

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** February 7, 2019

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

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

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**MEMBERS PRESENT:** Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Daniel Turner, Jonah Weisskopf, Chenxi Yu

**MEMBERS EXCUSED:** Nancy Ouedraogo

**STAFF PRESENT:** Teri Anzel, Administrative Assistant II; Brad Bennett, Interim Co-City Engineer – Drainage & Development; Patrick Bolger, Building Inspector; Kevin Garcia, Planner II; Lorrie Pearson, Planning Manager/Zoning Administrator; John Schneider, Community Development Director; Craig Shonkwiler, Interim Co-City Engineer – Transportation

**OTHERS PRESENT:** Carolyn Baxley, Chris Billing, Suzanne Bissonnette, Marc Edler, Dan Folk, Karen Fresca, Eric Jakobsson, Naomi Jakobsson, Randy Kangas, Graeme Rael, Dennis Roberts, Chase Stebbins, Joe Williams, Phyllis Winter-Williams

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

Chair Fitch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum of the members was declared present.

**2. CHANGES TO THE AGENDA**

There was none.

**3. APPROVAL OF MINUTES**

The minutes of the January 24, 2019 regular Plan Commission meeting were presented for approval. Mr. Turner moved that the Plan Commission approve the minutes as written. Mr. Ackerson seconded the motion. He then suggested a change to the minutes to reflect his

comments that people should stop assuming that everyone has cars and that we need to start looking at mass transit and especially pedestrian crossways. The minutes were approved as amended by unanimous voice vote.

#### 4. COMMUNICATIONS

- Photo of the front of Randy Kangas' house submitted by Randy Kangas
- Photo of parking along Busey Avenue submitted by Randy Kangas

#### 5. CONTINUED PUBLIC HEARINGS

**Plan Case Nos. 2361-M-18 & 2362-SU-18 – A request by Rael Development Corporation to rezone approximately 1.5 acres from B-2 (Neighborhood Business – Arterial) and R-4 (Medium-Density Multiple-Family Residential) to B-3 (General Business) AND for a Special Use Permit to allow multi-family residential use in the B-3 (General Business) District at 802, 804, 806, 808, 810, 812, 814, and 816 Clark Street AND 406, 406 ½, and 408 North Lincoln Avenue.**

Chair Fitch re-opened the public hearings for these two cases.

Kevin Garcia, Planner II, presented an update to the staff report. He gave an overview of the order of his presentation. He began by giving a photographic tour using Exhibit L – Site Photos to show the context of the existing subject properties as well as of the surrounding adjacent properties. He stated the existing land uses, zoning and future land use designations of the proposed parcels. He, then, summarized the issues that were discussed in the staff memorandum.

Mr. Garcia continued his presentation by discussing the previous attempts to rezone to the B-3U (General Business – University) Zoning District and to redevelop the subject properties. He noted that some of the public were opposed to rezoning any property located east of Lincoln Avenue to B-3U. Another concern was that there was no specific plan or developer to redevelop the proposed site. That rezoning request was then withdrawn.

He reviewed three potential redevelopment scenarios if the proposed rezoning and special use permit were denied. He summarized staff's findings and presented City staff's recommendation for approval of each case with the Special Use Permit subject to the following conditions:

1. The development shall be constructed in general conformance with the attached site plan.
2. The developer shall submit a final Traffic Impact Analysis prior to the City issuing any building permits.
3. The developer shall adequately mitigate negative impacts the final Traffic Impact Analysis anticipates prior to the City issuing a Certificate of Occupancy.

He recommended that the Plan Commission consider the rezoning and the Special Use Permit requests separately, and they would require separate votes as each request has its own set of criteria or standards that must be met. He introduced other City staff that were in attendance. Brad Bennett and Craig Shonkwiler, Interim Co-City Engineers, were present to answer questions

about sewers or roads. Patrick Bolger, Building Inspector, was present to answer questions about building codes and building height.

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

Mr. Fell asked if a Special Use Permit stayed with the site or was specific to the owner. Lorrie Pearson, Planning Manager, stated that if the proposed site was sold to another person and that person had similar plans to develop the site, then the Special Use Permit would remain with the land. However, if the new owner planned to redevelop the site with a different layout or use, then the Special Use Permit would expire and the new owner would have to seek new approval.

