



**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

FROM: John A. Schneider, MPA, Manager, Community Development Services Department

DATE: April 12, 2018

SUBJECT: 520 North Cunningham Avenue / Tatman Family L.L.C., – Plan Case 2341-SU-18

Introduction

Tatman Family L.L.C., on behalf of the owner, has requested a Special Use Permit to allow a Medical Clinic on the property at 520 North Cunningham Avenue. According to Table V-I, Table of Uses in the Urbana Zoning Ordinance, a Medical Clinic is permitted with a Special Use Permit in the B-3, General Business zoning district.

At its April 5, 2018, meeting, the Urbana Plan Commission voted to forward the case to the Urbana City Council with a recommendation of approval with a condition. The City Council must review the Special Use Permit application and then approve, approve with certain conditions, or deny the application.

Background

Description of the Site and Surrounding Properties

The subject property is a vacant parcel that is approximately 0.44 acres in size and is zoned B-3, General Business. It is located at the intersection of North Cunningham Avenue and East Park Street. To the north is a tavern that is also zoned B-3. To the east is a commercial strip mall that is also zoned B-3. To the south is a Walgreen's Pharmacy that is also zoned B-3. To the west, across Cunningham Avenue, is an Arby's fast food restaurant that is also zoned B-3.

The following chart identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (see Exhibits A, B, and C):

Direction	Zoning	Existing Land Use	Future Land Use
Site	B-3, General Business	Vacant Land	Regional Business
North	B-3, General Business	Tavern	Regional Business
East	B-3, General Business	Commercial Strip Mall	Regional Business
South	B-3, General Business	Walgreens Pharmacy	Regional Business
West	B-3, General Business	Arby's Fast Food Restaurant	Regional Business

Proposed Use

The proposed use is a Medical Clinic that would provide primary care on an outpatient basis. The building for the clinic would be approximately 3,250 square feet in Floor Area as defined by the Zoning Ordinance. It would be located on the northeast portion of the property with its parking lot on the southern half of the property. The clinic would provide 13 off-street parking spaces as required in Table VIII-7 of the Zoning Ordinance. Vehicle access to the property would be through a private drive from Park Street and through an entrance from Walgreen's parking lot. The clinic operator would also install a monument sign on the southwestern portion of the property that would be set back and sized in accordance with Zoning Ordinance requirements. The clinic would operate with normal business throughout the daytime and early evening.

The property is constrained in a number of ways by an agreement between the previous owner of the Walgreens lot and the owner of the shopping center and this parcel. That agreement was executed in 2005, prior to the development of the shopping center, and dictated where the buildings, access points, and signs would be located, among other restrictions. The agreement impacts the subject parcel by 1) restricting the location of the proposed building to the eastern portion of the lot, 2) requiring that the access opening along the southern property line remain open, and 3) requiring that the parcel provide the required parking on-site rather than allow for a reduced requirement through shared parking. The proposed site plan responds to these constraints while still complying with the City's zoning regulations.

Plan Commission Meeting

The Urbana Plan Commission held a public hearing for the Special Use Permit application at their April 5, 2018, meeting. The Plan Commission members asked several questions relating to the layout of the site and how it would affect the surrounding businesses. One member asked how the clinic would affect visibility of businesses in the nearby strip mall to the east. The applicant responded that the reciprocal easement agreement for the subject property includes keeping the strip mall's shopping center sign on the northwest portion of the parcel along the Cunningham Avenue frontage. Plan Commission members also asked if the development could be configured for a different vehicle entrance than the Walgreens parking lot. They were concerned about circulation problems for vehicles destined for Walgreens, the strip mall, and the subject property. The applicant noted that the reciprocal easement agreement also contained requirements such as the preservation of the southern parking lot entrance through Walgreens and building setback as presented in the development's site plan. One member also asked about the specific tenant that would be operating the clinic and the availability of care to the general public. The applicant stated that while the identity of the tenant was proprietary for the time being, the healthcare accessibility would be widely available to the public and not limited

to a specific group. One member expressed concern about the heavy traffic in the area making the clinic inaccessible to pedestrians. Chair Fitch pointed out that some traffic control within the parking lot may be helpful, but understood that the agreement among the parties might limit the ability for one party to install stop signs, for example.

