



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning and Economic Development Division*

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

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Planning Manager

**DATE:** September 27, 2001

**SUBJECT:** Plan Case 1792-T-01 Request by the Zoning Administrator to amend portions of the Zoning Ordinance related to the expansion of the Medical Institutional Campus (MIC) Special District to include a proposed guest house for patients' visitors.

Plan Case 1793-DA-01 Proposed Amendments to the Development Agreement Between the City and Carle Foundation related to expansion of the MIC Special District and permitted demolitions outside the MIC.

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### **Introduction**

The Carle Foundation, in conjunction with the Carle Hospital Auxiliary, has submitted proposed amendments to the Zoning Ordinance and the City/Carle Development Agreement to address desired changes on properties north of the existing medical campus. The proposed amendment would allow a 12-room guest house for patient families and support members to be located at the northwest intersection of Church and Orchard Streets. In addition, the proposed amendments would allow the demolition of the existing house at 809 N Orchard Street for replacement with a 2-3 bedroom handicapped-accessible "visitable" home. Under the terms of the Development Agreement, these proposals require City Council approval before demolition and construction can occur. A copy of the proposed Development Agreement Amendment and of the original agreement are attached. Also attached are a site plan and rendering of the proposed guest house.

### **Background**

The existing Development Agreement between Carle and the City was adopted in 1995, following approximately two years of negotiations between Carle, the City, and the UCAN neighborhood group. This Development Agreement and associated Zoning Ordinance Text Amendment established the

Medical Institutional Campus (MIC) District and set specific parameters for the growth boundaries and growth timelines for Carle. The provisions of the Agreement (Section 3.18) include a prohibition from rezoning requests by Carle for properties in the area north of Church Street, south of Hill Street, east of Lincoln Avenue, and west of Busey Avenue for a period of four years. That prohibition expired on December 4, 1999. The Development Agreement was prepared concurrently with a Master Plan for Carle which is referenced by the Development Agreement. The Master Plan map is attached to this Memorandum. It shows that the site of the guest house is designated as part of a “Potential 5 – 15 Year Expansion Area”.

On July 24, 2001 Carle hosted an informational meeting for the neighborhood regarding the proposal, at which City staff was present. On August 9, 2001 a Joint Study Session was held with the Urbana Plan Commission and the Urbana Community Development Commission to learn about these proposals. The Plan Commission hearing was opened on August 23, 2001 and continued until September 20, 2001. Minutes from this meeting are attached to this memorandum.

On August 28, the Community Development Commission heard a presentation from Carle regarding this case and considered the proposed amendments. The Community Development Commission discussion was continued to their meeting on September 25, 2001. Minutes from this meeting will be forwarded to Council separately.

For further background regarding these proposed amendments, please refer to Staff Memoranda and Attachments to the Plan Commission dated August 2, 2001, August 17, 2001, August 23, 2001 (addendum to August 17, 2001 Memorandum), and September 14, 2001.

**Zoning Ordinance Text Amendment (Plan Case 1792-T-01)**

To address the guest house proposal, the following amendment to the Zoning Ordinance is being proposed:

**Part A**

**Amend Article II, Section 11-3 “Definitions” to include the following: (additions are underlined)**

*Medical Related Use:* Medical Related Uses shall include doctors’ offices, laboratory facilities, rehabilitation services, alternative medical practices such as acupuncture or massage therapy, guest house for patient families/support members, insurance or health maintenance organization office, sale of medical supplies, prosthesis, medicines and other uses which are supportive of or affiliated with medicine, hospital, or clinic and accessory parking for said uses.

**Amend Section V-10.A to include the following: (additions are underlined)**

The following uses are permitted by right in this Overlay Zoning District: medical related uses, drugstore; day care center, hospital or clinic, ambulance service, medical carrier service, home for the aged; nursing home; fitness center; guest house for patient families/support members; and health care-related business or professional medical office building.

A guest house for visitors of inpatients is a logical extension of the concept of an integrated medical institutional campus that provides appropriate services to patrons of the medical facilities. As Carle continues to provide medical service on a regional level, the need for additional guest facilities has been established and Carle’s effort to increase the comfort of patients and their visitors is recognized. Staff determined it was appropriate to present the inclusion of a guest house in the definition of a medically related use to the Plan Commission, Community Development Commission, and City Council for full consideration.

