

ORDINANCE NO. 9899-44

AN ORDINANCE APPROVING A GENERAL VARIANCE

(Reduction Of The Required Front Yard Setbacks In The City's B-3, General Business Zoning District, From Fifteen Feet To Zero Feet/1400 W. Park -- Case No. ZBA-98-GV-9)

WHEREAS, the Zoning Ordinance provides for a general variance procedure to permit the Zoning Board of Appeals and the City Council to consider special situations where strict application of the Zoning Ordinance may cause hardships situations where other permitted variances are not adequate; and

WHEREAS, Mr. Larry Mellenthin, on behalf of the owner of the subject property, Provena Covenant Medical Center, has submitted a petition requesting a general variance to allow the reduction of the required front yard setbacks along Wright Street and Church Street in the City's B-3, General Business Zoning District from fifteen feet to zero feet; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 98-GV-9; and

WHEREAS, after due publication in accordance with Section IX-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed general variance on October 29, 1998, and the ZBA by vote of two thirds of its members recommended to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the general variance referenced herein conforms with the general variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a general variance:

1. The granting of the variance will be in harmony with the general purpose and intent of the Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.

The granting of the variance will enable the petitioner to construct an addition to the medical center to treat cancer patients.

2. The variance requested will not serve as a special privilege, and will alleviate some demonstrable and unusual hardship that is the result of special conditions and circumstances relating to that land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same district.

- a. The subject site is restricted on the north side by railroad tracts. Further, the subject site is oddly shaped.
 - b. To expand to the south in this case would place the cancer center in the front of the medical center. This would be very costly because it would require the construction of a new linear accelerator, a machine used for the treatment of cancer. Placement of the cancer center as proposed would permit the use of an already existing linear accelerator.
 - c. Placement of the cancer center expansion project at any other location on the subject property would not be conducive to patient confidentiality.
 - d. This situation is unique to the medical center.
3. Literal interpretation of the provisions of this Ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.

As was discussed above, the subject site is restricted on the north side by railroad tracts. Further, the subject site is oddly shaped.

4. The special conditions, circumstances or hardships are not the result of the actions of the applicant.

The oddly shaped lot and the existence of the railroad were not created by the applicant.

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

The general variance request by Mr. Larry Mellenthin, on behalf of Provena Covenant Medical Center, in Case #ZBA-98-GV-9 is hereby approved to allow the reduction of the required front yard setbacks along Wright Street and Church Street, in the B-3, General Business Zoning District from fifteen feet to zero feet, in the manner proposed in the application for the general variance in that case.

The general variance described above shall only apply to the property located at 1400 W. Park, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND 12 IN BLOCK 37 OF THE SEMINARY ADDITION TO THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS AS RECORDED IN DEED BOOK "Y" AT PAGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORDER, ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

THE VACATED EAST/WEST ALLEY IN BLOCK 37 OF THE SEMINARY ADDITION TO THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS RECORDED IN DEED BOOK "Y" AT PAGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORD, BETWEEN WRIGHT STREET AND ROMINE STREET ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 IN BLOCK 36 OF THE SEMINARY ADDITION TO THE CITY OF URBANA AS RECORDED IN DEED BOOK "Y" AT PAGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORDER ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

THE VACATED EAST/WEST ALLEY IN BLOCK 36 OF THE SEMINARY ADDITION TO THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS AS RECORDED IN DEED BOOK "Y" AT PAGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORDER BETWEEN ROMINE STREET AND MATHEWS AVENUE ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

LOTS 7, 8, 9, 10, 11, AND 12 IN BLOCK 33 OF THE SEMINARY ADDITION TO THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS AS RECORDED IN DEED BOOK "Y" AT APGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORDER LYING SOUTH OF RELOCATED CHURCH STREET ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

VACATED CHURCH STREET RIGHT-OF-WAY BETWEEN WRIGHT STREET AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE FORMER NORFOLK AND WESTERN RAILROAD ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

VACATED ROMINE STREET BETWEEN THE NORTH RIGHT-OF-WAY LINE OF PARK AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF VACATED CHURCH STREET ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

AND ALSO:

THE FORMER NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY BETWEEN THE SOUTH LINE OF BLOCK 34 OF THE SEMINARY ADDITION TO THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS AS RECORDED IN BOOK "Y" AT PAGE 208 IN THE RECORDS OF THE CHAMPAIGN COUNTY RECORDER AND THE WEST RIGHT-OF-WAY LINE OF MATHEWS AVENUE EXTENDED ALL SITUATED IN URBANA, CHAMPAIGN COUNTY, ILLINOIS.

PERMANENT PARCELS #: 91-21-07-403-001 through 91-21-07-403-009; 91-21-07-404-001 through 91-21-07-404-010; and 91-21-408-001 through 91-21-408-011.

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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of November, 1998.

PASSED by the City Council this 16th day of November, 1998.

AYES Hayes, Huth, Kearns, Patt, Taylor, Wyman

NAYES _____

ABSTAIN _____



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 20th day of November, 1998.

Tod Satterthwaite
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.

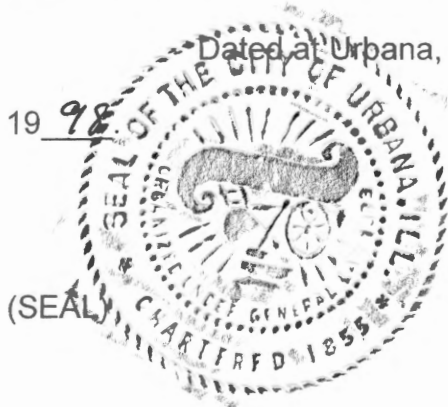
I certify that on the 16th day of November, 1998,
the Corporate Authorities of the City of Urbana passed and approved Ordinance No.
9899-44, entitled:

"AN ORDINANCE APPROVING A GENERAL VARIANCE (REDUCTION
OF THE REQUIRED FRONT YARD SETBACKS IN THE
CITY'S B-3, GENERAL BUSINESS ZONING DISTRICT,
FROM FIFTEEN FEET TO ZERO FEET / 1400 W.
PARK -- CASE NO. ZBA-98-GV-9)" [Ord. No. 9899-44]

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9899-44 was prepared, and a
copy of such Ordinance was posted in the Urbana City Building commencing on the
20th day of November, 1998, 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 20th day of November,
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Phyllis D. Clark
Phyllis D. Clark, City Clerk
by Daniel J. Roberts, Deputy Clerk