Mr. Fell wondered if there is a time requirement for when a traffic study is done. He asked because a traffic study performed in September is going to be vastly different from one performed in July because due to more students being present during the school year. Mr. Shonkwiler replied that City staff always collects data when students are present in the fall or spring semesters. City staff recently collected data last October for the road improvement project being planned for Lincoln Avenue between University Avenue and Green Street. This information was given to Berns, Clancy and Associates, who would be performing the Traffic Impact Analysis for the proposed project, so the data for the Traffic Impact Analysis for the proposed development is valid. An analysis, itself, is independent of the time of year and is based on the use of a site. For this case, the proposed use would be student housing, so it would be based on the numbers for student housing.

Mr. Fell questioned if it would be possible to issue a Planned Unit Development for the proposed site without rezoning it. Mr. Garcia replied that a Planned Unit Development would be possible; however, the developer felt that rezoning the site with a special use permit would be best path moving forward.

Chair Fitch asked what kinds of things the developer could do to mitigate any negative impacts from the Traffic Impact Analysis. Mr. Shonkwiler stated that one way to mitigate would be for the City to install a traffic signal at Clark Street and University Avenue or installing a wider refuge aisle in the middle of Lincoln Avenue. The City could move an access point if City staff felt it would be too close to University Avenue or we could restrict the number of access points. City staff would negotiate these types of mitigation solutions with the developer.

Chair Fitch inquired who would pay for the installation of a traffic signal or the construction of a wider refuge aisle. Mr. Shonkwiler said it would be part of the negotiations with the developer. Unlike the Illinois Department of Transportation (IDOT) who believes that the developer should pay for all of it, the City of Urbana is willing to work with a developer to avoid them walking out on good projects unless the site would generate a huge amount of traffic. Then, the City would look to the developer to help the City financially pay for traffic control improvements.

Mr. Ackerson said his concern is for pedestrians as they try to access bus routes. A couple of routes run on the other side of University Avenue. Would it be part of the negotiations with the developer to reroute a bus stop, move a bus stop, or provide a pedestrian island? Mr. Shonkwiler answered that moving bus stops or rerouting buses would be part of the Traffic Impact Analysis to access where they are now and if some of them should be moved; however, it is ultimately Mass

Transit District's (MTD's) decision to serve. In preliminarily talking with MTD, MTD has a lot of density at Goodwin Avenue so they want to maintain the existing bus stop located there.

Mr. Shonkwiler said that fortunately the City of Urbana is completing the design stage of a resurfacing project on Lincoln Avenue from Green Street to University Avenue. As a result, City staff has studied every crossing at Stoughton, Main and Clark Streets along Lincoln Avenue. Results show that many pedestrians cross at Stoughton and both pedestrians and bicyclists cross at Main Street. These results will necessitate a need for wider refuge aisles at these intersections. City staff plans to narrow the vehicle lanes along Lincoln Avenue, widen the refuge space to six feet and provide crosswalks with proper signage at these two crossings. The City is planning to do this regardless of whether the proposed development happens. While there does not seem to be as many pedestrians crossing at Clark Street, they plan to install an unmarked crossing for the pedestrians that do. There would be painted space created to work with the proposed type of development and put a pedestrian island in if the Traffic Impact Analysis determines one is needed.

This is a change in philosophy over the years within engineering. We used to be a car centric society, and now we are looking more at pedestrians and bicyclists. While Main Street has been designated as a bike route, it is also very difficult for bicyclists to cross Lincoln Avenue at Main Street. City staff plans to merge bicyclists off the road and onto a multi-use path. He felt that City staff is in a good position where the City has been in front of this on our own planning for improvements and now we are working with the developer to plan for improvements at Lincoln Avenue and Clark Street.

Ms. Billman asked when Mr. Shonkwiler expected the changes to occur. Mr. Shonkwiler replied that they have clearances they have to go through and easements that they have to obtain. He noted that this is a budgeted project so there are funds for this project. He hoped to get the project out to bid in the late spring/early summer, start construction this summer and wrap it up in 2020.