Carle indicates that potential patrons of the guest house would be recommended by a doctor for the guest house on the basis of situational need of the patient and her/his family, and would not be charged for stay. The expected length of stay is five days; staff will re-evaluate the need to stay longer than this time. The Carle Auxiliary, who have contributed initial funding for the facility and will be staffing the guest house. For a more complete description of the guest house proposal, please refer to the “Overview for Governmental Bodies Regarding Guest House Proposal” attachment to the August 2, 2001 Plan Commission / CDC Study Session Memorandum and documents presented at previous public meetings.

**Part B**

**Amend Section IV-2.I to include the following properties in the MIC Special District (generally described as those within the boundaries of Lincoln Avenue, Church Street, the Conrail Railway Company right-of-way, and McCullough Street extended north to Church Street) as follows:**

four properties north of Church Street between Coler Street and Orchard Street, commonly known as 701 and 703 North Orchard and 702 and 704 North Coler, legally described as follows: Lots 1, 2, 19, and 20 in M.W. & G.W. Busey’s Subdivision of Lot B, City of Urbana, Champaign County, Illinois.

The properties at 701 and 703 N. Orchard Street will be developed for a guest house for patient families/support members and the properties at 702 and 704 N. Coler Street will either continue as presently utilized or be used for future guest house purposes. A guest house is an overnight residence to provide respite for family and support members to patients in serious condition at Carle Hospital.

The proposed location for the guest house is 702 and 704 N Orchard St. These two properties are owned by Carle and are currently being rented. Carle has selected the site because it is near the hospital, will provide a peaceful environment that is adjacent Crystal Lake Park, and is not surrounded by medical facilities and their resultant traffic and commotion. The guest house is designed to be residential in character and to blend with the surrounding neighborhood. Under the proposal, two existing houses at this location will be demolished and the residents will be relocated to other houses in the area. Potentially displaced residents have been given the guarantee by Carle that their rent will not be increased. Since the subject properties lie outside the current Medical Institutional Campus Special District, an amendment to the Zoning Ordinance and the Development Agreement is required.

Current plans for the guest house do not involve encroaching onto 702 and 704 N. Coler Street. However, Carle has indicated that future expansion of the guest house facility may be desirable if the proposed facility is successful and there is additional demand for this type of housing. For this reason the Coler St. properties are proposed to be included in the MIC. Any proposed use for 702 and 704 N Coler that is not an expansion of, or accessory to the guest house would require an amendment to the Development Agreement and the Zoning Ordinance. The four subject properties are included in the 5-15 year expansion area approved by the City with the Carle Neighborhood Plan in 1995.

The Site Plan for the proposed guest house (attached to this memorandum) indicates the plan to construct all 12 required parking spaces on the proposed site. The Site Plan indicates compliance with the required front yards of six feet and required side and rear yards of five feet. Carle has indicated they will provide screening for adjacent properties in the form of landscaping and/or fencing.

**Comprehensive Plan Goals, Objectives and Policies**

The proposed text amendment should be considered in light of the goals, objectives and policies contained in the 1982 Comprehensive Plan. The following goals and policies of the 1982 Urbana Comprehensive Plan relate to this case:

*Goal 1.100 To promote steady but moderate growth in population, employment, and productivity free from extreme fluctuations that would upset the balance between the needs of the residents and the ability to provide for the necessary services and facilities.*

*Objective 1.110 Continue to provide high standards of living environment both in the older and developing portions of the City to attract population forecasted in the Plan.*

*Objective 1.220 Evaluate the aggregate impacts of land use decisions made through zoning, subdivision and annexation procedures.*

*Objective 1.230 Encourage infill development of vacant and under-utilized land within the City limits, with emphasis on downtown where appropriate.*

*Goal 1.300 To ensure that financial resources required to provide the City's residents with needed services and facilities are available and will continue to be available in the future.*

