



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: September 12, 2002

SUBJECT: Case No. 1837-M-02, Request by the Cunningham Children's Home to rezone a ten acre parcel of property located on the south side of Country Club Road approximately 330 feet west of Willow Road with an address of 1303 North Cunningham Avenue from R-3, Single and Two-Family Residential to R-4, Medium Density Multiple-Family Residential.

Case No. 1838-SU-02, Request by the Cunningham Children's Home for a Special Use Permit to expand the existing facility onto a ten acre parcel of property on the south side of Country Club Road approximately 330 feet west of Willow Road with an address of 1303 North Cunningham Avenue.

Introduction & Background

The Cunningham Children's Home is requesting a zoning change and approval of a special use permit for a vacant ten acre parcel of property on the south side of Country Club Road approximately 330 feet west of Willow Road. The site is immediately north of the existing Cunningham Children's Home facility and immediately west of the Illinois Department of Corrections Adult Education Training Facility.

In the summer of 2000, Cunningham Children's Home began a campus master planning process with Isaksen-Glerum, Inc. and Smith Group JJR. In June of 2001, their Board of Directors approved the master plan for their entire campus which includes expansion into the vacant ten acre parcel. The existing facility is located on property zoned R-5, High Density Multiple Family Residential. The vacant ten acre tract is zoned R-3, Single and Two-Family Residential. According to the Urbana Zoning Ordinance, the closest defined use that resembles the operation of the Cunningham Children's Home is *Dwelling, Home for Adjustment*. *Dwelling, Home for Adjustment* is not permitted in the R-3 Zoning District, but is permitted in the R-4 Zoning District with the provision for a special use permit.

As a component of the master plan and future expansion, Cunningham Children's Home agreed to request the zoning change to R-4 for the ten acre parcel and to submit a request for a Special Use Permit so the Plan Commission and City Council would have the opportunity to review the plan. The rezoning is only needed for the ten acre parcel and the special use permit is only needed for expansion of the existing facility onto that parcel if zoned R-4. Since the existing facility is zoned R-5 and the use is permitted by right, there is no existing Special Use Permit needed for the existing Cunningham Children's Home site and facility.

Along with numerous meetings with city staff over the past two years, Cunningham Children's Home representatives held an informational meeting for their neighbors on Tuesday, January 15, 2002. A direct mailing was coordinated by City staff and sent to nearby residents. Although the meeting was lightly attended, it was an opportunity for individuals to learn about the master planning process and offer any comments.

On September 5, 2002 the Urbana Plan Commission held a public hearing to consider both the rezoning and the special use permit request. Representatives from Cunningham Children's Home presented their plans and offered some background information about their services. It was emphasized that the master plan represents a need to expand some of their obsolete facilities rather than a need to expand their services although an additional 10 to 15 students could be anticipated for their Day School.

Only one resident attended the public hearing and gave testimony related to concerns for his adjacent property. There was no other testimony. Notice of the hearing was sent to both property owners and residents within 250 feet of the entire Cunningham Children's Home property and not just the ten acre parcel subject to the rezoning and special use permit request. The Plan Commission voted unanimously (4-0) to recommend approval of the rezoning and approval of the special use permit with conditions. For additional information, please refer to the Urbana Plan Commission memorandum dated August 30, 2002.

Discussion

Description of the Site and Surrounding Properties

The ten acre tract of property is currently vacant. It contains 660 feet of frontage along Country Club Road. It is immediately north of the existing Cunningham Children's Home facility and grounds and immediately west of the Illinois Department of Corrections Adult Education Training Facility. It is also located immediately east and south of residential neighborhoods. To the east is property zoned R-4, to the south is R-5, to the west is Champaign County residential zoning and to the north is R-1.

Existing Facilities

Cunningham Children's Home is situated in a campus setting on North Cunningham Avenue. The campus currently contains an administration building, two education buildings, five residential boarding

cottages, a recreational / vocational complex, a community building and associated maintenance buildings. Many of these facilities are in need of substantial renovation or replacement.

The main access to the existing facility is from Cunningham Avenue and there are three access points along Division Street on the west. Although there is no direct vehicular access, individuals also park on Oakland Avenue to the south to access the nearby recreation center.

Proposed Master Plan

The Master Plan includes a new Residential Treatment Center, a Residential School / Day School, new residential facilities, a new cafeteria, a chapel, and a new recreational building with a swimming pool. In total, the expansion would add approximately 128,000 square feet of new building space. With the exception of the chapel, all of the new facilities would be located on the ten acre parcel subject to the rezoning and Special Use Permit.

Phasing Plan

The master plan represents long term expansion with a phasing plan (see attached plans). The phasing activities described below primarily affect the ten acre tract under consideration for the zoning change and Special Use Permit. The master plan does not identify years with the phasing plan

Phase I

Chapel / Meeting Facility

The Chapel is *not* proposed within the 10 acres subject to the Special Use Permit. Nevertheless, the 8,200 square foot building for worship is intended to be the focus of the new campus located as a vista at the terminus of the new entry drive from Country Club Road.

New Residential School

A new 19,700 square foot school facility designed to accommodate the anticipated 75 students and 60 staff required. The facility would include classrooms for elementary, middle school and high school aged children.

24-Bed Residential Treatment Center

A new 9,700 square foot residential treatment center would have a maximum capacity of 28 children and 25-30 shifted staff members. The facility would provide living quarters for residents, visitor accommodations and office space.

Phase II

Shared Educational Center

A new 6,300 square foot education center to serve both the Day and Residential School population. The facility would include a new library, vocational service classrooms, computer science labs and a teacher's lounge.

Recreation Center

A new 40,600 square foot recreation center would include two small gymnasiums, an indoor swimming pool, a kitchen / concession area and art, band and dark rooms.

Cafeteria

A new 5,640 square foot cafeteria with seating capacity for 120 persons. The area would be convertible to auditorium-type seating for large group presentations.

Phase III

Day School

A new 20,400 square foot school facility for the day school population. The school could accommodate 75 students. 1,570 square feet of new health services space would be provided within the Day School. It would offer examination rooms, nurses' offices, an infirmary and storage.

Phase IV

Residencies

Phase IV would include two new 10 bed residencies which would be 4,500 square feet each. The residencies could accommodate 10 children and would provide living quarters, visitor accommodations and supervisory offices.

Phases V-VII include renovations and improvements to the buildings and grounds on the existing Cunningham Children's Home campus which do not affect the requested Special Use Permit on the ten acre tract.

Access and Infrastructure

The master plan incorporates an improved access plan for the campus. Currently, primary access is from Cunningham Avenue and three separate points along Division Street. The master plan identifies a new main entrance from Country Club Road on the ten acre tract. This main entrance would primarily serve the Residential and Day School facilities as well as the Recreation Center. It would lead to a roundabout in front of the new chapel. Access roads would lead people to other areas of the campus. A second access point from Country Club Road is also proposed to serve the Residential Treatment Center, cafeteria and two planned residence cottages.

Country Club Road varies in right-of-way width from 51 to 60 feet in width. It is a oil and chip road with drainage ditches on either side. Maintenance responsibility for the road is split between the City of Urbana for those portions within the City limits and Urbana Township for those areas immediately west of the site which is not annexed into the City. The City Engineer has reviewed the preliminary master plan and has commented that the current Country Club Road should adequately serve the proposed development without the need for additional turn lanes. However, right-of-way will need to be dedicated to the City prior to development of the site. The master plan indicates a sidewalk on the south side of Country Club Road extending along the entire length of the site and connecting with Cunningham Avenue.

The Urbana Zoning Ordinance requires one parking space for every employee on maximum shift plus one for every four members of the service dependent population. The master plan indicates approximately 250 parking spaces to be provided so it not anticipated that parking will be a problem. Walking is a primary means of transportation between buildings on the campus. The master plan proposes a more efficient and safe pedestrian system than is currently provided.

Utilities and Drainage

The campus is currently served by gas, storm sewer, sanitary sewer, water and telecommunication power. The existing utilities can easily be supplied to new development on the ten acre tract. Provisions for stormwater management will be required to meet all applicable codes with the City of Urbana. These details would be reviewed at the time of construction plan submittal. Most of the ten acre tract drains to the northwest corner. For this reason, the master plan indicates a large detention pond that would both store water and serve as an amenity feature to the campus.

Requirements for Rezoning

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 site is located in an area with a strong mix of residential uses and zoning classifications. The existing Cunningham Children’s Home property to the south is zoned R-5 while the property to the east is zoned R-4. Most of the single-family zoning in the neighborhood is either R-1 or R-3. There is also a considerable amount of business zoning in the immediate area.

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 R-3, Single and Two-Family and the value it would have if it were rezoned to R-4, Medium Density Multiple Family Residential to permit the proposed use.

Considering the ownership of the parcel and its location next to the existing Cunningham Children’s Home campus, the property is more valuable with a zoning classification that would allow expansion of the facility. The most appropriate zoning classification to foster this expansion is the R-4 district.

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.*

The rezoning would enable the Cunningham Children's Home to execute a master plan to expand and improve their facility. The improvements will allow for a more efficient layout and use of the property which will benefit the public as a whole.

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?

Considering the established land uses and zoning in the area, it can be argued that a change in zoning would not significantly compromise the general welfare of the public in a way that would outweigh a hardship to the owner.

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.

Considering the parcel is adjacent to the existing Cunningham Children's Home facility, it is perfectly suitable for a similar zoning classification that would allow an expansion of the facility.

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 property has never been developed. Cunningham Children's Home has owned the property for the past six years and has not attempted to sell the property or market it for development with the existing zoning district.

Requirements for a Special Use Permit

Plan Case 1838-SU-02 is a request for approval of a Special Use Permit for proposed development on the ten acre tract. According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

1. *That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience at this location. It represents an expansion of the existing Cunningham Children's Home facility immediately to the south and the Illinois Department of Corrections Adult Education facility to the east. The ten acre tract offers Cunningham Children's Home the opportunity to master plan for a campus that will accommodate the facilities they need for their programs as well as keep the large amount of open space which is such a value to the surrounding area.

2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed use is designed in a manner that offers a more efficient layout for the campus and respects the adjacent neighbors. The master plan shows a sufficient setback from Country Club Road and landscaping along the western property boundary.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

The master plan offers a general guide for expansion of the facility. Detailed plans will be required to be submitted prior to the issuance of any building permits. These plans will be required to be reviewed for compliance with all the development standards of the Urbana Zoning Ordinance.

Consideration

The City Council shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the City Council shall may also impose additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;

3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;

6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

On September 5, 2002, the Urbana Plan Commission adopted the following findings in support of their recommendation for approval of the proposed rezoning and special use permit requests.

1. The Cunningham Children's Home has recently adopted a master plan which illustrates an expansion of their existing facility at 1301 N. Cunningham Avenue into the ten acre parcel of property located on the south side of Country Club Road 330 west of Willow Road. The proposed rezoning to R-4 along with approval of a Special Use Permit for the ten acre parcel would allow the Cunningham Children's Home to expand and improve their existing campus and facility onto the ten acre parcel.
2. The proposed R-4, Medium Density Multiple Family Residential zoning district for the subject site would be consistent with the current R-5 zoning to the south and R-4 zoning to the east.
3. The location of the site in close proximity to the existing Cunningham Children's Home campus makes it appropriate for the rezoning to the R-4, Medium Density Multiple Family Residential zoning district.
4. The proposed rezoning appears to generally meet the LaSalle Case criteria.
5. The proposed rezoning appears to generally meet the goals and objectives of the Comprehensive Plan.
6. The proposed use is conducive to the public convenience at this location. It would allow for the expansion and improvement of the Cunningham Children's Home facility according to the submitted Master Plan.
7. The proposed use would not pose a detriment to the district in which it is proposed to be located.
8. The proposed use will meet all applicable standards and regulations of the district in which it is located.

Options

Regarding Plan Case No. **1837-M-02**, the City Council has the following options:

1. Approve the rezoning request as presented on the attached application.
2. Deny the rezoning request as presented on the attached application.

Regarding Plan Case No. **1838-SU-02**, the City Council has the following options:

1. Approve the Special Use Permit request as presented on the attached application without any additional conditions.
2. Approve the Special Use Permit request, as presented on the attached application, with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.
3. Deny the request for a Special Use Permit.

Staff Recommendation

Based on the evidence presented in the discussion above, staff recommends that the Urbana City Council:

Approve the proposed rezoning in Plan Case 1837-M-02; and

Approve the special use permit request in Plan Case No. 1838-SU-02 as presented with the following **conditions**:

1. The layout of any improvements on the site closely resemble the layout depicted in the master plan concepts submitted with the application for the Special Use Permit dated August 13, 2002.
2. Prior to any building permits being issued, stormwater management plans be reviewed and approved by the City Engineer.
3. Prior to development of the site, right-of-way along Country Club Road be dedicated to the City of Urbana in an amount determined necessary by the Urbana City Engineer.

Attachments: Proposed Ordinances
Location Map
Aerial Photo
Cunningham Children's Home Master Plan Exhibits
September 5, 2002 Plan Commission Minutes

c: Sam Banks, Cunningham Children's Home
Dan Holmer, Cunningham Children's Home
Riley Glerum, Isaksen-Glerum, Inc.

Prepared by:

Rob Kowalski, AICP
Planning Manager

ORDINANCE NO. 2002-09-113

An Ordinance Approving A Special Use Permit
(Request to establish a dwelling, home for adjustment, Cunningham
Children's Home, in the R-4, Medium Density Multiple Family
Residential Zoning District - Plan Case No. 1838-SU-02)

WHEREAS, the Cunningham Children's Home has completed a master
plan for the expansion of their facilities; and

WHEREAS, the Cunningham Children's Home has petitioned the Urbana
Plan Commission in Case No. 1838-SU-02 to consider a request for a
special use permit to allow a *Dwelling, Home for Adjustment* on ten-
acre parcel located on the south side of Country Club Road
approximately 330 feet west of Willow Road; and

WHEREAS, all applicable development regulations are intended to
be met by the petitioner, including those involving setbacks,
drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1
herein should minimize the impact of the proposed development on
surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the
Urbana Plan Commission on September 5, 2002 concerning the
petition filed by the petitioner in Plan Case No. 1838-SU-02; and

WHEREAS, on September 5, 2002, the Urbana Plan Commission voted 4 ayes and 0 nays with one abstention to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

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

Section 1. A Special Use Permit is hereby approved to allow the establishment of a *Dwelling, Home for Adjustment* on the subject ten-acre parcel with the following conditions upon approval:

1. The layout of any improvements on the site closely resemble the layout depicted in the master plan concepts submitted with the application for the Special Use Permit dated August 13, 2002 and attached hereto.

2. Prior to any building permits being issued, stormwater management plans be reviewed and approved by the City Engineer.
3. Prior to development of the site, right-of-way along Country Club Road be dedicated to the City of Urbana in an amount determined necessary by the Urbana City Engineer.

LEGAL DESCRIPTION:

Lots 2 and 3 of a subdivision of the northeast quarter of section 8 and the west one-half (1/2) of the northwest quarter of section 9 which lies and is situated west of the right-of-way of U.S. Route 45, also known as Cunningham Avenue, all of said land being in Township 19 North, Range 9 East of the third principal meridian situated in the City of Urbana, Champaign County, Illinois (Deed Book "R" Page 238).

Section 2. 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 _____, 2002.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk _____

APPROVED by the Mayor this ____ day of _____, 2002.