The Plan Commission voted with six ayes and one nay to forward the case to City Council with a recommendation of approval under the condition that the development generally corresponds with the site plan submitted in the application (see Exhibit D).

Discussion

Requirements for a Special Use Permit

According to Section VII-4.A 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 that location. A medical clinic is appropriate for a busy commercial corridor such as Cunningham Avenue. The public may find it convenient to have a clinic next to a pharmacy. The proposed use provides development for a parcel that is currently vacant but has been intended for development since the lot was created in 2005.

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, 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 clinic would be surrounded by other B-3 zoned properties and commercial uses. The use is of similar scale than the surrounding uses of restaurants, bars, and retail. The subject property also has an entrance that encourages safe vehicle circulation among its patrons.

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 character of the B-3, General Business zoning district would be preserved with the proposed use. A medical clinic is consistent with the commercial nature of the B-3 district and the proposed use conforms to the applicable regulations and standards of the B-3 district.

Overview

The development of the subject property, with the proposed use of a Medical Clinic, would be beneficial to the City and meet the criteria for a Special Use Permit approval. The proposed clinic

would be an infill development on a vacant property along a commercial corridor with high traffic volume. The clinic would provide an in-demand service of medical care that would complement nearby businesses such as the neighboring pharmacy. The clinic would be compatible with the surrounding neighborhood and consistent with the other uses found in the B-3 district. The clinic would be a benefit to the community if it were granted a Special Use Permit.

In considering the recommendation of the Plan Commission, the City Council shall determine whether the reasons set forth in the applications, and the evidence adduced during the public hearing, justify the granting of the Special Use Permit, and whether the proposed uses 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 may 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 conditions that:

1. Regulate the location, extent, and intensity of such uses;
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 the Zoning Ordinance.

Summary of Findings

1. Tatman Family L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, known as Trust Number 1-2125, has requested a Special Use Permit to allow a Medical Clinic on the property at 520 North Cunningham Avenue.
2. The proposal calls for a 3,250 square foot medical clinic to provide primary-care, outpatient services. The use of a Medical Clinic is permitted in the B-3, General Business zoning district with a Special Use Permit.
3. The proposed use is conducive to the public convenience at that location.
4. The proposed use is designed, located, and prepared 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.
5. The character of the B-3, General Business zoning district would be preserved with the proposed use.

6. The Urbana Plan Commission voted to forward the case to the Urbana City Council with a recommendation of approval with a condition.

Options

The City Council has the following options:

1. Vote to **approve** the Special Use Permit.
2. Vote to **approve** the Special Use Permit **with conditions** appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the City's municipal code.
3. Vote to **deny** the Special Use Permit. If the City Council elects to do so, it should articulate the findings supporting its denial.

Recommendation

At their April 5, 2018, meeting, the Urbana Plan Commission voted with six ayes and one nay to forward the Special Use Permit for a Medical Clinic 8 to the Urbana City Council with a recommendation of **APPROVAL with a condition:**

1. The use generally conforms to the site plan dated March 23, 2018, attached in Exhibit D, except where modified to meet City regulations.

Staff concurs with this recommendation.

Prepared by:



Christopher Marx, AICP, Planner I

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Plan
Exhibit E: Site Photos
Exhibit F: Special Use Permit Application
Exhibit G: DRAFT Meeting Minutes from April 5, 2018, Plan Commission Meeting

Exhibit A: Location & Existing Land Use Map



Case: Plan Cases 2341-SU-18
Subject: Special Use Permit for Medical Clinic
Location: 520 North Cunningham Avenue
Petitioner: Tatman Family, LLC