*Goal 1.400 To improve and maintain the developed portions of the City including the existing housing stock, the older residential neighborhoods, and the commercial areas with special emphasis on the downtown area.*

*Objective 1.410 Promote the redevelopment and conservation of urbanized areas.*

*Goal 3.100 To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.*

*Goal 3.300 To arrange land uses in a manner that minimizes the distance between uses that are mutually dependent.*

*Objective 3.310 Encourage development to occur in areas where there is a demonstrated need for a particular use.*

*Policy 3.311 Review all land use changes that are controlled by the Zoning Ordinance, Subdivision Ordinance or annexation procedures to minimize the distance between uses that are mutually dependent.*

*Policy 3.612 In the planning process, evaluate the public costs and benefits of land development.*

*Goal 5.100 To provide sound and attractive residential neighborhoods which meet the housing needs of the current and future population, are accessible to urban services and facilities, and in a manner which conserves land, energy and other resources.*

*Objective 5.110 Protect and improve the residential quality of residential neighborhoods and minimize the effects on such neighborhoods of other city developments.*

*Policy 5.111 Offer continued support for the maintenance of residential lifestyles and values and the preservation of property values by discouraging the encroachment or influence of unacceptable non-residential uses into residential neighborhoods.*

*Policy 5.115 Provide protective public services, and a full range of educational, social and utility services for all residential neighborhoods.*

*Objective 5.140 Expand the housing supply to include a variety of housing types and price*

*ranges through preservation, development, and redevelopment.*

## **The La Salle National Bank Criteria**

In the case of La Salle National Bank v. County of Cook (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

*1. The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The two properties along Orchard Street are proposed to be limited to guest house use, and the Coler Street properties would be limited to either future guest house use or continued single-family residential use.

The proposed rezoning to the MIC, Medical Institutional Campus District would be consistent with the existing MIC zoning designation and medical uses south of the subject properties. A guest house for patients’ visitors is proposed to be included in the list of permitted uses within the MIC. While this would be a somewhat more intense use than the existing residential structures, the guest house is proposed to be residential in character and to blend with the residential neighborhood surrounding the subject properties to the north and west. The proposed use and zoning is compatible with Crystal Lake Park to the east. The Master Site Plan approved in 1995 and subsequently implemented called for landscaping of the areas abutting the park, in part to serve as a buffer from the more intense medical uses in the medical campus.

The Urbana Comprehensive Plan Future Land Use map indicates this area for low density residential use, although all four properties were included in the Potential Expansion Area of the Carle Master Site Plan approved under the development agreement.

*2. The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned for residential and the value it would have if it were rezoned to medical institutional to permit the proposed use.

The subject site is located in an area that consists of a mix of single family residential and medical institutional. The impact the proposed changes would have on property values can be difficult to determine, but two factors could be considered a factor in any property tax fluctuation. New

development such as the proposed use often positively impacts property values. On the other hand, any increase in the intensity of use can result in a negative impact on property values.

It should be noted that City Planning and Economic Development Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

- 3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
  
- 4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The current residential zoning allows four single-family residential units with modest rents, which is a benefit to the public welfare of the community. The loss of up to four houses would be a detriment to the community, in that it would decrease the number of affordable housing units in the neighborhood. However, other portions of the proposed amendment to the development agreement involve the replacement of an uninhabitable home with a new, handicapped accessible home. While Carle owns the properties and rents them out to tenants, the primary objective of the petitioner is to provide health care services to the community. The proposed guest house development will significantly contribute to the welfare of the community by offering respite for visitors of seriously ill patients in a comfortable environment that is near the hospital. Carle estimates that up to 500 families in their service area would benefit from the guest house each year. The tax base would remain the same under the proposed amendment, as per provisions set forth in the Development Agreement to stabilize the Equalized Assessed Value in the neighborhood.

- 5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

As stated above, this property is located in an area that is appropriate for the expansion of the medical zoning district, under the provisions of the Development Agreement and the Carle Master Plan. However, no formal amendment to the Urbana Comprehensive Plan was made at that time of Development Agreement adoption in the area north of Church Street, and the properties remain planned for low density residential.

A significant characteristic of this property is its location at the intersection of a single family residential neighborhood, adjacent to Crystal Lake Park, and also immediately nearby the hospital facility. The subject parcel is in a fully developed portion of Urbana and is adequately served by public streets and utilities. The lot contains adequate access to provide for public safety. The subject property is well suited for both the current and the proposed zoning district.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The subject properties are not vacant and have been in residential use for several decades. The area to the south of the subject properties has expanded over time to include more medical uses, while these four properties and those to the north have historically been in residential use. The 1995 Development Agreement was created largely in response to previously experienced expansion of the Carle medical campus into residential areas.

**Development Agreement Amendments (Plan Case 1793-DA-01)**

A complete draft of the amendment to the Development Agreement is attached to this memorandum. The “Agreements” portion of the draft amendment are presented and discussed below.

**Part A**

*ARTICLE I*  
*DEMOLITION AND REPLACEMENT OF RESIDENTIAL STRUCTURE AT*  
*809 N. ORCHARD*

*1.1 The parties agree that Carle shall demolish the residential structure located at 809 N. Orchard as said structure is no longer habitable, and replace said structure with a 2 or 3 bedroom “visitable” home between 1,000-1,200 sq/ft in keeping with the character and size of the local neighborhood. Further the rent for the home will be maintained within the average for 2 or 3 bedroom homes currently rented by Carle.*

*1.2 The parties further agree that Section 3.8.1 is not applicable since the use shall continue as residential.*

Section 3.8 of the 1995 Development Agreement restricts Carle from demolishing any residential structures on property owned by Carle when the agreement was signed in 1995 for the area lying between Church Street on the south, Fairview Avenue on the north, Orchard Street on the east and Lincoln Avenue on the west, except for those properties listed in Exhibit “G” of the Agreement. Both the City and Carle intended that 809 N. Orchard be included in this list, but it was inadvertently left off this list by City staff and went unnoticed at the time of the signing. Therefore an amendment to the



Development Agreement is required to demolish the structure.

Carle considered all options for renovating the house, but the cost of rehabilitation has been determined to be more than the current value of the house. On March 29, 2000, a Structural Investigation of Building Deterioration was conducted for Carle by a consulting engineering firm. The report concludes “the house is no longer safe for occupancy and requires demolition”, and “the foundation is no longer capable of providing support for the house and requires demolition”. The proposed replacement structure would be a manufactured “visitable” home accessible for disabled individuals and frail elderly in Urbana, which could also serve as a template for future replacements.

For the reasons stated above, staff believes the inclusion of 809 N. Orchard in the list of permitted demolitions is justified. The subject property is uninhabitable and impossible to repair. In addition, its omission from Exhibit “G” of the Development Agreement was an oversight, and its structural status was consistent with other properties included in Exhibit “G” in 1995. The proposed replacement of a “visitable” home would fulfill the need in the area for special needs housing. It is designed to be consistent with the character of the neighborhood in terms of architecture and size.

**Part B**

*ARTICLE II*  
*ADDITION OF PROPERTIES TO MEDICAL INSTITUTIONAL*  
*CAMPUS ZONING DISTRICT*

*2.1 The parties hereby add to the Medical Institutional Campus Zoning District the properties commonly known as 701 and 703 N. Orchard Street, and 702 and 704 N. Coler Street, legally described as follows: Lots 1, 2, 19 and 20 in M. W. & G. W. Busey's Subdivision of Lot B, situated in the City of Urbana, Champaign County, Illinois. The properties at 701 and 703 N. Orchard Street will be developed for a guest house for patient families/support members and the properties at 702 and 704 N. Coler Street will either continue as presently utilized or be used for future guest house purposes. A guest house is an overnight residence to provide respite for family and support members to patients in serious condition at Carle Hospital.*

The language in this section reflects the parallel proposed zoning ordinance text amendment presented and discussed above.

**Tax-Related issues**

City officials have discussed the applicability of the hotel/motel tax obligation for the guest house if visitors are charged for stay. Carle officials have indicated that patrons will not be charged for use of the guest house, although donations will be accepted. Should the policy change to include a charge for stay, the hotel/motel tax would apply.