Ms. Billman wondered if he had any data regarding traffic on Busey Avenue between University Avenue and Main Street. Mr. Shonkwiler stated that he did not have traffic counts on Busey Avenue. As you get closer to St. Patrick's Catholic Church, the street gets narrow. There is parking on one side of the street all the way down Busey Avenue, so there is low volume traffic on this street. He explained that in a traffic engineer's world, anything less than 1,000 vehicle in a day is low volume. University Avenue has 20,000 to 22,000 vehicles a day. Lincoln Avenue has 14,000 to 16,000 vehicles a day. Clark Street is 400 vehicles a day. He figured Busey Avenue has 400 to 600 vehicles a day.

Ms. Billman expressed concern with Busey Avenue because it essentially only allows one car to pass through. The proposed development would increase traffic on Busey Avenue. Is there a possibility of removing the street parking to allow two cars to pass down the street? Mr. Shonkwiler believes parking is a good thing because it serves as traffic calming. If they remove the parking, then the road is widened and then vehicle speeds would go up. They do not want to encourage Busey Avenue to be used for the proposed project south of Clark Street. Ms. Billman stated that this would only add to the traffic problems for the proposed development. Mr. Shonkwiler responded that the developer hired Berns, Clancy and Associates to perform the Traffic Impact Analysis, and their preliminary report indicates that the expected traffic volumes

are fairly low because it is a student housing type of development. Students mostly walk, ride bicycles or use transit, so they are not expecting a huge amount of vehicular traffic. The preliminary reports do not warrant a traffic signal at Clark Street and Lincoln Avenue, so this tells him that there would not be a concern for an increase of vehicular traffic on Busey Avenue.

Chair Fitch stated the procedure for a public hearing and opened the hearing for public input. He asked that if any audience members had questions for the applicant, to please direct their questions to him rather than addressing the applicant directly.

Graeme Rael, of Rael Development Corporation, approached the Plan Commission to speak in favor of his proposed rezoning and Special Use Permit requests. Chris Billing, of Berns, Clancy and Associates also approached to speak in favor.

Mr. Rael stated that the project is generally the same as what was proposed at the previous meeting. He noted a couple of changes including additional parking and bicycle spaces. He commented that they are equally concerned about pedestrian safety and willing to contribute to their share of improvements on Lincoln Avenue. He was available to answer any questions.

Mr. Fell commented that there is a lot of contention about the height of the proposed development. He asked what the construction type would be. Mr. Rael said it would be Type 5, which is wood frame, nine-foot ceiling height apartments above a steel podium on the ground floor.

Chair Fitch asked if there would be five floors all the way around the proposed apartment/extended stay building. Mr. Rael said yes.

Mr. Billing presented some of the findings from the preliminary Traffic Impact Analysis that he had performed. He stated that the majority of the traffic from the proposed development would utilize Clark Street out to Lincoln Avenue. Because some traffic will want to head east, they looked at the impact that will have on the neighborhood streets. Therefore, they looked at the area from Lincoln Avenue east to Coler Avenue and University Avenue south to Springfield Avenue. They find that student housing developments generate less traffic, especially being within close proximity to the campus. He expected a fair amount of students to walk or bike to their classes, especially in the warmer months.

He mentioned that he talked with MTD about where the existing bus stops are located. MTD told him that they are looking at making some changes based on the larger area, not just solely on the proposed development. He noted the location of the existing bus stops, which are available within two blocks north, west and south of the subject site.

They looked at the traffic that would be generated from the proposed development and routed it through the adjacent neighborhood and intersections. The current traffic of the subject site might generate around 380 ADT (average daily traffic). The proposed development might generate 800 ADT. There would be a net increase of about 500 ADT. Traffic would distribute well with most of the traffic exiting onto Lincoln Avenue and the rest would distribute up to University Avenue or down through the neighborhood. The impact on the neighborhood streets would be a

maximum of 75 vehicles. Again, this is because the proposed development would be primarily student housing.

Mr. Billing commented that looking through historic traffic data from sources such as IDOT, CUUATS (Champaign Urbana Urbanized Transportation Study), and the City of Urbana he found that over the course of the last five to ten years, traffic volumes have decreased on Lincoln Avenue and on University Avenue. He accredited the decrease to the public transit system and to the change in how people do things.

In summary, the proposed development would not add much traffic at the am (ante meridiem) or pm (post meridiem) peaks. The increase does not warrant a traffic signal at Clark Street and Lincoln Avenue. There will be some impact on Busey Avenue and on Coler Avenue. He did not expect to see any impact to Main Street or Stoughton Street. Anyone that would be outbound would be heading either to Lincoln Avenue or to Springfield Avenue or to University Avenue to go places. The pedestrian and bicycle improvements that the City of Urbana is planning will be instrumental in making crossings of Lincoln Avenue much safer.