Tod Satterthwaite, Mayor

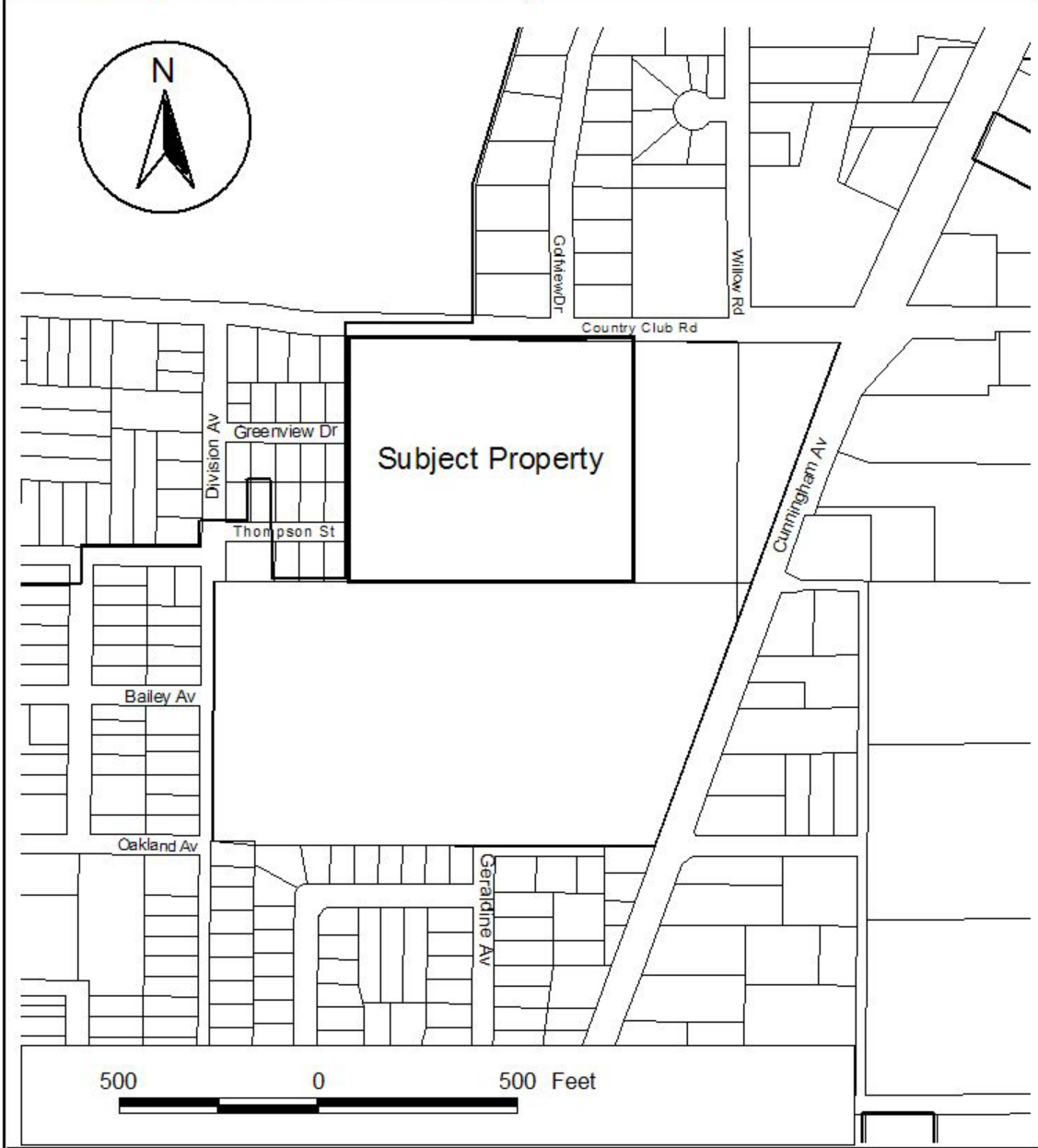
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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 _____, 2002, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Approving A Special Use Permit (Request to establish a dwelling, home for adjustment, Cunningham Children's Home, in the R-4, Medium Density Multiple Family Residential Zoning District - Plan Case No. 1838-SU-02)" 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 _____, 2002, 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 _____, 2002.

Exhibit "A": Location Map



1837-M-02, Proposed Rezoning
1838-SU-02, Proposed Residential Treatment Center as part of expansion
Petitioner: Cunningham Children's Home
1303 North Cunningham Avenue

Prepared August 19, 2002 by Community Development Services - mrb