

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 5, 2016

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Maria Byndom, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail, Daniel Turner

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Aaron Ammons, Dr. Bette Anderson, Luis F. Andino, Melinda Carr, Ben Frick, Louise Kuhny, Sarah McEvoy, Jeff Rehberger, Joseph Sclafani, Renee Sclafani, Reverend Dr. Evelyn B. Underwood

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

Chair Fitch called the meeting to order at 7:30 p.m. Roll call was taken and there was a quorum with all members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the February 18, 2016 Regular Meeting were presented for approval.

Mr. Ackerson moved to approve the minutes as presented. Mr. Trail seconded the motion. The minutes were approved by unanimous voice vote.

4. COMMUNICATIONS

- ❖ Concerned Neighbors Presentation

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2272-CP-16 – A request by the Urbana Zoning Administrator to adopt the 2016 Urbana Bicycle Master Plan as an amendment to the 2005 Urbana Comprehensive Plan.

Chair Fitch continued this case to the June 9, 2016 Plan Commission meeting at the request of City staff.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case Nos. 2276-PUD-16 and 2277-PUD-16 – A request by Andrew Fell on behalf of Vision Housing, LLC for preliminary and final approval of a Residential Planned Unit Development at 802, 804 and 806 South Lincoln Avenue AND 809 West Nevada Street in the R-4, Medium Density Multiple Family Residential, and R-5, Medium High Density Multiple Family Residential Zoning Districts.

Chair Fitch opened the public hearings for these two cases and continued them to the May 19, 2016 Plan Commission meeting. Lorrie Pearson, Planning Manager, announced that the developer has organized a neighborhood meeting for the project. The neighborhood meeting is scheduled for Thursday, May 12th at 6:30 p.m. at the Lewis Auditorium in the Urbana Free Library.

She also stated that it would be good for people who are interested in particular cases to contact the Planning Division with regards to when meetings will occur. Often times, particularly with large projects, there are changes in the scheduling of meetings.

Plan Case No. 2278-M-16 – A request by Lacey's Place, LLC Series Urbana to rezone a parcel totaling approximately 0.81 acres located at 805 North Lincoln Avenue from the B-1, Neighborhood Business Zoning District, to B-3, General Business Zoning District.

Chair Fitch opened the public hearing for this item on the agenda. He reviewed the procedure for a public hearing. Christopher Marx, Planner I, presented the staff report for this case to the Urbana Plan Commission. He described the proposed site noting the current zoning, existing land use and future use designation. He explained the purpose for the proposed map amendment, which is to allow the petitioner to use a portion of the building for a gaming hall use. He discussed the goals of the 2005 Comprehensive Plan that relates to the proposed rezoning. He talked about the B-3 Zoning District. He reviewed the LaSalle National Bank criteria as they pertain to the B-3 Zoning District that the applicant is proposing. He read the options of the Plan Commission and presented staff's recommendation for denial. He noted that the applicants were in the audience to answer any questions.

Chair Fitch asked the Plan Commission if they had any questions for Planning staff. With there being none, he opened the hearing up for public input. He invited the applicants to approach the table to speak about their application.

Jeff Rehberger, representing Lacey's Place, LLC; Renee Sclafani, representing Family Video; and Joseph Sclafani, Consultant for Legacy, approached the Plan Commission to speak.

Mr. Rehberger gave a brief history of Lacey's Place, LLC. He talked about the proposed use being a low intensity use and about the tax revenue that the business would bring to the City of Urbana. He believed it would be a good fit for the retail development center.

Ms. Sclafani talked about the repurposing of their real estate. She stated that video sales and rental is a mature industry. They were looking to replace the Family Video space with a viable business. They believed that Lacey's Place would be a low intense use and would not require a lot of parking.

Mr. Sclafani added that if the Commission did not want to rezone to the wide range of B-3 possible uses, then maybe rezone to B-3 contingent upon the single use tenant. He would like for the City and Family Video to work together to make the property successful for everyone.

Mr. Stohr asked what other type of tenants Family Video would consider for this location. Ms. Sclafani replied that they have 500 third-party tenants in their portfolio with a wide variety of uses. Many businesses are attracted to their buildings because they are located in the middle of residential neighborhoods.

Mr. Turner wondered if the other Family Video in Urbana was zoned B-3. Ms. Sclafani replied yes. She explained that Dottie's, which is another gaming hall business, will be locating in that building.

With no one else wanting to speak in favor, Chair Fitch asked if there was anyone wanting to speak in opposition.

Dr. Betty Anderson approached the Plan Commission to speak. She stated that she is a long time resident of the City of Urbana. Her father served on City Council in the early 1960s. She believed that North Lincoln Avenue has undergone some amazing changes with the help of Habitat for Humanity. These changes have stabilized the area around Carle.

She stated that she is opposed to gaming hall facilities and bars anywhere in the City of Urbana. She believed that gambling is infiltrating the State of Illinois. She stated that the City of Urbana owes the children and other residents in the neighborhood the right to a peaceful life.

Reverend Dr. Evelyn Underwood approached the Plan Commission to speak in opposition. She opposed the proposed rezoning because it would be located too close to King School, King Park and a daycare center just down the street. We have to protect the children.