Chair Fitch inquired if he anticipated finalizing the Traffic Impact Analysis before the cases go to the City Council. Mr. Billing said yes. They are very close to completing the report.

Carolyn Baxley, of 510 West Main Street, approached the Plan Commission to speak in opposition. She stated that the site is not suited for the intensity of the proposed development. A railroad track runs diagonally along the subject property. Trains can be quite noisy at times.

One of the main problems is egress. Clark Street and Busey Avenue are not intended to handle the increase in traffic. Clark Street is a brick road, and she was not sure how the traffic load would affect the Brick Ordinance in place.

Another problem is that the proposed development would be too intense and the building would be too big. One cannot control or dictate how much traffic would be generated by the proposed development. While she agreed that it probably would be student housing, she disagreed with the comment that students do not generate intensive car use.

She felt the Plan Commission should consider the impact of the proposed development and traffic increase on the adjacent historic district. West Main Street Historic District is one of the few historic districts in the City of Urbana.

She recommended that the Plan Commission deny the proposed rezoning and Special Use Permit requests. The City of Urbana is overbuilt with multi housing apartments. Many apartment buildings have low occupancy.

Suzanne Bissonnette, of 804 West Main Street, approached the Plan Commission to speak in opposition. She did not feel that the studies that were presented during this meeting addressed her concerns that she expressed at the previous meeting. One of her major concerns is about stormwater drainage. Would a development of the proposed size require a retention basin? Mr. Bennett replied that based on the zoning, the developer would have to provide a stormwater detention for any new impervious area. This could be in the form of underground detention that

might be constructed under the parking surface. At this stage, they probably have not sized it; however, it will have to hold the storage volume of the difference between a fifty-year post development storm and the five-year predevelopment storm. It takes time to put this analysis together, but the developer will have to provide the information to get approval of the Site Plan. Typically, this step is not completed at this phase in the process.

Ms. Bissonnette stated that she is concerned about the height of the proposed apartment /extended stay hotel building. She showed an illustration of the view from her backyard. Another concern is pedestrian safety crossing Lincoln Avenue. City staff did not address how many more vehicles there would be with this size of a development or what they planned to do with the extra vehicles. How many more parking spaces would be taken up in the neighborhood, which is already full from Carle staff and visitors, St. Patrick's Catholic Church, and other students? Many students have cars.

Lastly, she and her husband also own 802 West Main Street and 305 North Busey Avenue. She disagreed that the proposed development would not decrease their property values. Just because the proposed development would be expensive to construct, it does not mean that the adjacent neighbors would not be affected.

Randy Kangas, of 804 West Main Street, approached the Plan Commission to speak in opposition. He thanked the Plan Commission for the amount of time they have taken to review the proposed requests. He handed around a photo of the front of his historic home.

He asked how old the sewers are in the City of Urbana. Are we relying on the Greeley and Hansen Stormwater Plan? Mr. Bennett stated that the City of Urbana's sanitary system dates back to the 1920 era and the storm sewer dates back even earlier. The subject site does have quite a bit of sewer infrastructure around it with a 42" storm sewer along Lincoln Avenue, a 48" storm sewer along Clark Street and a 24" storm sewer that runs down Busey Avenue. In addition, an 8" sanitary sewer runs down Clark Street, and another one that runs down Busey Avenue. It has sufficient capacity to provide for the proposed development, and City staff felt confident that the underground infrastructure would be able to support the proposed development. City staff has performed some cleaning and televising inspections of the infrastructure to assess its condition and to make sure there are no problems with it. They will continue as the infrastructure ages to repair and replace it. He mentioned that while they still reference the Greeley and Hansen Stormwater Plan, they rely more on recent televising data. There were no infrastructure improvements recommended or capacity issues identified in the Greeley and Hansen Stormwater Plan. City staff is currently undertaking a new stormwater master plan. Mr. Kangas clarified that he did not intend anything negative about engineers. His concern was about the City relying on 100-year-old sewer and water drainage systems and a 40-year-old water plan and massively increasing the density in the neighborhood. He did not believe that 8" pipes would work for the increase in density. He felt if the City needed to make improvements to the sanitary system, then now is the time to do so and to argue about who has to pay for the improvements.