Both parties agree that Section 3.5 of the Development Agreement is applicable for the proposed guest house properties. This section requires that the City, the Urbana Park District,

Cunningham Township and Unit No. 116 School District be compensated at the rate they were paid prior to the conversion of the existing properties to a tax-exempt use. Upon further consideration, City staff has withdrawn a previous recommendation to apply an additional payment in lieu of taxes towards the guest house properties.

**Summary of Findings**

**Plan Case 1792-T-01**

1. The proposed zoning text amendment would assist in the administration and enforcement of the Zoning Ordinance by including guest houses as a medically-related use not specifically covered in the current Ordinance.
2. The proposed guest house for patient families and support members is consistent with the uses included in the proposed definition of medical related uses and with those uses permitted by right in the MIC Zoning District.
3. The proposed MIC, Medical Institutional Campus zoning district for the subject site, with the restriction that it be used either for continued residential use or as a guesthouse, would be generally consistent with the current MIC zoning to the south, the CRE zoning to the east, and the R-2 zoning to the north and west.
4. The proposed rezoning appears to generally meet the LaSalle Case criteria.
5. The proposed MIC, Medical Institutional Campus zoning district for the subject site would be generally consistent with the Comprehensive Plan designation of “low density residential” for the site, in that the guest house would be residential in character and use.
6. The proposed MIC, Medical Institutional Campus zoning district for the subject site would be responsive to Comprehensive Plan goals, objectives and policies calling for the maintenance and redevelopment of certain areas and to provide public services.
7. The proposed MIC, Medical Institutional Campus zoning district for the subject site is consistent with the Carle Master Plan, including the designation of the subject site within the 5-15 Year Potential Expansion Plan.
8. The proposed MIC, Medical Institutional Campus zoning district for the subject site is consistent with provisions of the Development Agreement between the City and Carle that call for a restriction on rezoning applications in this area until December 5, 1999.

**Plan Case 1793-DA-01**

1. The inclusion of 809 N. Orchard in the list of permitted demolitions in the Development Agreement is justified because the property is uninhabitable, impossible to repair, and was originally intended to be included in Exhibit “E” of the Development Agreement.
2. The guest house proposal would fulfill the need of the hospital to provide lodging for certain patients’ visitors and provide an important service to the hospital’s patients that is not now available.
3. The location of the site near residential, recreation, and medical uses make it appropriate for guest house use by providing a convenient and therapeutic environment.
4. The residential design and appearance of the guest house will make it a compatible use with adjacent and nearby residential uses.
5. The expansion of the MIC District to include the proposed guest house properties at 701 and 703 N. Orchard and potential guest house expansion at 702 and 704 N. Coler is consistent with the Carle Master Plan and with the area of the 5-15 year expansion plan.
6. The expansion of the MIC District to include the proposed guest house properties at 701 and 703 N. Orchard and potential guest house expansion at 702 and 704 N. Coler is consistent with the intent of the Development Agreement between the City and Carle to limit rezoning requests in this area until December 5, 1999.

## **Options**

The City Council has the following options in Plan Case 1792-T-01:

- a. Approve one or more parts of the proposed amendment to the Zoning Ordinance, as presented herein; or
- b. Approve one or more parts of the proposed amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. Deny the proposed amendment to the Zoning Ordinance. For this option, City Council should set forth specific findings to support the denial.

The City Council has the following options in Plan Case 1793-DA-01:

- a. approve one or more parts of the Development Agreement, as presented herein; or

- b. approval one or more parts of the Development Agreement, as modified by specific suggested changes; or
- c. deny the proposed amendment to the Development Agreement. For this option, City Council should set forth specific findings to support the denial.

### **Plan Commission Recommendation**

At the meeting on September 20, 2001, the Plan Commission moved to recommend the addition of “Guesthouse” to the list of medical related uses in the Zoning Ordinance (by a vote of 8-0), but did not provide a recommendation regarding the addition of the specific properties at 701 and 703 North Orchard and 702 and 704 North Coler for such use (the vote for approval of this section tied 4-4, yielding no recommendation to Council). With respect to the amendments to the Development Agreement, the Plan Commission recommended the amendment regarding replacement of the structure at 809 North Orchard Street with a visitable home (8-0) and recommended against the amendment to allow a guest house to be constructed at the site located at 701 and 703 North Orchard Street and 702 and 704 North Coler Street (5-3).

Plan Commissioner objections to the guesthouse proposal at the requested location varied. One Commissioner felt that a site plan covering a larger area was needed to consider the request. One Commissioner felt that guest house provision within the current hospital building would be sufficient. One Commissioner felt that the guest house should be reoriented to face the park, that if MIC zoning were to occur north of Church Street, it should be for a more significant project, and that the guest house would be most appropriately located on University Avenue. One Commissioner felt that the guest house would be detrimental to the neighborhood. One Commissioner supported the guest house, but felt that only the parcels along Orchard Street should be rezoned to the MIC designation.

Plan Commissioner support of the guesthouse included statements that it would be an appropriate use of the site, that it would provide a potential buffer between hospital uses and residential uses to the north, and that the guest house would provide a service to the community.

### **Community Development Commission Recommendation**

At their meeting on September 25, 2001, the Community Development Commission considered the proposed amendment to the Development Agreement. By unanimous voice vote, the Commission recommended approving the amendment allowing for the replacement of the structure at 809 North Orchard Street. Following considerable discussion, the Commission also recommended approving the addition of the guest house location by a voice vote.

Issues that were discussed by the Commission included whether and how the guest house might serve as a buffer between the hospital and residential uses to the north, other ways in which hospital expansion to the north might be limited, the negotiating process between Carle, the City and UCAN, UCAN’s

concerns as spelled out in a letter (copy attached), staff response to UCAN concerns, to what extent UCAN represents the neighborhood, the need for the proposed facility, the benefits of the proposed site versus other potential sites, the loss of affordable housing, who the Commission needs to represent in this case, and the power differential between Carle and the neighborhood.

Some Commissioners supported the guest house and its location and did not express reservations. Some Commissioners expressed disappointment in the negotiation and communication process between Carle and the neighborhood. Some Commissioners were concerned about the loss of affordable housing. There was extended discussion on how further expansion of Carle to the north beyond the guest house could be limited. Carle responded that all of these concerns would be on record and that it would be very difficult for Carle to obtain approvals for further expansion to the north because of the review procedures established in the Development Agreement and that Carle would also be very unlikely to propose anything that would be incompatible with the guest house once it is built. On balance, the Commission seemed to conclude that the guest house would provide a greater good service to the community and might be beneficial in restraining further growth to the north.

**Staff Recommendation**

Based on the findings and evidence presented in the discussion above, and the evidence presented at the public hearings and meetings on the proposal, staff recommends **APPROVAL** of all parts of both the proposed amendment to the Zoning Ordinance and Development Agreement, as presented herein, to the City Council.

**Attachments**

- Draft Ordinance Amending the Zoning Ordinance
- Draft Ordinance Amending the Development Agreement
- Zoning/Location Map
- Carle Master Plan Map
- Guest House Site Plan
- Guest House Rendering
- Draft Minutes from September 20, 2001 Plan Commission Meeting
- Packet of Materials submitted by Carle
- Letters from UCAN, Urbana Park District, and various individuals
- Draft Amendment to Development Agreement with Original Development Agreement (separate)

Cc: Tim Ols, Gretchen Robbins, Bob Leach, Nancy Greenwalt

ORDINANCE NO. 2001-10-117

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA**

(Related to Definitions of Medical-Related Use and the Medical Institutional Campus (MIC) Special District and the Expansion of the MIC Special District to Include Properties at 701 and 703 North Orchard Street and 702 and 704 North Coler Avenue for the Purposes of Development of a Proposed Guest House for Patient Families/Support Members - Plan Case No. 1792-T-01)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to include "guest house for patient families/support members" in the definition of Medical-Related Use to the uses permitted by right in the Medical Institutional Campus (MIC) Special District; and

WHEREAS, the petition to amend the Urbana Zoning Ordinance also would include the addition of 701 and 703 North Orchard Street and 702 and 704 North Coler Street to the Medical Institutional Campus (MIC) Special District with the

restriction that the properties be used either for continued residential use or as a guesthouse; and

WHEREAS, including the guesthouse as a medically-related use not specifically covered in the current Ordinance would assist in the administration and enforcement of the Zoning Ordinance; and

WHEREAS, the proposed guest house for patient families and support members is consistent with the uses included in the proposed definition of medical related uses and with those uses permitted by right in the MIC Zoning District; and

WHEREAS, the proposed MIC, Medical Institutional Campus zoning district for the subject site, with the restriction that it be used either for continued residential use or as a guesthouse, would be generally consistent with the current MIC zoning to the south, the CRE zoning to the east, and the R-2 zoning to the north and west; and

WHEREAS, The proposed rezoning appears to generally meet the LaSalle Case criteria; and

WHEREAS, The proposed MIC, Medical Institutional Campus zoning district for the subject site would be generally consistent with the Comprehensive Plan designation of "low density residential" for the site, in that the guest house would be residential in character and use; and

WHEREAS, The proposed MIC, Medical Institutional Campus zoning district for the subject site would be responsive to Comprehensive Plan goals, objectives and policies calling for the maintenance and redevelopment of certain areas and to provide public services; and

WHEREAS, The proposed MIC, Medical Institutional Campus zoning district for the subject site is consistent with the Carle Master Plan, including the designation of the subject site within the 5-15 Year Potential Expansion Plan; and

WHEREAS, The proposed MIC, Medical Institutional Campus zoning district for the subject site is consistent with provisions of the Development Agreement between the City and Carle that call for a restriction on rezoning applications in this area until December 5, 1999; and



WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1792-T-01; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearings to consider the proposed amendment on August 23, 2001 and September 20, 2001; and

WHEREAS, the Urbana Plan Commission voted 8 ayes and 0 nays to forward Section 1 and Section 2 of the proposed amendment, set forth in Part A of Plan Case No. 1792-T-01, to the Urbana City Council with a recommendation for approval; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 4 nays to forward Section 3 of the proposed amendment, set forth in Part B of Plan Case No. 1792-T-01, to the Urbana City Council with no recommendation; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the

City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

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

Section 1. Section II-3, Definitions, of the Zoning Ordinance is hereby amended as follows:

Medical Related Use: Medical Related Uses shall include doctors' offices, laboratory facilities, rehabilitation services, alternative medical practices such as acupuncture or massage therapy, guest house for patient families/support members, insurance or health maintenance organization office, sale of medical supplies, prosthesis, medicines and other uses which are supportive of or affiliated with medicine, hospital, or clinic and accessory parking for said uses.

Section 2. Section V-10., Additional Regulation in the MIC District, is hereby amended as follows:

All development regulations of the B-4E zoning district shall apply to said properties with the following exceptions or additions:

A. The following uses are permitted by right in this Overlay

Zoning District: medical related uses, drugstore; day care center, hospital or clinic, ambulance service, medical carrier service, home for the aged; nursing home; fitness center; guest house for patient families/support members; and health care-related business or professional medical office building.

Section 3. Section IV-2., Purpose of Districts, is hereby amended to read as follows:

I. The Medical Institutional Campus district is intended as an overlay district to assist and encourage the development of the medical institutional and complementary land uses in a campus setting by creating special zoning approaches. These new zoning approaches are applicable to institutions which have multi-block common ownership of lands, have developed a long-range master site plan, and thereby have developed a campus support system of parking, loading and materials handling, decentralized support facilities reducing campus congestion and interconnecting system of above and below ground corridors. At present, the Carle Foundation is the only medical institution land owner with these qualities which define a campus style and development approach and therefore a campus style zoning approach is reasonable.

It is the intent that the lands within the boundaries of the area described herein will constitute the Special District. All special regulations created by this Special District will only be applicable and in force on properties which are or will be developed as a hospital or related medical use and their support uses. To the extent properties within this Special District are not, or will not, be developed with a Medical Related Use, the special regulations created by this Special District shall not apply and the use of such property shall be regulated by the property's underlying zoning district, unless the property is rezoned to MIC per Article XI of the Urbana Zoning Ordinance.

