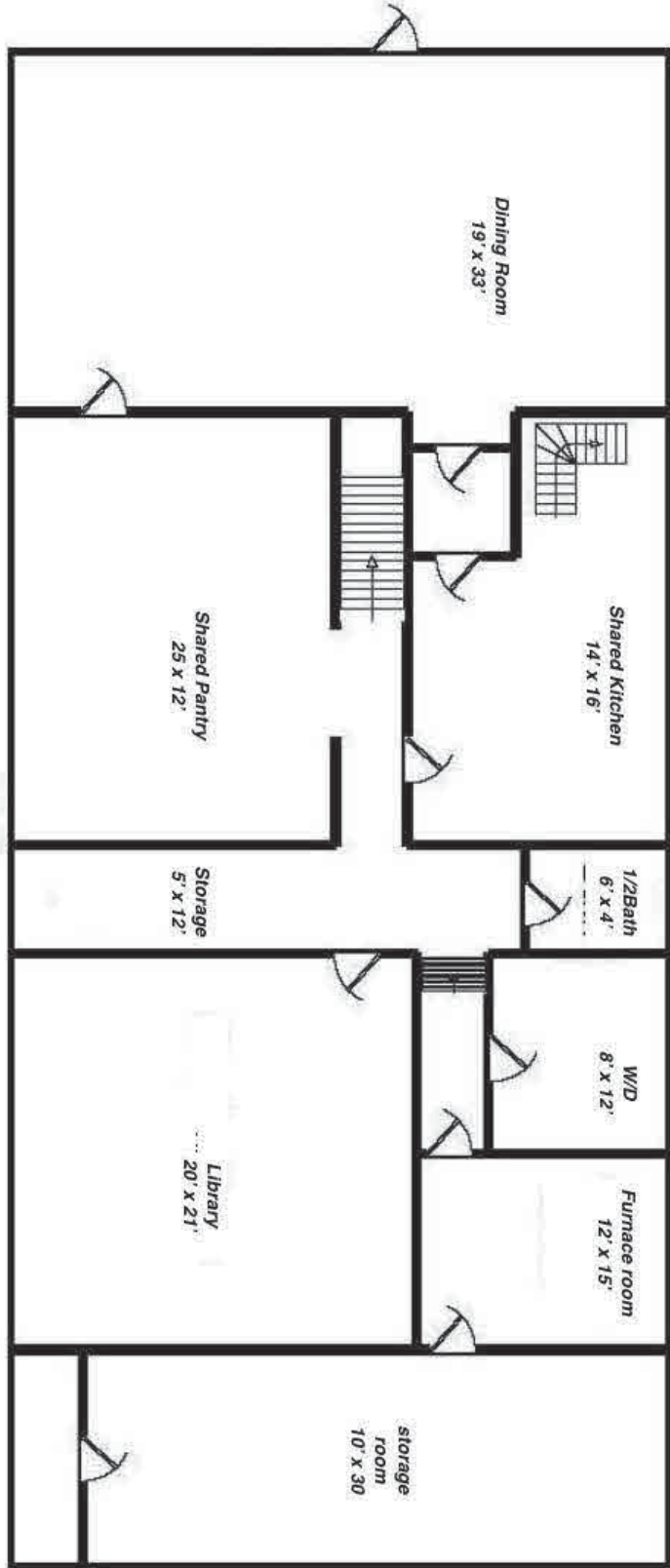
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PROJECT # 170109  
 DATE: 2017.JAN.26  
 REV./COM:



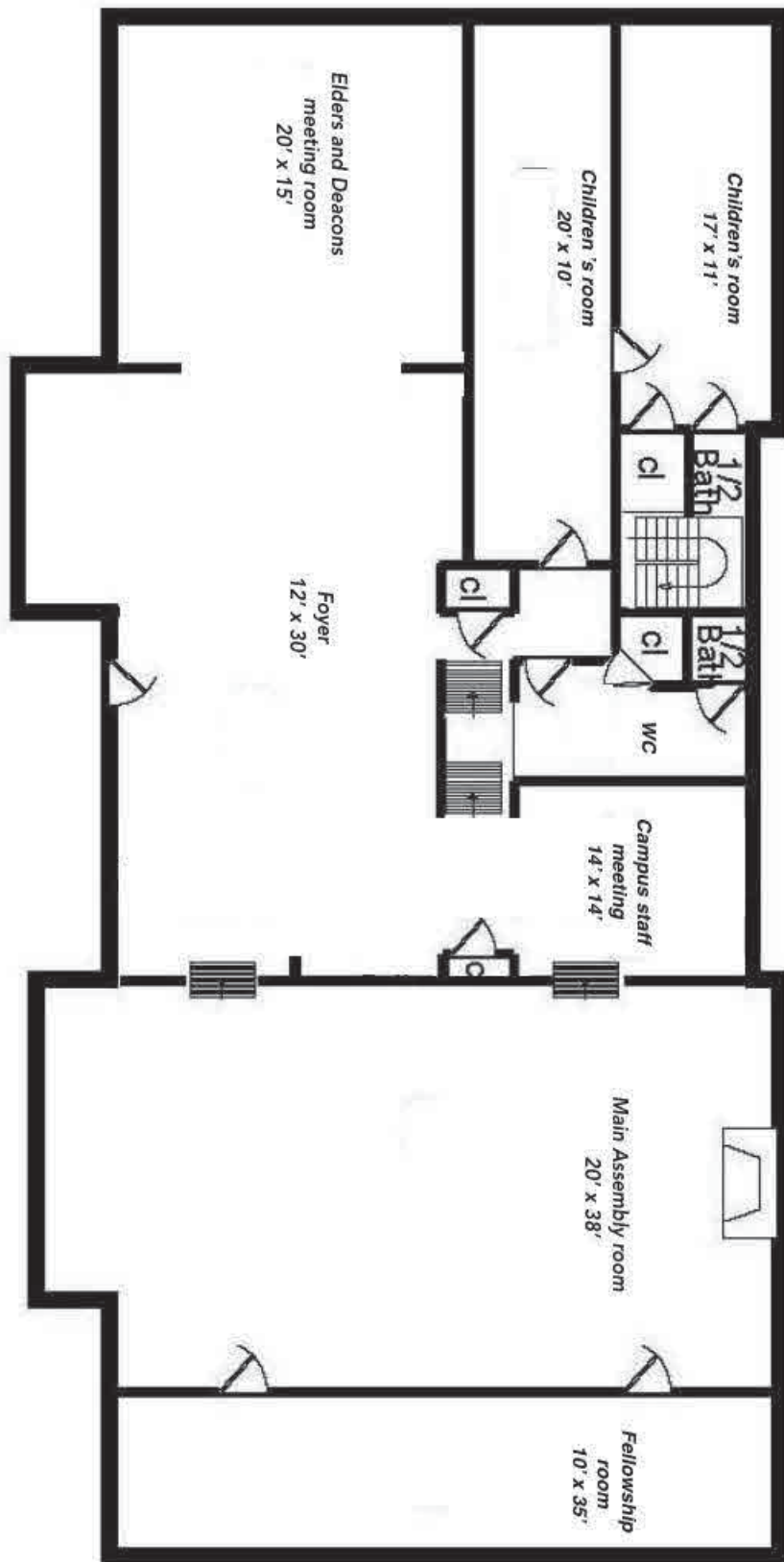
# Ordinance Attachment 2: Floor Plans



**Basement**  
**Church use**  
Except:  
Kitchen shared 50/50  
Pantry shared 80% Church use  
20% Resident use