She stated that there are other events going on in the community at the same time as this meeting. Many people were committed to attending those other events or else there would have

been more residents from the neighborhood in attendance to speak in opposition. She had spoken with many of these residents, and they are all opposed.

Aaron Ammons, Alderman for Ward 3, approached the Plan Commission to speak against the proposed rezoning. He felt it was disheartening to hear that Family Video would be leaving the neighborhood. While he would love to have more tax revenue, he did not believe that the proposed use would be appropriate for this area. He expressed his concern about children being in the area crossing the street, etc. Spot zoning is not something that the City Council wants. He reiterated that there are other events occurring in the community, which is why there are not many people at this meeting. He, too, had spoken with about 15 to 20 people in the neighborhood who are opposed as well. Many people expressed that the City Council and others need to enter into discussions about the number of these types of businesses that are popping up in the community.

Mr. Trail inquired as to how much of the opposition is related to the kind of business versus how much is related to the proposed rezoning to B-3. Mr. Ammons replied that the neighboring residents concerns are related to both. People are concerned about the liquor and gambling components together. However, anyone who loves the neighborhood is concerned about preserving the single-family environment.

Eldress Melinda Carr approached the Plan Commission to speak in opposition of the proposed rezoning request. She stated that many of her concerns have already been said by the previous speakers. She added that regarding a moral impact, public welfare and hardship, gaming halls are affecting people not being able to pay their bills or provide for their families. Her church is trying to provide counseling to teach people how to stop gambling.

Ben Frick approached the Plan Commission to speak. He stated that he owns and operates the construction company to the west that shares the parking lot with the Family Video building. Although he was not necessarily opposed to the use, he expressed concern about the interruption of the quiet neighborhood and about the intensity of the uses allowed in the B-3 Zoning District. There are definitely kids walking through the parking lot.

Mr. Rehberger re-approached the Plan Commission to address the concerns of those in opposition. He respects the standpoint the residents are concerned with, which he understood to be as follows: 1) alcohol usage, 2) gaming impact on the community and 3) children being in the area.

With regards to alcohol usage, Lacey's Place has a three-drink maximum. Alcohol usage is low, and their average alcohol sales are about 100 bottles of beer per month. Many times, their beer expires before it is sold.

In terms of the gaming impact on individuals and the community as a whole, this is a concern of the Illinois Gaming Board. As a terminal operator, he has made suggestions on how create a training program so that gaming attendants and managers could spot addictions. The total net terminal income is \$45,000 per month. When you divide that by 30 days, it equals \$1,500 per day, which averages about \$30.00 for an individual if 50 people visit their business each day.

Regarding concerns about children being in the area, he was unsure of the concerns. A person must be 21 years old to enter one of their businesses. There are always managers on duty during the hours of operation, so no one high school age or below would be able to come in and stick \$20.00 into a machine.

Their main clientele are women between the ages of 45 and 65. Lacey’s would be the lowest intense use of any business that could potentially go in the proposed site.

Mr. Otto explained that the request is to rezone the property from B-1 to B-3, not the type of business Lacey’s Place is. The particulars of the business are irrelevant. Zoning goes to the property, not to the owner or applicant.

Mr. Sclafani asked the Plan Commission to table the proposed case so they could talk with City staff and Alderman Ammons about making this a request for a conditional use rather than a rezoning. Ms. Pearson stated that a gaming hall is not allowed in the B-1 Zoning District with a conditional or special use permit.

Mr. Trail asked if there was something about the property that the B-1 Zoning makes it impossible to gainfully rent out this location. Ms. Sclafani replied that she cannot answer this question because they have not marketed the location yet. It depends on the demand.

With no further public input, Chair Fitch closed the public hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Ackerson commented that a lot of the input that the Plan Commission heard was about the nature of one particular business. However, the issue is the zoning. The creation of spot zoning for some more intensive business is problematic. It is currently zoned for appropriate business in the area and to rezone it, it would not only impact the individual site, but the entire neighborhood.

Mr. Trail stated that he did not hear there was anything special about the location to create pressure to upzone the proposed property in a general way. This would be just to allow one particular business; whereas, there may be plenty of other uses that might be compatible with the current zoning.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2278-M-16 to City Council with a recommendation for denial based on the reasons as stated in the written staff memo. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Ms. Byndom	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	Yes	Mr. Turner	-	Yes
Mr. Ackerson	-	Yes			

The motion was passed by unanimous vote. Ms. Pearson noted that this case would be forwarded to City Council on May 16, 2016.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

Concerns about the Future Use of 1204 South Lincoln Avenue, “Kappa Delta House”

Chair Fitch stated that the presenters have asked for the normal speaking time to be extended to 10 minutes. There was no objection by the Plan Commission.

There was concern expressed about the possibility of the presentation and a future related case. Chair Fitch announced that this is not in reference to any public case and is only a presentation. Ms. Pearson stated that if the presentation is made part of the public record for a future case by reference, then City staff could provide a link to the video of the presentation. She advised that the Plan Commission members not discuss the item during this meeting to be completely safe.

Louise Kuhny, Sarah McEvoy and Elizabeth Hoiem approached the Plan Commission and gave a presentation about their concerns with the Twin City Bible Church.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission