

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 for the Purpose 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 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 Statues, 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, that certain provisions of the Zoning Ordinance be amended to read as set forth below, with the underlined text showing new language to be added:

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 landowner 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, two properties north of Church Street on the west side of Orchard Street, commonly known as 701 and 703 North Orchard, legally described as follows: Lots 1 and 2 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. 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)

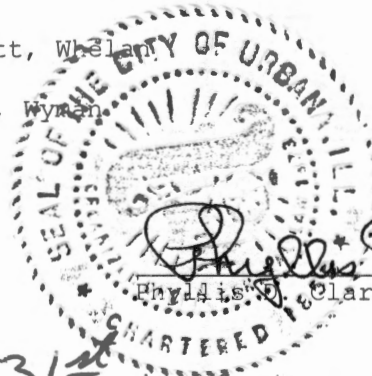
Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 15th day of October, 2001.

AYES: Hayes, Otto, Patt, Whelan

NAYS: Chynoweth, Huth, Wynn

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 31st day of October, 2001.

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 15th day of October, 2002, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2001-10-117, entitled:

**“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 FOR THE PURPOSE OF
DEVELOPMENT OF A PROPOSED GUEST HOUSE FOR
PATIENT FAMILIES/SUPPORT MEMBERS – PLAN CASE
NO. 1792-T-01)”**

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

The pamphlet form of Ordinance No. 2001-10-117 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 31st day of October, 2001, and continuing for
at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 31st day of October,
2001.

(SEAL)



Phyllis D. Clark
City Clerk
by *Debra J. Belmont*
Deputy Clerk

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to the Development Agreement dated the 12th day of January, 1996, hereinafter referred to as "Development Agreement", by and between the City of Urbana, an Illinois home-rule municipality, in Champaign County, Illinois (hereinafter referred to as the "City" or "Corporate Authorities", and Carle Foundation (hereinafter referred to as the "Carle", is dated this 31st day of October, 2001.

RECITALS

WHEREAS, the City and Carle entered into a Development Agreement dated the 12th day of January, 1996.

WHEREAS, the Development Agreement restricts the development of certain real estate owned by Carle.

WHEREAS, Carle owns the residential structure located at 809 N. Orchard and owned said residential structure as of the effective date of the Development Agreement.

WHEREAS, the residential structure located at 809 N. Orchard is no longer habitable and should be demolished.

WHEREAS, Carle desires to demolish the residential structure located at 809 N. Orchard and replace said residential structure with a new residential structure of like kind.

WHEREAS, Carle, under Section 3.8 of the Development Agreement agrees not to demolish any residential structure owned by Carle as of the effective date of the Development Agreement lying between the North right of way line of Church Street on the South, Fairview Avenue on the North, Orchard Street on the East and Lincoln Avenue on the West, except those listed in Exhibit G or upon Amendment to the Development Agreement.

WHEREAS, 809 N. Orchard lies within the area described above and is not a residential structure listed on Exhibit G.

WHEREAS, Carle, under Section 3.8.1 of the Development Agreement agrees that any re-use of the property after demolition must be approved by an amendment to the Development Agreement, the Urbana Zoning Ordinance and the Urbana Comprehensive Plan.

WHEREAS, Section 3.8.1 is not applicable since the use shall continue as residential.

WHEREAS, Carle desires to add two properties located north of Church Street on the west side of Orchard Street, to the Medical Institutional Campus Zoning District as provided in Exhibit B of the Development Agreement for use as a guest house for patient families/support members.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the City and Carle hereby agree as follows:

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 size in keeping with the character and scale 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.

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, legally described as follows: Lots 1 and 2 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 as defined under the Medical Institutional Campus Zoning District provisions.

2.2 The guest house is intended to be operated as a charitable service with funding to be provided on a voluntary donation and grants basis. Should said guest house convert at any time to a user charge basis, Carle agrees that said use shall pay all applicable taxes, including local hotel/motel and real estate taxes.

ARTICLE III

STABILIZATION OF EAV

3.1 Payment of taxes for specific properties within the "Stable EAV Area", as defined in Section 3.5 of the Development Agreement, and under the terms of said section, shall be adjusted on an annual basis to reflect the increment of change in EAV within the "Stable EAV Area" as a whole as calculated for that year.

ARTICLE IV

NEIGHBORHOOD INPUT TO PROPOSED AMENDMENTS

4.1 Neighborhood Input to Proposed Amendments. The City's Community Development Services Department will establish a planning task force with interested neighbors and Carle to review proposed amendment plans and options as they arise. City Council members or other officials or interested parties may participate as well. The task force may meet prior to and/or during the 45-day notice period specified by the Agreement. Frequency of meetings will be based on mutual consent, with City staff providing support to the task force. All parties in the meetings will work collaboratively.

IN WITNESS WHEREOF, the City and Carle have caused this Agreement to be executed by their duly authorized officers as of the date set forth above.

CITY OF URBANA, ILLINOIS

By: Tal Sattuthumate

Mayor

Date: 10/31/01

Attest:

Russis D. Clark
City Clerk

Date: 10/31/01

CARLE FOUNDATION

By: Jan C Lewis

Its: CEO - Pres. Lt

Date: 10/31/01

Attest:

John M Snyder

Date: 10/31/01