Concerning the Berns, Clancy and Associates preliminary Traffic Impact Analysis report, Mr. Kangas found it difficult to read. He noticed that the report was for 457 beds, not for the 412 beds that the applicant was proposing. Even though they have increased the number of on-site parking spaces, there will still be a couple hundred cars needing a place to park. The developer said that

he would be charging for parking, but people are cheap and will be trying to park on the neighborhood streets for free. He remembered a study he read when he was on the Plan Commission about students each having a car and never having shared a bathroom. He believed that while there may only be 457 beds, there might be a need for 500 parking spaces. 457 does not include amenities, staff, service vehicles, and customers for the retail use. If vehicular traffic does not exit onto Lincoln Avenue, then they will have to exit onto the neighborhood streets, including Busey Avenue. He talked about parking along Busey Avenue and how it makes it impossible for two cars to pass each other. He handed around a photo showing cars parked on both sides of the street.

He talked about the history of the land and of his house. They believe that the history adds more to their neighborhood than what can be measured in tax assessments. He read a quote from an article about historic preservation in Seoul, which talks about landlords allowing their rental homes to become dilapidated so they can redevelop the properties with more density buildings. He interpreted City staff's comments about the proposed development increasing the property values of the neighboring homes to mean that he should stop maintaining his home and rental properties and start preparing to turn them into apartments. Who will want to play catch with their child under the windows of a five-story apartment building? Add the lights and the increase noise and traffic. The proposed development would have an impact on historic preservation, on traffic, on sewers and all the other things, so he disagreed that it would not decrease the value of the single-family neighborhood. He urged the Plan Commission to continue the cases until the studies are completed or to recommend denial to the City Council.

Naomi Jakobsson, of 803 West Main Street, approached the Plan Commission to speak in opposition. She asked what Rael Development Corporation had been developed that was on the same scale as the proposed development that the City of Urbana could see the success of and how long it has been occupied. In addition, would City staff consider installing a 4-way stop at the intersection of Busey Avenue and Main Street? Mr. Shonkwiler replied that it depends on the Traffic Impact Analysis as to whether the City would consider a 4-way stop at that intersection.

Phyllis Williams, of 810 West Main Street, approached the Plan Commission to speak in opposition. She mentioned that during the Lincoln Avenue/Nevada Street development public hearing, one of the residents in that area hired Berns, Clancy and Associates to create an engineering report. So, she thought it might be helpful to do the same for the proposed development. She went to Berns, Clancy and Associates and to MSA and found that both companies had been hired by the Rael Development Corporation. She was not sure where to go at this point.

She commented that the neighborhood's opposition against the previous plan was not due to a lack of developer or development plan. It was about rezoning the properties to B-3 (General Business) because of some of the uses allowed. It makes sense to scale down the zoning to single-family residential. Just because it would be more expensive to construct a building taller than five stories does not mean it could not happen.

When talking about density, we must remember that we just added 470 beds on the north side of Lincoln Avenue at the Retreat. If the proposed development were approved, then there would be



almost 1000 new beds in the area adding to the stormwater and sewer systems, to the traffic and to the transit system.

The University of Illinois has increased the cost for parking, which will result in an increase in the need for parking in their neighborhood. If the City installs a sidewalk along Busey Avenue from University Avenue and Clark Street, then they should continue it to Springfield Avenue because there is a bus stop at Busey and Springfield Avenues, however, it is difficult to access. She mentioned that the Greeley and Hansen Stormwater Master Plan for Lincoln and Nevada mentions that it is for a two-year event. She did not know how it would be better for the proposed area. When Mr. Garcia considered the impact on property values, he only took into consideration the homes on Clark Street that would be demolished and not the adjacent properties. In conclusion, she said it would be nice if a developer would create a design that uses the existing zoning.

Daniel Folk, of 807 West Main Street, approached the Plan Commission to speak in opposition. He wished that he could support a development like this but this particular project would be too big and would have so many people living there. He did not feel that there would be enough buffer between the proposed five-story development and the West Main Street Historic District and single-family homes. He has lived in the neighborhood since 1980, and if you need to go south, then you go south on Busey Avenue. Unprotected left turns onto Lincoln Avenue are not practical.