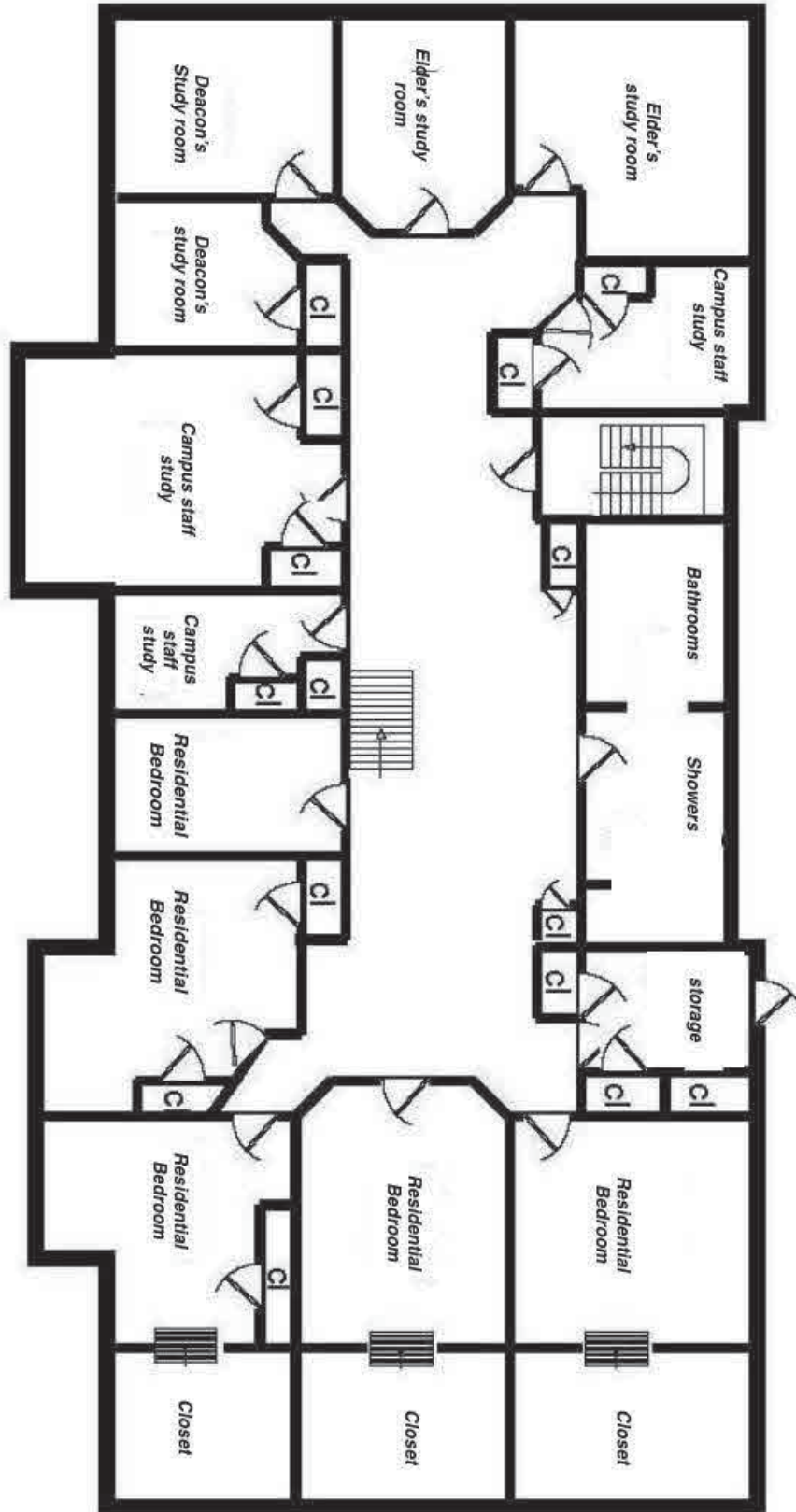


# Ordinance Attachment 2: Floor Plans



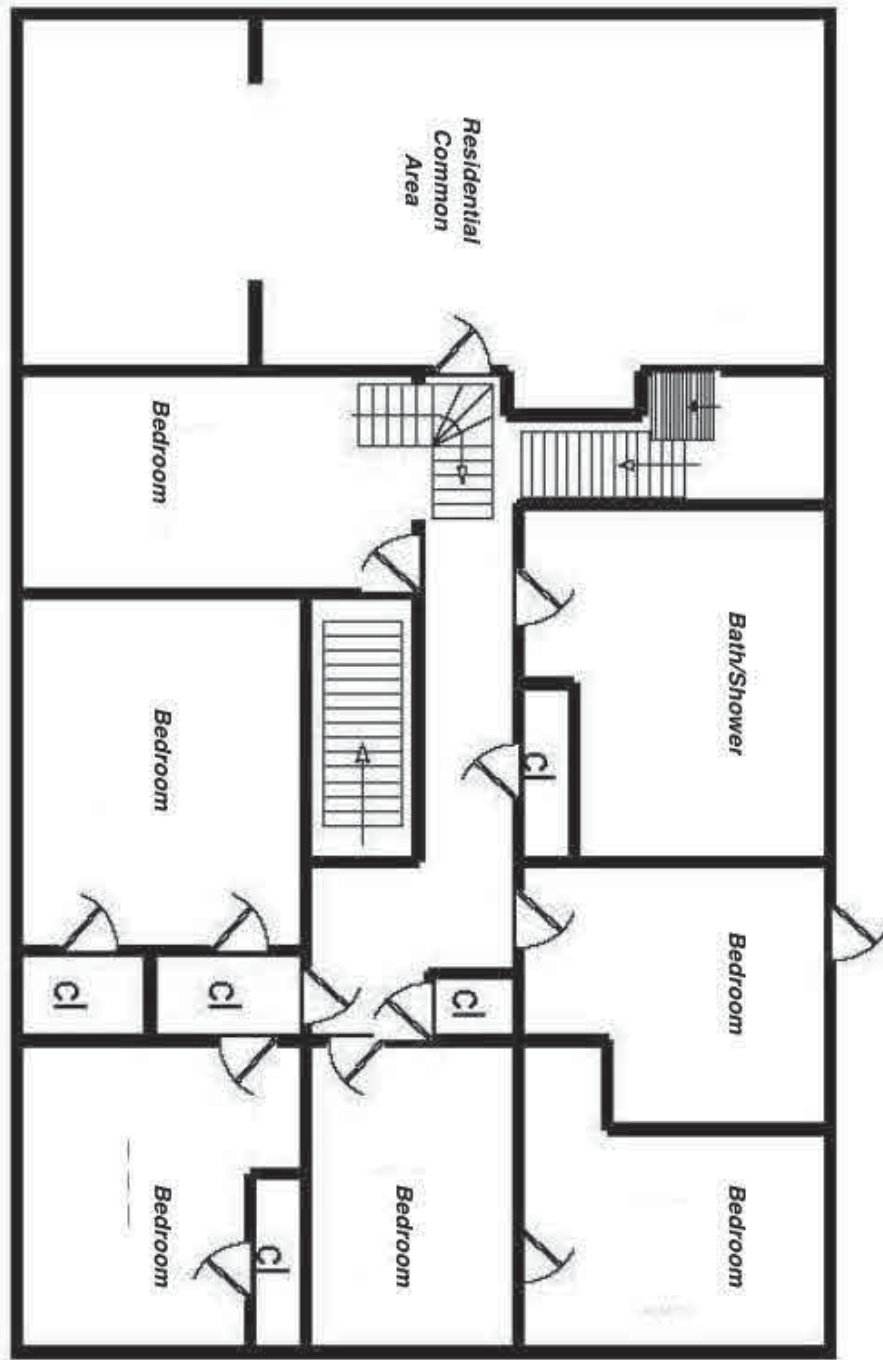
**1st Floor**  
**100% Church use**  
3,066 sqft

# Ordinance Attachment 2: Floor Plans



**2nd Floor**  
3066' Total sqft  
60% Church use or 1840'  
40% Residential or 1226'

# Ordinance Attachment 2: Floor Plans



**3rd Floor**  
100% residential  
2,035 sqft