MIC Special District Described: The regulation herein after established by this ordinance will be effective in the following described lands in the City of Urbana, County of Champaign, State of Illinois generally described as those within the boundaries of Lincoln Avenue, Church Street, the Conrail Railway Company right-of-way, and McCullough Street extended north to Church Street, more particularly described as follows:

Beginning at the intersection of the east Right-of-Way line of Lincoln Avenue with the centerline of the Consolidated Rail Corporation mainline track; thence, northerly, along said east Right-of-Way line, 684.6 feet to the north Right-of-Way line of Church Street; thence, easterly, along said north Right-of-Way line, 627.0 feet to the west Right-of-Way line of Busey Avenue; thence, northerly, along said west Right-of-Way line, 20.00 feet to the westerly extension of the north Right-of-Way line of Church Street; thence, easterly, along said north Right-of-Way line and the extensions thereof, 762.96 feet to the east Right-of-Way line of Orchard Street, said point also being 60.00 feet northerly of the northwest corner of a tract conveyed to The Carle Foundation by a Deed dated June 26, 1958 and recorded on June 27, 1958 in Book 599 at Page 172, as Document No. 612079 in the Office of the Recorder, Champaign County, Illinois; thence, easterly, along the extension of said north Right-of-Way line of Church Street, 466.33 feet, to the northerly extension of the east Right-of-Way line of McCullough Street; thence southerly, along said east Right-of-Way line and the extensions thereof, 749.60 feet to the south Right-of-Way line of University Avenue; thence, westerly, along the south right-of-way line of University Avenue, 10.45 feet, to the northeast corner of a

tract conveyed to The Carle Foundation by a deed dated May 19, 1982 and recorded March 10, 1983 in Book 1314 at Page 794 as Document No. 83R3466 in the Office of the Recorder, Champaign County, Illinois; thence, southerly, along the east line of said tract, and the southerly extension thereof, 273.61 feet to a point on a north line of a tract conveyed to The Carle Foundation by a deed dated January 27, 1982 and recorded February 1, 1982 as Document No. 82R1375 in the Office of the Recorder, Champaign County, Illinois; thence, easterly, along said north line, 15.73 feet, to a northeast corner of said tract; thence, southerly along the east line of said tract, and the southerly extension thereof, 159.00 feet to the centerline of the Consolidated Railway Company mainline track; thence northwesterly, along said centerline, to the Point of Beginning. And in addition, four properties north of Church Street between Coler Street and Orchard Street, commonly known as 701 and 703 North Orchard and 702 and 704 North Coler, legally described as follows: Lots 1, 2, 19, and 20 in M.W. & G.W. Busey's Subdivision of Lot B, City of Urbana, Champaign County, Illinois. The properties at 701 and 703 N. Orchard Street will be developed for a patient families/support members and the properties at 702 and 704 N. Coler Street will either continue as presently utilized or be used for future

guest house purposes. A guest house is an overnight residence to provide respite for family and support members to patients in serious condition at Carle Hospital.

Applicability: The Special District established by this ordinance shall be an overlay zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus which are those properties lying within the area described above. For such properties the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning Map until such time as the City of Urbana issues a building permit to the property's owner of record for the development of said property for a medical related use, as that term is defined in this Ordinance. Upon the owner's receipt of such a building permit, the subject property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one (1) year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these

regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. (Ord. No. 9596-48, §1, 12-4-95)

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. 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:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

\_\_\_\_\_  
Tod Satterthwaite, Mayor



**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

*I, Phyllis D. Clark, 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 \_\_\_\_\_,  
2001, the corporate authorities of the City of Urbana passed and  
approved Ordinance No. \_\_\_\_\_, entitled "AN  
ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA  
(Related to the definitions of Medical-Related Use and the  
Medical Institutional Campus (MIC) Special District and the  
expansion of the MIC Special District to include properties at  
701 and 703 North Orchard and 702 and 704 North Coler for  
purposes of development of a proposed guest house for patient  
families/support members - Plan Case# 1792-T-01)" 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 \_\_\_\_\_, 2001,  
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 \_\_\_\_\_, 2001.