



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

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

**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
Kat Trotter, Planner I

**DATE:** August 19, 2021

**SUBJECT:** **An Ordinance Approving a Special Use Permit** (206 and 208 East California Avenue / Plan Case 2427-SU-21 – Cunningham Township)

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### Supplementary Memo

On August 16, 2021, the Committee of the Whole (COTW) considered a special use permit to allow the Township to operate housing assistance programs, including emergency housing for families and residents with disabilities, at 206 and 208 East California Avenue. This is a supplemental memo to address additional conditions to the special use permit that were proposed during the meeting.

### Discussion

At the August 5, 2021, meeting, the Plan Commission forwarded the special use permit to the City Council with a recommendation for approval with the following conditions:

1. Prior to the City issuing new Certificates of Occupancy to allow uses classified by the building code as R-1 or B, the applicant must first have a licensed architect conduct a code analysis, and make any necessary building modifications to bring the units up to code; and
2. Prior to the City issuing new Certificates of Occupancy, residents are required to live in the building for at least 30 days.

At the COTW meeting, the Council members discussed potential safety issues on-site. At the Plan Commission and COTW meetings, a few members of the public expressed their concerns about the property's safety and suitability for children, regarding the railings and the fencing between the courtyard and parking lot.

The Township has hired an architect to conduct a code analysis of the two buildings, and they have plans to replace the railings and fencing. To ensure that all safety concerns are addressed, the following conditions have been added to the draft ordinance for the special use permit:

3. The applicant shall install adequate safety barriers or mechanisms between the courtyard and parking lot, to be approved by the Building Official, by May 1, 2022.
4. The applicant shall register all residential units with the Rental Registration Program, with the units and common areas subject to systematic inspection.

5. The applicant shall report the length of stay, by unit, to the Building Safety Division on a quarterly basis, within 10 business days after the end of each quarter ending on March 30, June 30, September 30, and December 31. If stays of less than 30 days are reported for any unit without first having been issued a Certificate of Occupancy allowing such length of stay, the applicant shall promptly have the buildings evaluated by a licensed architect, and shall promptly make any necessary building modifications to bring the units up to the R-1 standards of the building code prior to reoccupancy by anyone for less than 30 days.

cc: Danielle Chynoweth, Cunningham Township Supervisor

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(206 and 208 East California Avenue / Plan Case 2427-SU-21 – Cunningham Township)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

**WHEREAS**, Cunningham Township has petitioned the City for approval of a special use permit to operate a home for adjustment for emergency housing and an office at 206 and 208 East California Avenue in the R-4, Medium Density Multiple-Family Residential zoning district; and

**WHEREAS**, the proposed uses would be conducive to the public at this location, as they would occupy the existing apartment buildings, and the surrounding area would be accommodating to families with children in need of housing; and

**WHEREAS**, the proposed uses would not be injurious or detrimental to the R-4 zoning district, or injurious to the general public, as residents would be screened and monitored by case managers, and a building code analysis would be conducted to ensure building safety for all residents; and

**WHEREAS**, the proposed uses are residential in nature, and would utilize the existing buildings without significant modification, maintaining their current level of conformity with the R-4 zoning district; and

**WHEREAS**, after due publication, the Urbana Plan Commission held a public hearing on August 5, 2021, and voted with four (4) ayes, and zero (0) nays to forward Plan Case 2427-SU-21 to the Urbana City Council with a recommendation to approve the request for a special use permit,

subject to the conditions specified in Section 1 herein; and

**WHEREAS**, approval of the special use permit, with the conditions set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that section of the Ordinance; and

**WHEREAS**, the City Council, after due consideration, finds that approving a special use permit as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

An Ordinance is hereby enacted and a special use permit is hereby approved to allow operation of a home for adjustment in the R-4, Medium Density Multiple-Family Residential zoning district with the following conditions:

1. Prior to the City issuing new Certificates of Occupancy to allow uses classified by the building code as R-1 or B, the applicant must first have a licensed architect conduct a code analysis, and make any necessary building modifications to bring the units up to code; and
2. Prior to the City issuing new Certificates of Occupancy, residents are required to live in the building for at least 30 days.
3. The applicant shall install adequate safety barriers or mechanisms between the courtyard and parking lot, as approved by Building Safety, by May 1, 2022.
4. The applicant shall register all residential units with the Rental Registration Program, with the units and common areas subject to systematic inspection.
5. The applicant shall report the length of stay, by unit, to the Building Safety Division on a quarterly basis within 10 business days after the end of each quarter ending on March 30, June 30, September 30, and December 31. If stays of less than 30 days are reported for any unit without first having been issued a Certificate of Occupancy allowing such length of stay, the applicant shall promptly have the buildings evaluated

by a licensed architect, and shall promptly make any necessary building modifications to bring the units up to the R-1 standards of the building code prior to reoccupancy by anyone for less than 30 days.

**LEGAL DESCRIPTION:**

Lot 7 of Myers and Besore’s Addition to Urbana, Illinois, as per Plat recorded in Deed Record 46 at Page 73, situated in Champaign County, Illinois; and That part of the West Half of vacated alley lying east and adjacent to said Lot 7 as vacated by Ordinance recorded July 10, 1964 in Book 763 at Page 570 as Document No. 715237.

The West 56 feet one (1) inch of the South 110 feet of Lot 1 of Myers and Besore’s Addition to Urbana, Illinois, as per Plat recorded in Deed Record 46 at Page 73, situated in Champaign County, Illinois; and That part of the East Half of vacated alley lying west and adjacent to the South 110 feet of said Lot 1 as vacated by Ordinance recorded July 10, 1964 in Book 763 at Page 570 as Document No. 715237.

Commonly known as 206 and 208 East California Avenue, Urbana, Illinois.  
P.I.N.: 92-21-17-254-008 and 92-21-17-254-009

**Section 2.**

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSTENTIONS:

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

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Diane Wolfe Marlin, Mayor