Mr. Fell asked how much of a buffer would be needed from a project of this size. He estimated that the five-story building would be approximately 400 feet to Mr. Folk's property. Mr. Folk stated that 400 feet to his property would be adequate, but it is not enough of a buffer to the historic district on the north side of Main Street.

Mr. Rael re-approached the Plan Commission to address questions from the audience. Other developments they have built similar in scale include City Parc at Fry Street in Denton, Texas, which was built in 2002. It was built within a neighborhood of residents that were sensitive about an existing hospital being redeveloped into an apartment building. Several years after building it, it was acquired by the largest student housing company in the country. They still own it, which tells you that it was a high quality project.

One of their most recent projects was in Bellingham, Washington. It was located in a neighborhood with historic homes near a campus. The building was designed and constructed architecturally to fit in with the existing neighborhood.

Ms. Billman asked how many of the developments that Rael built do they still own. Mr. Rael said about 65%.

Mr. Fell wondered how many parking spaces are they required to provide. How many are they providing? Mr. Rael said they are required to provide 204 vehicular parking spaces and 104 bicycle spaces. They are providing 204 vehicular parking spaces and 108 bicycle spaces.

Mr. Fell did not see any accessible parking on the Site Plan. Mr. Rael explained that as they get into more details they would provide that information. Ms. Pearson added that they are not

labelled on the Site Plan, but the developer must meet the zoning requirements. Mr. Fell explained his concern that one of the conditions recommended by City staff is that the development shall be constructed in general conformance with the site plan they were given. Ms. Pearson explained that it must meet “*general conformance*” so it must meet code.

Chair Fitch asked if the developer had any interest in developing the site as a Planned Unit Development or under the existing zoning. Mr. Rael replied that his preference is to move forward with the existing rezoning and Special Use Permit requests due to time constraints.

Mr. Fell wondered if the developer was willing to modify the plan. One of the neighbors’ biggest concern is the closeness of the five-story building. There is a giant leg of the building on the south side of the site. Would he consider moving the leg? Mr. Rael was open to suggestions. He did not want to see the development delayed. Rael Development Corporation has thought about the plan quite a bit. They want to have a presence on Clark Street to create a certain environment. The building was also designed to be cost efficient – where they plan for the parking, separating the extended stay hotel from the residential.

There was no additional input, so Chair Fitch closed the public input portion of the hearing and opened it for Plan Commission discussion and/or motions.

Mr. Ackerson recalled the previous proposal for rezoning the subject properties to B-3U. The Plan Commission denied the case because there was no plan for redevelopment. The neighbors were against having a B-3U zoned property on the east side of Lincoln Avenue. While the neighbors are now against having a five-story building east of Lincoln Avenue, a sizeable portion of the proposed site is currently zoned B-3, which allows five-story buildings by right. City plans call for the subject property to be a gateway to the University district. He wondered if B-3U might be a more elegant solution. Everything the developer wants to do would be allowed in the B-3U Zoning District, and they would not even need a Special Use Permit. The proposed three-story townhomes across Clark Street are allowed in their existing district and would serve as a buffer to the adjacent historic district. Mr. Hopkins argued that the advantage of a B-3 Zoning District is that an owner could not build residential without approval of a Special Use Permit. This gives the City the ability to review the development rather than it being allowed by right.

Mr. Hopkins stated that there are many goals in the City’s Comprehensive Plan. Among them are having intense development close to where people want to be as opposed to being far away. City staff has identified locations where this would work. By having the mixed pattern of development that we have, we are able to make reasonable trade-offs between having density close to campus and close to downtown Urbana and still protecting specific things like a historic district and the state streets area. He moved to forward Plan Case No. 2361-M-18 to the City Council with a recommendation for approval. Ms. Billman seconded the motion.

Mr. Fell commented that this is the third proposal for the subject properties. It keeps coming before them because no one can do anything with it with the way the parcels are currently zoned and laid out. We finally have a developer who has a plan and wants to develop it. Mr. Turner agreed.

Ms. Billman said that her only concern is if there would be an impact on the neighboring historic district.

Mr. Fell asked if they approve the motion, then it would have no height restrictions. Chair Fitch said that was correct. Mr. Fell responded that he felt uncomfortable with no height restrictions along Clark Street. The zoning change does not limit the construction type or other things under the building code. He asked if the Plan Commission could change the zoning and impose a height limit. Ms. Pearson answered saying not at this meeting. The Plan Commission cannot place conditions on rezoning cases. She mentioned that she has tasked City staff with researching an appropriate height for the B-3 zoning district they could propose to the Plan Commission. Mr. Fell urged City staff to make the height in feet, not in stories because he could build a one-story building that is 40 feet tall.