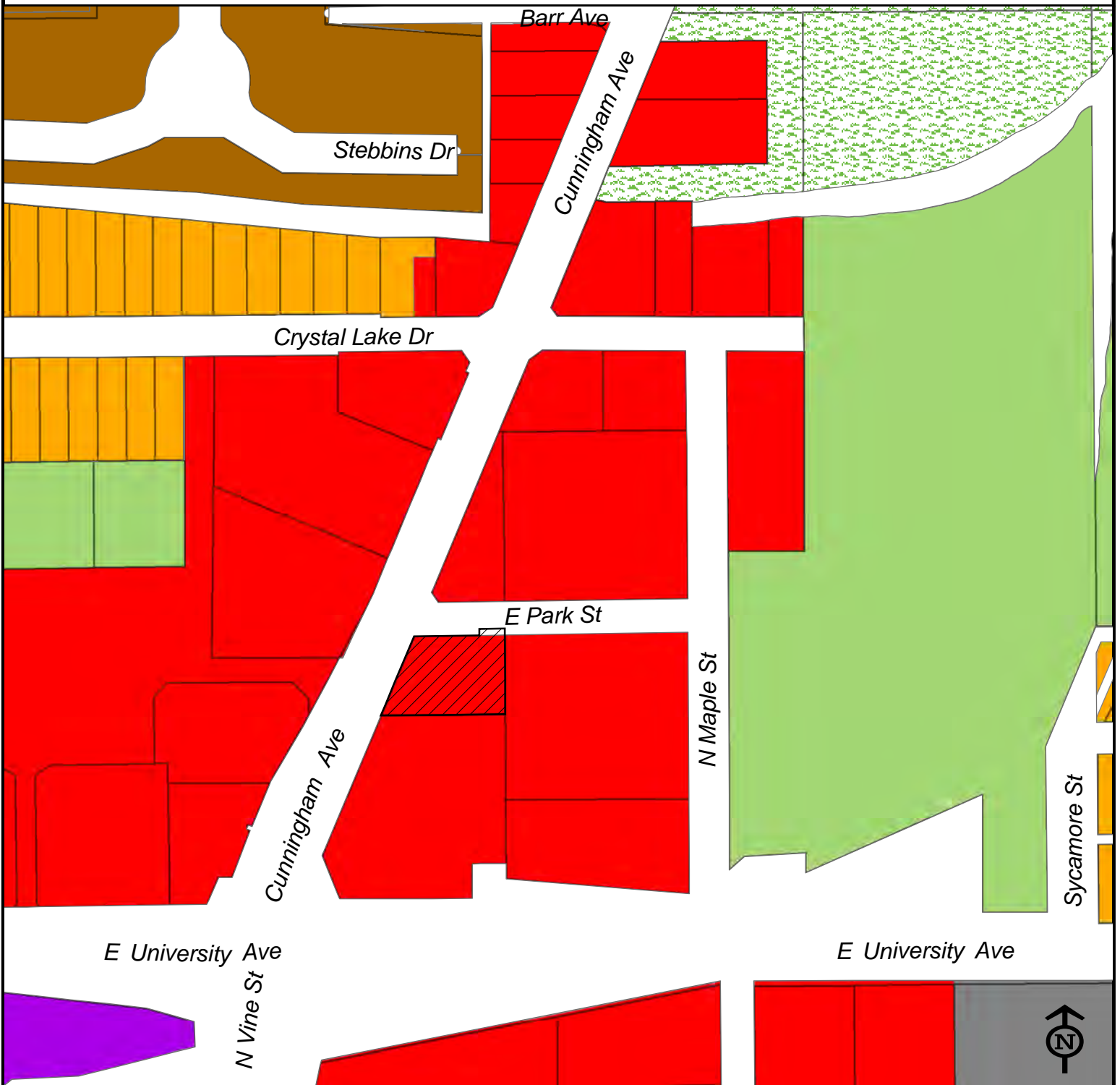
 Subject Property



Exhibit B: Zoning Map



Case: Plan Cases 2341-SU-18
 Subject: Special Use Permit for Medical Clinic
 Location: 520 North Cunningham Avenue
 Petitioner: Tatman Family, LLC









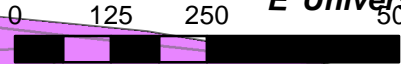
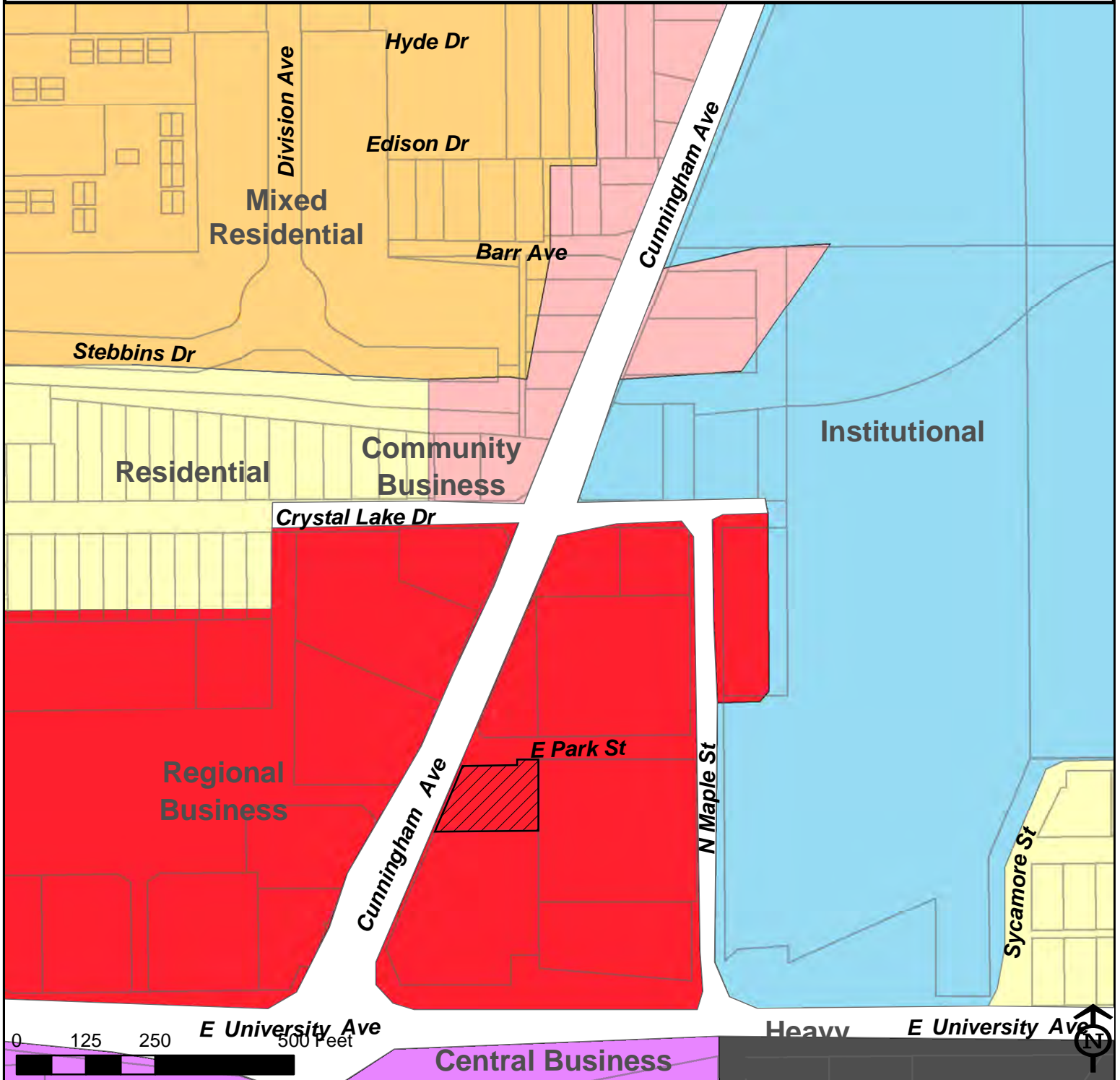
-  Subject Property
-  AG
-  CRE
-  R5
-  B3
-  IN-2
-  B4
-  R3

Exhibit C: Future Land Use Map



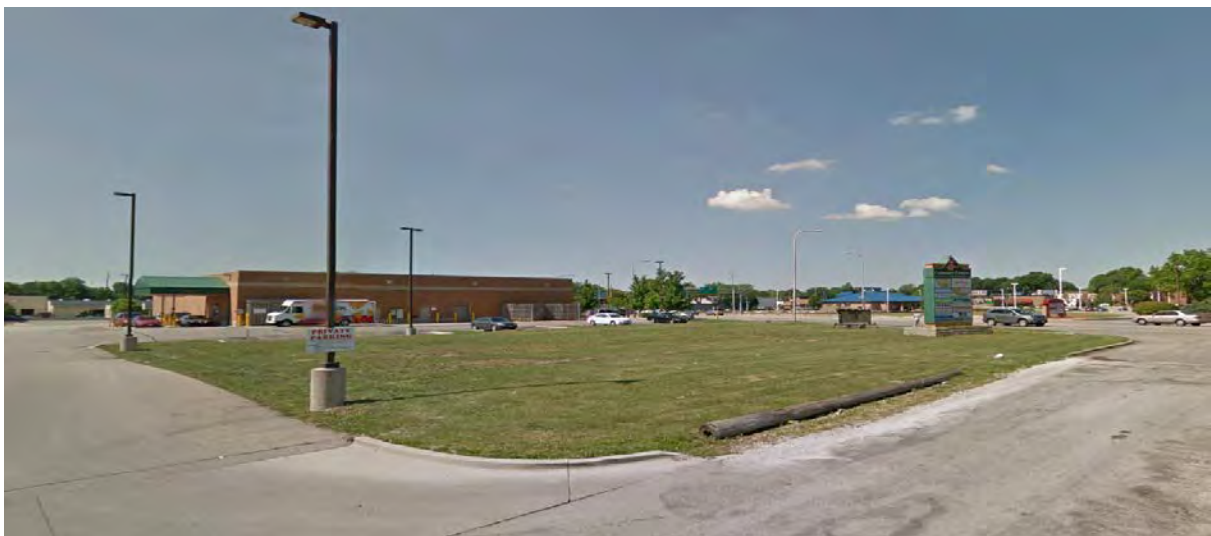
Case: Plan Cases 2341-SU-18
 Subject: Special Use Permit for Medical Clinic
 Location: 520 North Cunningham Avenue
 Petitioner: Tatman Family, LLC

-  Subject Property
-  Residential
-  Mixed Residential
-  Regional Business
-  Community Business
-  Central Business
-  Heavy Industrial
-  Institutional

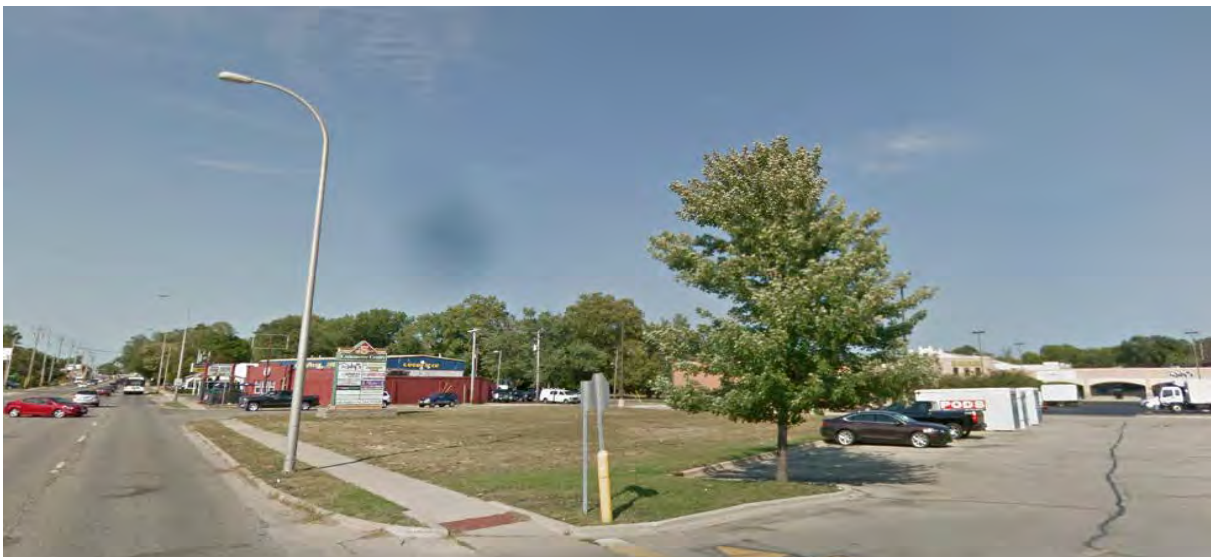
Exhibit E: Site Photos



Northwest corner of property, intersection of Park St. and Cunningham Ave., facing southeast.



Northeast corner of property, facing southwest.



Southwest corner of property, facing northeast.