Chair Fitch stated that he was uncomfortable with allowing a zoning district with unlimited height so close to a single-family residential neighborhood, especially one in a historic district. The reason is primarily due to density, but also due to the look and feel of the character of the development.

Mr. Ackerson wished the proposed development would not have five stories along Clark Street, but he stated he was trying to deal strictly with the zoning and making the properties zoned the same so there would not be split zoning.

Mr. Fell asked if there was a way the City could change the zoning and limit the height. Although it would be possible through the Special Use Permit, it would not be wise because the developer could abandon the Special Use Permit. Ms. Pearson replied that the City Council has the ability to enter into a development agreement, which could impose limitations on the site. City staff has discussed this as a possibility, and it is still an option of the City Council. The Plan Commission did not have that ability.

Mr. Turner stated that he worries about will happen with the subject property. It is an eyesore. He wondered what the Plan Commission could do, especially if this was not approved. Chair Fitch replied that Mr. Garcia had given three scenarios of what could potentially happen if the rezoning is not approved.

Roll call on the motion was taken and was as follows:

Ms. Billman	-	No	Mr. Fell	-	No
Mr. Fitch	-	No	Mr. Hopkins	-	Yes
Mr. Turner	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Mr. Ackerson	-	Yes

The motion passed by a vote of 5 to 3.

Regarding the Special Use Permit, Mr. Fell felt that the City should put a height limit in feet on the building on the south side of the site. He believed that if the developer would move the giant leg of the building to the north, it would make the neighbors happier, but he does not want to encumber the developer by asking for new plans. Chair Fitch agreed. Mr. Ackerson also agreed.

He did not have a good idea of how to fix it. Chair Fitch replied that there are ways to fix it. The question is how much it would cost and how much would it affect the profitability. It is the developer’s decision. The Plan Commission could continue the Special Use Permit case and hope that the developer looks for a solution in order to make the plan work and to take the concerns of the neighbors into account. Ms. Pearson reminded the Plan Commission that the Special Use Permit is only for the multi-family residential use in the B-3 Zoning District. The extended stay hotel would be allowed by right.

Mr. Fell noted that if the City does not approve the Special Use Permit, then the developer could construct a building as tall as they want. Mr. Hopkins stated that it was clear that they would want to approve the Special Use Permit and now the Plan Commission’s task is to define the conditions. He felt that one condition should limit the height of the residential building in feet. Mr. Rael asked that the height limit be 65 feet as this would allow for the five stories and allow architectural design to give it a historic feel. There was discussion about the height and whether it would be applied to the entire site or only to the multi-family leg of the building along Clark Street. Ms. Pearson noted that if the developer needed more than 65 feet for a missed factor in the calculation, then they could make that change when presenting to City Council.

Chair Fitch stated that he was opposed to 65 feet for the multi-family leg of the building along Clark Street. He believed it would be too tall next to a single-family residential neighborhood. He believed the maximum height should be 35 feet. Ms. Billman stated that she liked this idea; however, the Plan Commission just voted to recommend approval of the B-3 Zoning District, which allows the developer to build as tall as he wants to.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2362-SU-18 to the City Council with a recommendation for approval including the following conditions:

1. The development shall be constructed in general conformance with the attached site plan.
2. The developer shall submit a final Traffic Impact Analysis including pedestrian and transit prior to the City issuing any building permits.
3. The developer shall adequately mitigate negative impacts the final Traffic Impact Analysis anticipates prior to the City issuing a Certificate of Occupancy.
4. The maximum height limit for the building is 65 feet.

Mr. Ackerson seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	No
Mr. Hopkins	-	Yes	Mr. Turner	-	Yes
Mr. Weisskopf	-	Yes	Ms. Yu	-	Yes
Mr. Ackerson	-	Yes	Ms. Billman	-	Yes

The motion passed by a vote of 7 to 1.

Mr. Garcia noted that these two cases would be forwarded to City Council on February 18, 2019.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

There were none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

There was none.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

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Lorrie Pearson, Secretary  
Urbana Plan Commission