Exhibit F - Application



Application for Special Use Permit

PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section B-3 (Table V-1) of the Urbana Zoning Ordinance to allow (*Insert proposed use*) Medical Clinic (Urgent Care) on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Tatman Family L.L.C. c/o D. Joseph Sons & Assoc. Real Estate Co. Phone: (309) 692-1135
Address (*street/city/state/zip code*): 5001 N. University
Email Address: bradjoseph@djoseph.com

2. PROPERTY INFORMATION

Address/Location of Subject Site: 520 N. Cunningham, Urbana, IL
PIN # of Location: 91-21-08-427-010
Lot Size: .45 acres (19,602 sq. ft.)
Current Zoning Designation: B-3
Current Land Use (*vacant, residence, grocery, factory, etc*): vacant lot
Proposed Land Use: Medical Clinic (Urgent Care)
Legal Description (*If additional space is needed, please submit on separate sheet of paper*):
See attached

3. CONSULTANT INFORMATION

Name of Architect(s): JH Petty & Associates **Phone:** (217) 787-2844

Address (street/city/state/zip code): 3220 Executive Park Drive, Springfield, IL 62703

Email Address: JHP@JHP.biz

Name of Engineers(s): Zumwalt & Associates **Phone:** (309) 692-5074

Address (street/city/state/zip code): 1040 W. Olympia Drive, Peoria, IL 61615

Email Address: grz@zumwaltassociates.com

Name of Surveyor(s): Zumwalt & Associates **Phone:** (309) 692-5074

Address (street/city/state/zip code): 1040 W. Olympia Drive, Peoria, IL 61615

Email Address: grz@zumwaltassociates.com

Name of Professional Site Planner(s): Zumwalt & Associates **Phone:** (309) 692-5074

Address (street/city/state/zip code): 1040 W. Olympia Drive, Peoria, IL 61615

Email Address: grz@zumwaltassociates.com

Name of Attorney(s): Christopher D. Oswald- Miller, Hall & Triggs, LLC **Phone:** (309) 671-9600

Address (street/city/state/zip code): 416 Main Street, Suite 1125, Peoria, IL 61602

Email Address: chris.oswald@mhtlaw.com

4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

The proposed use will expand the public's access to medical care in the Urbana area. The location is convenient and on a major thoroughfare. It is compatible with the surrounding uses of pharmacy, retail and commercial properties.

Explain how 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 or detrimental to the public welfare.

The project will be designed to be compatible with the adjacent shopping center and pharmacy. The property and road access are adequate to handle the additional traffic load.

Explain how 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.

The project will be designed and constructed in accordance with applicable Code regulations and standards. It will be of benefit to the district in which it is located as it will draw additional customers who will patronize other businesses in the area.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Christopher D. Caldwell (Attorney)

Applicant's Signature

3-5-2018

Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Exhibit G - DRAFT Meeting Minutes, April 5, 2018,

Plan Commission Meeting

April 5, 2018

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 5, 2018

TIME: 7:00 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Billman, Andrew Fell, Tyler Fitch, Nancy Esarey Ouedraogo, David Trail, Daniel Turner, Chenxi Yu

MEMBERS EXCUSED: Barry Ackerson, Lew Hopkins

STAFF PRESENT: Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II, Teri Andel, Planning Administrative Assistant II

OTHERS PRESENT: Brad Joseph, Christopher Oswald

NEW PUBLIC HEARINGS

Plan Case No. 2341-SU-18 – A request by Tatman Family, L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August 1985, known as Trust No. 1-2125, for a Special Use Permit to operate a Medical Clinic at 520 North Cunningham Avenue in the B-3, General Business Zoning District.

Chair Fitch opened the public hearing for this case. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He noted the location of the subject property and stated the zoning, existing land uses and future land use designations of the surrounding properties. Referencing the Site Plan, he pointed out that one parking space would encroach into the front yard setback; however, the applicant intended to provide a landscape buffer of one tree and three shrubs to screen it. One access drive would be off Park Street and the second access would be from Walgreens parking lot. He noted the location of the garbage dumpster. He reviewed the requirements for a Special Use Permit according to Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented City staff's recommendation for approval with one condition.

Chair Fitch asked if the Plan Commission members had questions for City staff.

Mr. Fell asked if there was an access easement agreement with Walgreens. Mr. Ricci directed the question to the proposed buyer and their attorney.

Mr. Fell asked if there was an access easement agreement for the private drive. Mr. Ricci explained that the private drive has split ownership. The City would require a recorded cross access easement.

Mr. Fell suggested moving the dumpster to a different location so that traffic would not have to cross through the Walgreens parking lot. Has Public Works reviewed the plans? Mr. Ricci replied yes, Public Works had reviewed the Site Plan. He mentioned that this option was suggested to the applicant, and the proposed Site Plan in its configuration is what the applicant submitted.

Ms. Billman expressed concern about the medical use tenant using Walgreens' parking lot as an access. Traffic already congests at this point on the site because there is not much room. She asked if the monument sign could be relocated further north on the corner of Cunningham Avenue and Park Street. Mr. Ricci replied that Public Works had reviewed the circulation and access of traffic and did not have any negative comments.

Mr. Fell noticed that the access drive into the subject property through Walgreens parking lot would remove about five parking spaces for Walgreens. Would Walgreens still comply with their parking requirements? Mr. Ricci explained that these parking spaces were never included in the parking calculations for Walgreens.

With no further questions for City staff, Chair Fitch opened the hearing for public input.

Christopher Oswald, Attorney for D. Joseph Sons and Associates, Real Estate Company, and Brad Joseph, Vice President of D. Joseph Sons and Associates, approached the Plan Commission to speak.

Mr. Oswald stated that the site would be developed as an urgent care/prompt care type of medical center. He felt it would be convenient to be located next to Walgreens so clients could walk over and pick up their prescriptions.

With regards to the configuration of the Site Plan, they have been working with City staff to address their concerns. They had to place the garbage dumpster in the back because they are not allowed in the front yard setback along Cunningham Avenue.

There is a reciprocal easement agreement for access through the shopping center. It governs the strip center, Walgreens and the subject property. It provides for cross-access rights through the lots and access drives.

Mr. Trail asked if most clients would be accessing the facility without appointments. Mr. Oswald said yes.

Mr. Trail questioned how big the waiting room would be. Mr. Joseph explained that the tenant would provide the design. They do not have the final space plan. They could get the exact sizes for the Plan Commission if needed.

Mr. Oswald pointed out that urgent care is not a high traffic type of use. It is not an emergency room type facility, but rather a clinic for people who have colds to go see a doctor. Mr. Joseph added that during cold and flu season, they would have peak times; otherwise, they would be lucky to have 10 to 15 clients per day.

Mr. Trail wondered if the applicant planned to install signs indicating clients of the proposed medical use clinic to not park in Walgreens parking lot. Mr. Joseph replied that they did not anticipate anyone parking in the Walgreens parking lot. Walgreens expected the proposed site to be developed someday, which is why they have already planned for the curb cut for an access drive onto the

subject lot. If anything, he would think that Walgreens would be thrilled to have a medical clinic located next door, because it will boost Walgreens business.

Ms. Ouedraogo noted that there is already visibility issues for the L-shaped mall center. Would it be possible for the applicant to locate their building on the southeast corner of the proposed site rather than the northeast corner? Mr. Joseph stated that even if they constructed the building on the southeast corner, they would still be blocking the visibility of one of the other tenants. His potential tenant was specific about what they needed, and his company tried to configure the proposed site as best they could. They did not consider which business would be affected. The original developer intended for the proposed lot to be developed, and hopefully he shared that with his tenants in the strip mall already.

Mr. Turner asked if the proposed medical clinic would be related to any existing clinic in the area. Have they researched to see if an additional clinic is needed? Mr. Joseph replied that their potential tenant did not give them permission to disclose their name. The tenant plans to open several branches, and they do not want their competitors to know their strategy. Also, the tenant did their own research, and they felt there was a need for an urgent care medical center in Urbana.

Mr. Fell questioned if all of the parcels were subject to a collective parking agreement. Mr. Oswald stated that the agreement only pertained to access easement. He believed that each of the lots were to provide their own parking.

Mr. Fell inquired about the configuration and why the applicant had traffic going across Walgreens parking lot when they did not have to. Mr. Oswald said that the layout of the center predated their involvement. They were simply adding on where the developer originally intended the access to be. There were challenges in fitting the building and the parking area on the lot without conflicting with the code requirements. Having two access drives allows for better flow of the traffic. In addition, the dumpster location is trickier than it looks because they had to allow room for the truck to turnaround in the parking lot.

Mr. Turner questioned if the proposed medical clinic would accept low-income clients. Mr. Joseph stated that the tenants do not turn anyone away. Medical treatment will be available to everyone in the community.

With no additional public input, Chair Fitch closed the public input portion of the hearing. He then opened the hearing for Plan Commission discussion and/or motions.

Ms. Billman asked if the special use permit would transfer to a future owner and if a future owner would be able to change the site plan. Mr. Ricci answered that the special use permit would transfer with the land to future owners. A new owner would have to generally conform to the Site Plan submitted with this special use permit. If they wanted to significantly vary from the Site Plan, then the special use permit would no longer be valid and would require a new special use permit.

Mr. Trail stated that if it is the future tenant's intent to serve the low-income population, the proposed location is one of the least pedestrian accessible areas that they could locate such a medical clinic. Mr. Fitch agreed that it would not be pedestrian friendly.

He went on to say that he likes the two ways in and out of the proposed site. He was concerned about the exit from Walgreens being far enough away from the entrance into the proposed site until he visited the site. He felt the two access points would be far enough away that it would not create traffic flow issues. To help prevent any problems, he suggested requiring stop signs at the northeast

corner of Walgreens where the private drive and the entrance into the entire site meet and at the northwest corner of Walgreens where traffic exits Walgreens Parking lot. Lorrie Pearson, Planning Manager, commented that there might be language in the cross access easement that would prohibit stop signs. Mr. Fell felt that stop signs might confuse traffic going in different directions.

Ms. Ouedraogo talked about visibility. She would prefer that the monument sign would be better located on the northwest of the proposed site. Mr. Fell stated that while he agreed, site access to the strip mall is not this petitioner's problem. The developer intended for this lot to be developed and could have configured the site differently for the strip mall.

Mr. Turner moved that the Plan Commission forward Plan Case No. 2341-SU-18 to the City Council with a recommendation for approval for the reasons articulated in the written staff memo with the condition that *the use generally conforms to the site plan submitted in this application as shown as Exhibit D, except where modified to meet City regulations*. Mr. Fell seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Trail	-	No	Mr. Turner	-	Yes
Ms. Yu	-	Yes			

The motion was approved by a vote of 6 to 1. Ms. Pearson noted that this case would be forwarded to City Council on Monday, April 16, 2018.

ORDINANCE NO. 2018-04-031

An Ordinance Approving a Special Use Permit

(520 North Cunningham Avenue / Tatman Family L.L.C., – Plan Case 2341-SU-18)

WHEREAS, Tatman Family L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, known as Trust Number 1-2125, has petitioned the City for approval of a Special Use Permit to allow the establishment of a Medical Clinic in the B-3, General Business Zoning District; and

WHEREAS, the Urbana Zoning Ordinance requires a Special Use Permit for a Medical Clinic in the B-3, General Business Zoning District; and

WHEREAS, the proposed use is conducive to the public convenience at this location due to being a development on a vacant property and a new medical clinic located along a busy commercial corridor; and

WHEREAS, the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious, detrimental to its location or the public welfare; and

WHEREAS, the proposed development is consistent with the development regulations for properties in the B-3, General Business Zoning District and preserves the essential character of the district in which it shall be located; and

WHEREAS, after due publication. the Urbana Plan Commission held a public hearing on April 5, 2018, and voted with six (6) ayes and one (1) nay to forward Plan Case 2341-SU-18 to the Urbana City Council with a recommendation to approve the request for a Special use Permit, subject to a certain condition; and

WHEREAS, approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

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 a Medical Clinic in the B-3, General Business Zoning District with the following condition:

- The use generally conforms to the site plan dated April, 11, 2018 (Attachment 1), except where modified to meet City regulations.

Legal Description:

Tract 1: Lot 102 of the Minor Plat of Five Points Northeast Subdivision, as per plat recorded April 27, 2005 as Document 2005R10989, in Champaign County, Illinois.

Tract 2: Easements benefiting Lot 102 as created by Reciprocal Easement Agreement with Covenants, Conditions and Restriction recorded April 27, 2005 as Document 2005R10992, in Champaign County, Illinois.

PIN: 91-21-08-427-010, Address: 520 North Cunningham Avenue

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the City Council. 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:

ABSTENTIONS:

Charles A. Smyth, City Clerk

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

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, 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 _____, 2018, the City Council of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Approving a Special Use Permit (520 North Cunningham Avenue / Tatman Family L.L.C., – Plan Case 2341-SU-18)” 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 _____, 2018, 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 _____, 2018.

