



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

### m e m o r a n d u m

**TO:** The Urbana Plan Commission  
**FROM:** Marcus Ricci, Planner II  
**DATE:** February 16, 2018  
**SUBJECT:** Plan Case 2335-S-18: A request by the Champaign County Board to waive the requirements of the Urbana Subdivision and Land Development Code to provide access to a public street, dedicate right-of-way, and install sidewalks.

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### Introduction

The Champaign County Board (“Board”) has submitted a request to waive several requirements of the Urbana Subdivision and Land Development Code (“Code”) for the proposed Champaign County Nursing Home Subdivision: Sections 21-36. comply with minimum road standards and provide access to a public street; 21-37.A. install sidewalks; and 21-38.A. dedicate street right-of-way.

The Board has also submitted an application to the City for a Minor Development to create the Champaign County Nursing Home Subdivision (“Subdivision”). This would subdivide the 12.315-acre site of the Nursing Home from the underlying 63.56-acre parcel which constitutes the majority of Champaign County’s East Campus (PIN 32-21-16-200-005). As the current zoning of the site is CRE, Conservation-Recreation-Education, the Board has also applied for a Zoning Map Amendment to rezone that area to R-4, Medium-Density Residential, the least intense zoning district that allows Skilled Care Facilities, and only with a Conditional Use Permit. Waiving the specified requirements of the Code would facilitate creation of a separate lot on which the existing Nursing Home is located.

### Background

The City of Urbana authorized establishment of the Champaign County Nursing Home in Ordinance No. 2004-04-045 under a Special Use Permit which permitted operation of the Nursing Home by a public service entity in any zoning district. It is currently located in the CRE Conservation-Recreation-Education zoning district which does not permit a Skilled Nursing Facility by right or as a conditional or special use, except for this particular public service entity special use provision authorized by Section VII-7.A. of the Zoning Ordinance (Exhibit A).

Conditions in the 2004 Special Use Permit included:

1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. An intergovernmental agreement providing for interim and perpetual off-site stormwater detention (commonly referred to as the “Scottswood Detention Basin”) be completed. The

governmental consortium may consist of city, county, parks, and township interests.

3. The construction plans for the extension of Art Bartell Drive be reviewed by the Urbana City Engineer.

The Permit itself did not include any conditions related to providing, deferring, or waiving road standards, road or right-of-way dedication, or sidewalks. The staff report stated the following regarding Access and Parking:

### **Access and Parking**

The site will be accessed primarily from Art Bartell Drive. Art Bartell Drive is a private street that currently ties into East Main Street and extends south to serve METCAD and the Humane Society. The road will be continued south to connect with the new nursing home site and to connect to the Brookens Administration Center access drive off of Lierman Avenue. Since the road is a private drive and not a public street, it is not anticipated to be used for general traffic circulation in the area. Users of the road will primarily be visitors to the nursing home. The extension of Art Bartell Drive will be able to accommodate MTD buses as well as delivery vehicles. Finally, Champaign County is planning the construction of new sidewalks to loop around the complex that will connect the development to existing and future parks in the area.

Because of the requested creation of the Nursing Home Subdivision, for the purposes of determining compliance with the Code, Art Bartell Road is treated as a new street and the requested Subdivision is treated as a new lot (Exhibit B). Section 21-36.A.1. of the Code requires that all new streets comply with the minimum standards set forth in the Code, including design and construction. Section 21-36.A.2 requires that all buildable lots be adjacent to a public street; private streets are permitted only in a Planned Unit Development. Section 21-37.A. requires that sidewalks shall be provided on both sides of each street in a residential or a commercial development, except when the Administrative Review Committee waives this requirement. Section 21.38.A. requires that a developer dedicates the entire right-of-way to the public when they own the land on both sides of a proposed street.

Art Bartell Road is a private street maintained by Champaign County. There are no sidewalks on either side of its distance from East Main Street to Lierman Avenue, and it is equipped with curbs only where it intersects with the parking lot entrances at the Nursing Home and Brookens Administrative Center, and with the access drive north of the Juvenile Detention Center (Exhibit A). Art Bartell Road does not currently meet the minimum construction standards of the Code for a public street. Staff has determined that for the long-term effectiveness of the city's street network, it is not necessary for the County to dedicate Art Bartell Road nor to dedicate the underlying right-of-way, as long as the County maintains the existing road and right-of-way. According to the applicant, it would be cost-prohibitive for the County to bring the current road structure up to the city's minimum road standards and would not add a benefit equal to the expense.

The County has not installed sidewalks on either side of Art Bartell Road, and requests waiver of their installation. Staff would recommend that, in order to improve accessibility and, more specifically, to improve walkability, that only a deferral should be granted for the construction of sidewalks along one side of Art Bartell Road for its entire length from East Main Street to Lierman Avenue, but that sidewalks should be constructed along the other side of Art Bartell Road as part of the requested subdivision. As shown in Exhibit A, construction on one side of the street would provide a full connection between the public transit stops at these two intersections to the Champaign County

Nursing Home, Juvenile Detention Center, Animal Control, and Brookens Administrative Center, as well as to the Urbana Park District's Prairie Park and Weaver Park.

## **Discussion**

According to Section 21-7 of the Urbana Subdivision and Land Development Code, the petitioner must justify the granting of a waiver from strict compliance with the Code by showing that the waiver meets certain criteria. These criteria are identified and discussed below:

*1. There are conditions of topography or other site specific reasons that make the application of any particular requirement of the land development code unnecessary or, in some cases perhaps, even useless;*

The level and intensity of the current and future use of the property make some of the Code's requirements unnecessary, while the current lack of some infrastructure and favorable topography make one of the requirements desirable. The Nursing Home was authorized under the Special Use Permit with access being provided only by Art Bartell Road as a private street, not a public street on dedicated public right-of-way; it is even posted as a private street. The street was intended to be used for access to the County's campus facilities, not for general or through traffic circulation. The future use of the property will continue to be as a Nursing Home at the same level of services, scale and intensity, resulting in no projected increase in traffic. This precludes the need to improve the street's construction or dedicate right-of-way. Enforcement of the road construction standards, including adding curbs and gutters, would require a significant additional expense without providing a similar additional improvement of access to the Nursing Home. Requiring dedication of the road right-of-way would not be necessary if the street itself remained a private street.

The Special Use Permit did not require installation of sidewalks at the time the permit was granted, although the applicant had stated that the County intended to install sidewalks. Installation of sidewalks would improve access to several facilities for residents or users, employees and visitors, and allow for safer travel from the nearby public transit stops. Sidewalk installation would be an additional expense which would, unlike the required street improvements, provide a benefit to the public. The site is flat, there is no existing landscaping which would need to be removed, and the required sidewalks would connect to the existing sidewalks along East Main Street and Lierman Avenue (Exhibit C).

*2. The granting of the requested waiver would not harm other nearby properties;*

Granting the requested waivers for public street access/construction and for the dedication of public right-of-way would not harm nearby properties, while granting the third waiver of the installation of sidewalks would continue to inhibit access to nearby properties. The street is currently providing adequate access for automotive and cycling traffic to the property. As the use of the Nursing Home will continue at its current levels of service, scale and intensity, future traffic is anticipated to not increase. Therefore, the street itself requires neither improve nor dedication of right-of-way. However, there is currently no provision of infrastructure for pedestrian access to the site; pedestrians are forced to walk either on the grass or in the street, which is non-conducive to those with a mobility issue.

*3. The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan.*

Granting the street- and right-of-way-related requested waivers would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan,

while granting the sidewalk waiver may negatively impact public health, safety and welfare, and contradict objectives and goals in the Comprehensive Plan. Art Bartell Road's construction and status as a private street provide an adequate level of service to current and anticipated levels of automotive and cycling traffic; granting the waivers to street construction minimum standards and dedication of right-of-way would not decrease public health, safety or welfare, nor be contrary to the goals of the Comprehensive Plan. On the other hand, continuing to provide inadequate infrastructure for pedestrians does negatively impact public health and welfare. Additionally, the absence of sidewalks increases the likelihood that a resident, user, employee or visitor will choose to drive rather than walk or take public transit and then walk to the Nursing Home or one of the other campus facilities, eliminating the opportunity for improving public health. Installing sidewalks along at least one side of the street would increase access to both Weaver Park and Prairie Park, both for Nursing Home residents and visitors and those who may use public transit to get to the campus and then walk to the parks. These benefits relate directly to the following Goals and Objectives of the Comprehensive Plan:

**Goal 5.0 Ensure that land use patterns conserve energy.**

Objective

5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.

**Goal 9.0 Strengthen Urbana's parks and recreational facilities.**

Objective

9.3 Encourage the development of parks within walking distance of neighborhoods.

**Goal 42.0 Promote accessibility in residential, commercial and public locations for disabled residents.**

Objectives

42.1 Ensure that new developments are sensitive to the mobility and access needs of the disabled.

42.2 Ensure that there are accessible ramps for all new sidewalks at intersections with roadways.

42.3 Ensure that new developments include adequate access for the disabled through compliance with ADA requirements and other measures.

**Summary of Staff Findings**

1. The applicant has submitted waiver requests from the following requirements of the Urbana Subdivision and Land Development Code for the proposed Champaign County Nursing Home Subdivision: Sections 21-36. comply with minimum road standards and provide access to a public street; 21-37.A. install sidewalks; and 21.38.A. dedicate street right-of-way.
2. The proposed waivers for Sections 21-36 and 21-38 would allow Art Bartell Road to remain a private street on a private easement without negatively impacting current or anticipated levels of automotive or cycling traffic. These waivers would not be harmful to other properties and would not negatively impact the public health, safety and welfare of the community, nor impede the attainment of goals and objectives contained in the Comprehensive Plan. Staff supports the proposed waiver with the condition that any further subdivision of the parent or

subject parcel would trigger the upgrade of the road to public street standards and the dedication of public right-of-way.

3. The proposed waiver for Section 21-37 would allow the continued lack of sidewalks on both sides of Art Bartell Road and the associated lack of public infrastructure for pedestrian traffic to the Nursing Home and other campus facilities. Staff would support only a deferral of the requirement to install sidewalks on both sides of Art Bartell Road with the condition that the applicant installs sidewalk along one side of Art Bartell Road from East Main Street to Lierman Avenue at this time, with future sidewalk construction triggered by any future requests to subdivide the parent or the subject parcel.

## Options

The Plan Commission has the following options for recommendations to the City Council in Plan Case No. 2335-M-18:

1. Forward the case to City Council with a recommendation for **approval** of the requested waivers of public street minimum road standards and access provision, and sidewalk installation requirements of the Urbana Subdivision and Land Development Code; or
2. Forward the case to City Council with a recommendation for **denial** of the requested waivers of public street minimum road standards and access provision, and sidewalk installation requirements of the Urbana Subdivision and Land Development Code.

## Recommendation

Staff recommends that the Urbana Plan Commission forward this case to the City Council with a recommendation for **approval** of the requested waivers from Section 21-36 which requires public street minimum road standards and access provision, and from Section 21-38.A. which requires the dedication of public right-of-way, with the following condition:

1. At the time of any future request for a subdivision of the parent or subject parcel, the owner must reconstruct Art Bartell Road to the public street standards in effect at the time of that future subdivision and dedicate the public right-of-way;

Staff recommends that the Urbana Plan Commission forward to the City Council with a recommendation for **denial** of the waiver of Section 21-37.A. which requires sidewalk installation requirements, but support for a **deferral** of sidewalk along one side of Art Bartell Road with the condition below. The result would be immediate construction of a sidewalk on one side of the road, with construction of sidewalk on the other side predicated on any future subdivision.

1. The owner must install sidewalk along one side of Art Bartell Road from East Main Street to Lierman Avenue and install sidewalk on the other side of Art Bartell Road at the time of any future request to subdivide the parent or the subject parcel.

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Proposed Champaign County Nursing Home Subdivision - Minor Plat  
Exhibit C: Champaign County Nursing Home Proposed Conditional Use Permit Site Plan  
Exhibit D: Application for Subdivision Waivers

cc: John Hall, Champaign County Director of Planning and Zoning, Applicant

# Exhibit A: Location & Existing Land Use Map



Case: 2335-S-18  
 Subject: Champaign County Nursing Home Subdivision Waivers  
 Location: 500 Art Bartell Road  
 Petitioner: Champaign County Board

 Subject Property

# Exhibit B: Proposed Champaign County Nursing Home Subdivision - Minor Plat

## MINOR PLAT CHAMPAIGN COUNTY NURSING HOME SUBDIVISION PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS

PRESENTED FOR RECORDING BY:

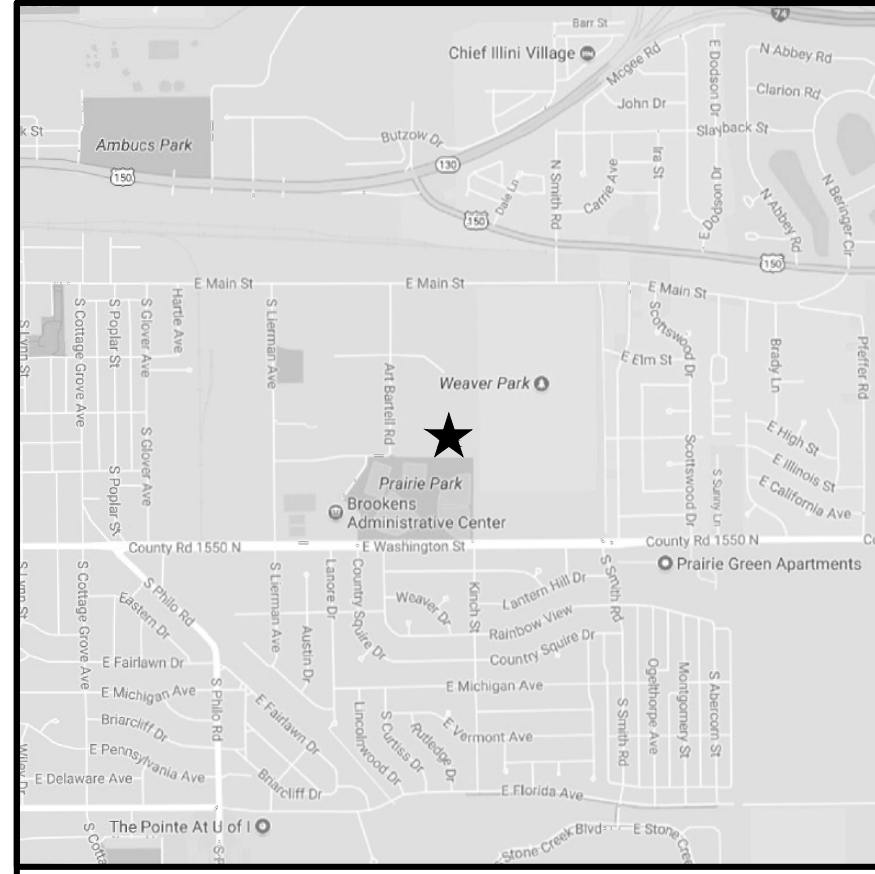
RETURN ORIGINAL TO:  
MSA Professional Services  
201 West Springfield Avenue, Suite 400  
Champaign, IL 61820

**OWNER / SUBDIVIDER**

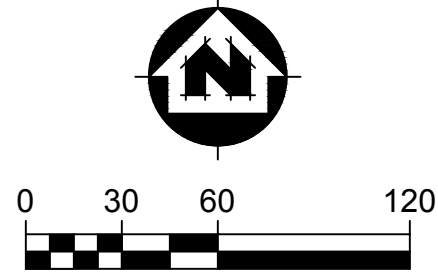
Champaign County  
1776 East Washington Street  
Urbana, IL 61802

**SURVEYOR / ENGINEER**

MSA Professional Services  
201 West Springfield Avenue, Suite 400  
Champaign, IL 61820

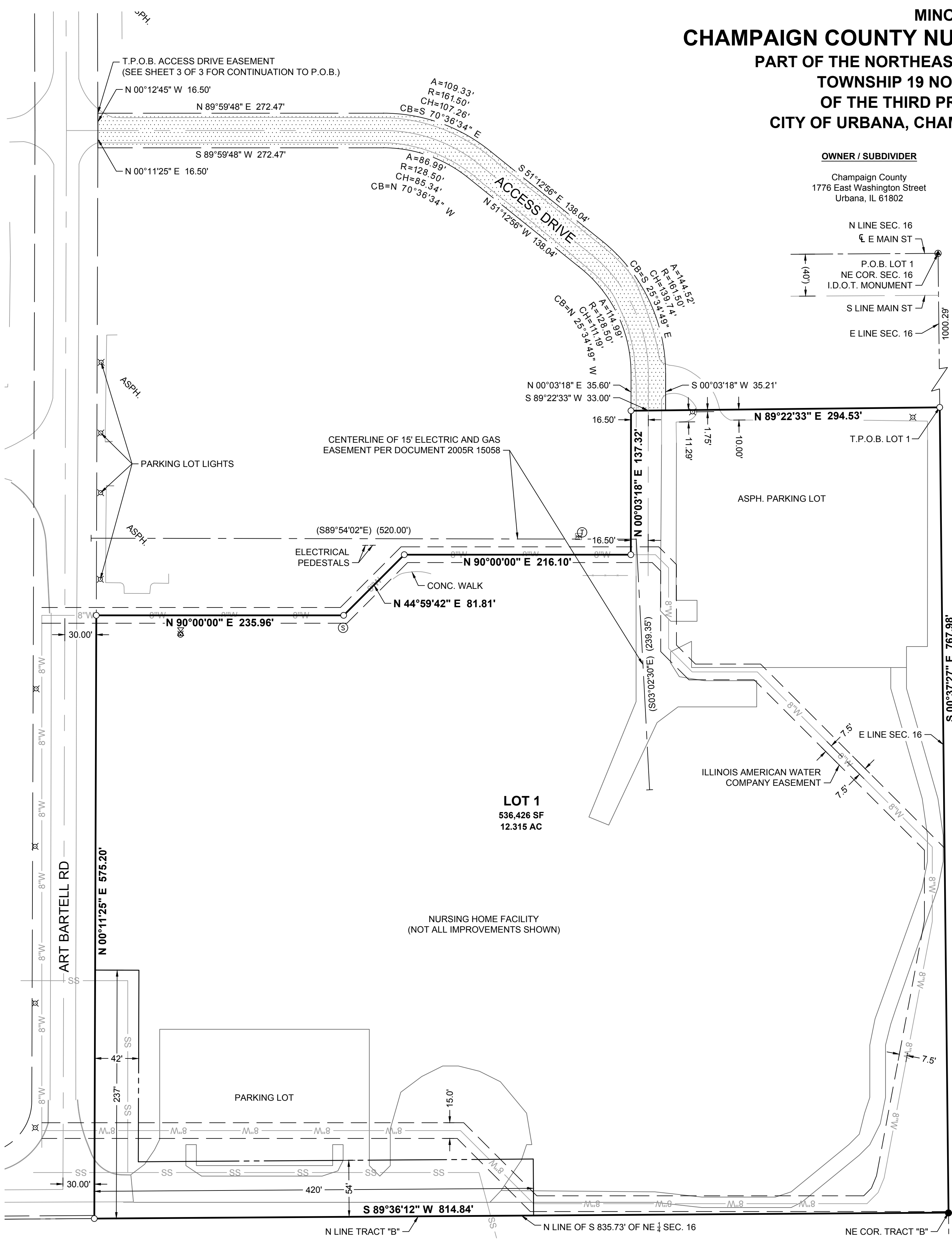


VICINITY MAP



**LEGEND**

	PROPERTY BOUNDARY LINE
	PROPERTY LINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES
	PROPOSED EASEMENT FOR INGRESS/EGRESS, DRAINAGE, AND PUBLIC UTILITIES
	ROAD CENTERLINE
	CONCRETE CURB AND GUTTER
	EDGE OF CONCRETE PAVEMENT
	EDGE OF ASPHALT PAVEMENT
	APPROXIMATE EDGE OF PAVEMENT
	FENCE LINE
	EDGE OF BUILDING
	WATER LINE
	FOUND IRON ROD OR PIPE
	SET 1/2"x30" IRON ROD WITH "MSA" CAP
	FOUND I.D.O.T. MONUMENT
	FOUND IRON ROD IN CONCRETE MONUMENT
	SANITARY SEWER MANHOLE
	WATER VALVE
	FIRE HYDRANT
	TELEPHONE MANHOLE
	LIGHT POLE
	HAND HOLE
	ASPH. ASPHALT SURFACE
	CONC. CONCRETE SURFACE
	P.O.B. POINT OF BEGINNING
	T.P.O.B. TRUE POINT OF BEGINNING
	R.O.W. RIGHT-OF-WAY
	SEC. SECTION
	COR. CORNER
	W.C. WITNESS CORNER
	23.90' BOUNDARY DIMENSION
	23.90' MEASURED DIMENSION
	(23.90') DIMENSION OF RECORD



**FLOOD ZONE CLASSIFICATION**

The surveyed tract is located in Zone "X," areas determined to be outside the 0.2% annual chance floodplain, identified for the City of Urbana, Illinois by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program, Flood Insurance Rate Map Number 17019C 0431D, dated October 2, 2013.

**SURVEYOR'S NOTES**

- Field work for this plat of survey was completed on August 30, 2017.
- All dimensions are horizontal distances and are between adjacent monuments unless otherwise noted.
- Bearings shown on this plat of survey are on the Illinois State Plane, East Zone (NAD 27) as referenced from a Danner and Associates plat of survey dated November 3, 1966.
- All lot corners are marked as shown. All set lot corners are done so with 1/2" x 30" long iron rod monuments.
- The locations of utilities as shown hereon are based on above ground structures observed by and drawings provided to the surveyor.
- Storm water management to serve the property subdivided are existing in the Scottwood Area Stormwater Improvement Project.
- The property subdivided encompasses 12.315 acres, more or less.
- The property subdivided lies within the corporate limits of the City of Urbana.
- The property subdivided lies within the Saline Branch Drainage District.
- No portion of the property subdivided lies within 500 feet of a point on a water course which drains over 640 acres.
- The property subdivided is zoned CRE (Conservation-Recreation-Education) by the City of Urbana, Illinois. All building setback lines shall be in accordance with applicable zoning ordinances.
- This professional service conforms to the current Illinois minimum standards for a boundary survey.
- The easements for Art Bartell Road and the access drive are non-buildable lots, and the maintenance of the road, shoulders, drainage ditches, and future sidewalks within them shall be the responsibility of Champaign County in perpetuity.

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF CHAMPAIGN ) s.s.

I, David E. Atchley, being Illinois Professional Land Surveyor Number 2950, do hereby certify that at the request of the owner, Champaign County, Illinois, I have caused a survey to be made and a plat to be drawn under my direct supervision of the following described tract of land:

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South 00°37'27" East 1000.29 feet along the east line of said Section 16 to the True Point of Beginning, thence continue along the said east line of Section 16 South 00°37'27" East 767.98 feet to the northeast corner of Tract "B" as depicted by a plat of survey by Charles S. Danner dated November 3, 1966, thence South 89°36'12" West 814.84 feet along the said north line of Tract "B" as depicted by the said plat of survey by Charles S. Danner to the proposed east easement line of Art Bartell Road, thence North 90°00'00" East 235.96 feet, thence North 44°59'42" East 81.81 feet, thence North 90°00'00" East 216.10 feet, thence North 00°03'18" East 137.32 feet, thence North 89°22'23" East 294.53 feet to the True Point of Beginning on the said east line of Section 16

Said tract containing 12.315 acres, more or less.

For said owners who desire to facilitate the development of said land by subdividing it into lots which said plat to which this certificate is attached particularly describes and sets forth the lots into which said land has been so subdivided and have numbered the lots, which numbers are shown on said plat and have stated the precise dimensions in feet and hundredths of feet of said lots and that reference has been made upon said plat and that all building setback lines shall be in accordance with applicable zoning ordinances;

That said subdivision is to be known as "Champaign County Nursing Home Subdivision."

Signed and Sealed this \_\_\_\_ day of January, 2018.

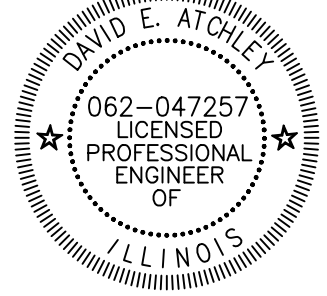
David E. Atchley  
Illinois Professional Land Surveyor No. 2950  
License Expires November 3, 2018



**DRAINAGE STATEMENT**

We hereby state that to the best of our knowledge and belief the drainage of surface waters of this plat will not be changed by the construction of the improvements of this subdivision or any part thereof or that if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

David E. Atchley  
Illinois Licensed Professional Engineer No. 47257  
License Expires November 30, 2019



Owner & Subdivider:  
Champaign County

**APPROVED:**

\_\_\_\_\_  
City Engineer  
\_\_\_\_\_  
Director, Community Development Services  
\_\_\_\_\_  
Secretary, Urbana Plan Commission

Date: \_\_\_\_\_  
Attest: \_\_\_\_\_ City Clerk, \_\_\_\_\_ Date

PROJECT NO.:	18933000	SCALE:	AS SHOWN	NO.	1	DATE	2017/10/10	REVISION	REVISED LEGAL DESCRIPTION FOR ART BARTELL ROAD PER CITY REVIEW COMMENTS	BY	CBP
PROJECT DATE:	SEP. 2017	DRAWN BY:	CBP	CHECKED BY:	DEA						
F.B.:	2281-10-15										
PLOT DATE: 1/11/18, P:18900s18930s1893318933000/CADD/C3D/18933000 Plats.dwg											

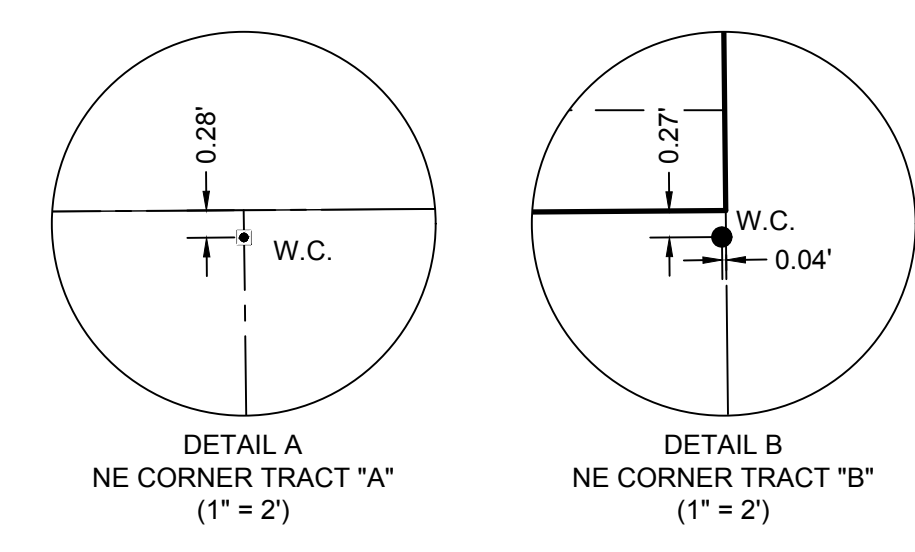
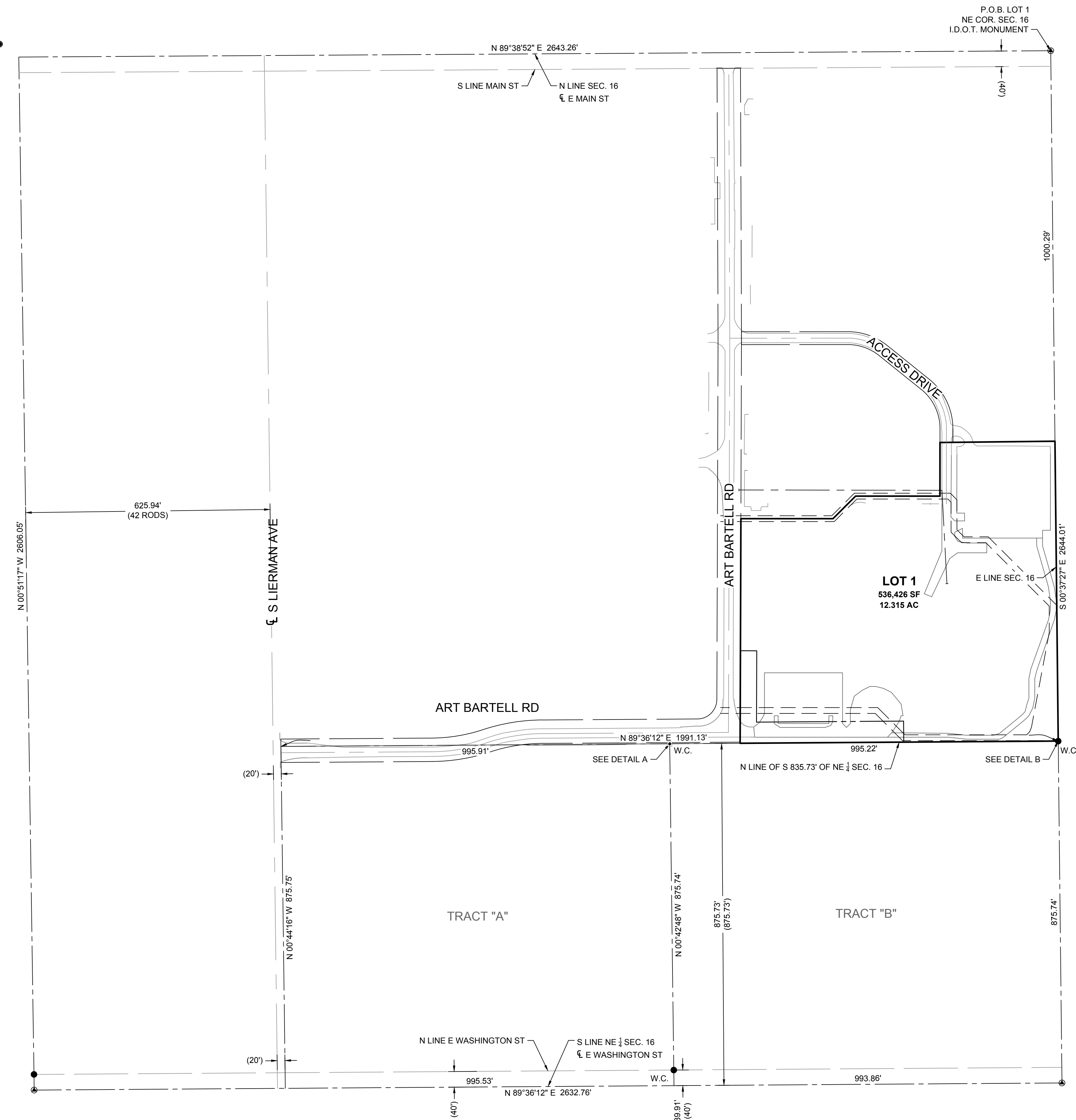
**MSA** PROFESSIONAL SERVICES  
ARCHITECTURE | ENGINEERING | ENVIRONMENTAL FUNDING | PLANNING | SURVEYING  
201 W Springfield Ave Champaign, IL 61820  
(217) 352-6976 (877) 352-0081  
www.msa-ps.com  
© MSA Professional Services, Champaign, LLC  
Design Firm Registration Number: 184-009020 Expires: April 30, 2019

CHAMPAIGN COUNTY NURSING HOME SUBDIVISION  
CHAMPAIGN COUNTY  
CITY OF URBANA, ILLINOIS

MINOR PLAT - BOUNDARY AND ACCESS DRIVE EASEMENT

FILE NO.  
18933000  
SHEET  
1 OF 3

# Exhibit B: Proposed Champaign County Nursing Home Subdivision - Minor Plat



PROJECT NO.:	18933000	SCALE:	AS SHOWN	NO.	DATE	REVISION	BY
PROJECT DATE:	SEP. 2017	DRAWN BY:	CBP	1	2017/10/10	REVISED LEGAL DESCRIPTION FOR ART BARTELL ROAD PER CITY REVIEW COMMENTS	CBP
F.B.:	2281-10-15	CHECKED BY:	DEA	-	-	-	-
PLOT DATE:	1/11/18, P:\18900s\18930s\18933\18933000\CADD\C3D\18933000 Plats.dwg						

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PROFESSIONAL SERVICES

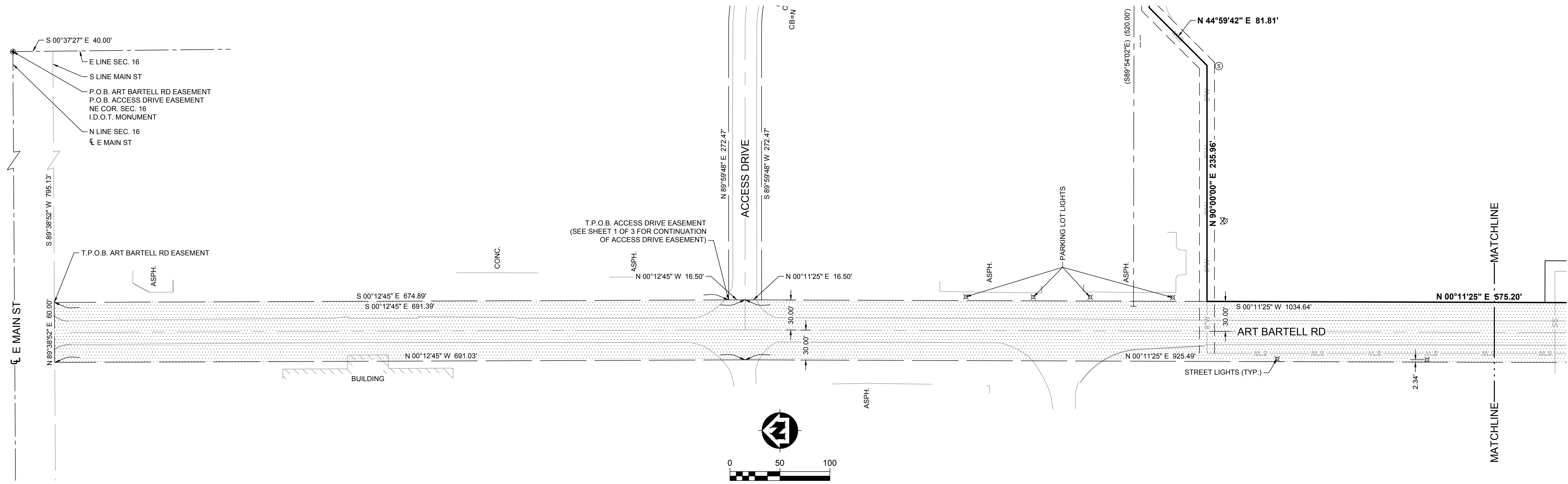
ARCHITECTURE | ENGINEERING | ENVIRONMENTAL  
 FUNDING | PLANNING | SURVEYING  
 201 W Springfield Ave Champaign, IL 61820  
 (217) 352-6976 (877) 352-0081  
 www.msa-ps.com  
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 Design Firm Registration Number: 184-009020 Expires: April 30, 2019

**CHAMPAIGN COUNTY NURSING HOME SUBDIVISION**  
 CHAMPAIGN COUNTY  
 CITY OF URBANA, ILLINOIS

**MINOR PLAT - SECTION TIES**



# Exhibit B: Proposed Champaign County Nursing Home Subdivision - Minor Plat



### LEGAL DESCRIPTION FOR ART BARTELL ROAD INGRESS/EGRESS, DRAINAGE, AND PUBLIC UTILITIES EASEMENT

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South 00°37'27" East 40.00 feet along the east line of said Section 16 to the south line of the East Main Street right-of-way, thence South 89°38'52" West 795.13 feet along the said south line of the East Main Street right-of-way to the True Point of Beginning, thence South 00°12'45" East 691.39 feet, thence South 00°11'25" West 1034.64 feet collinear with the proposed west line of Lot 1 of Champaign County Nursing Home Subdivision to a point 2.91 feet north of the north line of Tract "B" as depicted by a plat of survey by Charles S. Danner dated November 3, 1966, thence South 89°37'59" West 506.58 feet, thence 136.03 feet along a curve to the left concave to the southeast with a radius of 435.00 feet and a chord bearing of South 80°40'29" West, thence 151.64 feet along a curve to the right concave to the northwest with a radius of 485.00 feet and a chord bearing of South 80°40'24" West, thence South 89°37'48" West 386.48 feet to the east line of South Lierman Avenue, thence North 00°44'16" West 60.00 feet along the said east line of South Lierman Avenue, thence North 89°37'48" East 386.86 feet, thence 132.88 along a curve to the left concave to the northwest with a radius of 425.00 feet and a chord bearing of North 80°40'24" East, thence 154.79 feet along a curve to the right concave to the southeast with a radius of 495.00 feet and a chord bearing of North 80°40'29" East, thence North 89°37'59" East 397.65 feet, thence 78.05 feet along a curve to the left concave to the northwest with a radius of 50.00 feet and a chord bearing of North 44°54'42" East, thence North 00°11'25" East 925.49 feet, thence North 00°12'45" West 691.03 feet to the said south line of the East Main Street right-of-way, thence North 89°38'52" East 60.00 feet along the said south line of the East Main Street right-of-way to the True Point of Beginning

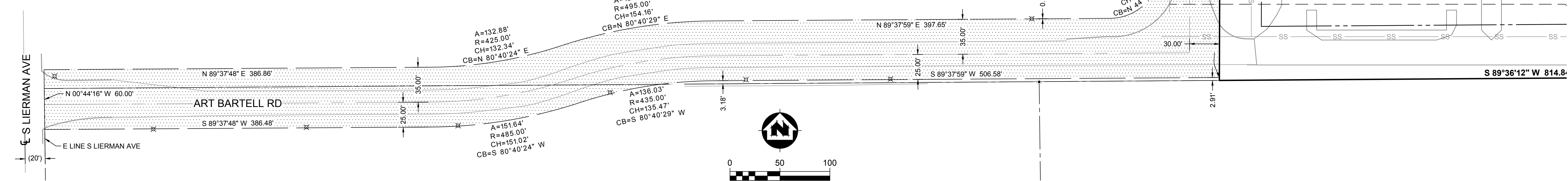
Said tract containing 3.934 acres, more or less.

### LEGAL DESCRIPTION FOR ACCESS DRIVE EASEMENT

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South 00°37'27" East 40.00 feet along the east line of said Section 16 to the south line of the East Main Street right-of-way, thence South 89°38'52" West 795.13 feet along the said south line of the East Main Street right-of-way to the proposed east line of the Art Bartell Road easement, thence South 00°12'45" East 674.89 feet along said proposed east line of the Art Bartell Road easement to the True Point of Beginning, thence North 89°59'48" East 272.47 feet, thence 109.33 feet along a curve to the right concave to the southwest with a radius of 161.50 feet and a chord bearing of South 70°36'34" East, thence South 51°12'56" East 138.04 feet, thence 144.52 feet along a curve to the right concave to the southwest with a radius of 161.50 feet and a chord bearing of South 25°34'49" East, thence South 00°03'18" West 35.21 feet to the proposed north line of Lot 1 of Champaign County Nursing Home Subdivision, thence South 89°22'33" West 33.00 feet along the said proposed north line of Lot 1 of Champaign County Nursing Home Subdivision to a proposed northwest corner of Lot 1 of Champaign County Nursing Home Subdivision, thence North 00°03'18" East 35.60 feet, thence 114.99 feet along a curve to the left concave to the southwest with a radius of 128.50 feet and a chord bearing of North 25°34'49" West, thence North 51°12'56" West 138.04 feet, thence 86.99 feet along a curve to the left concave to the southwest with a radius of 128.50 feet and a chord bearing of North 70°36'34" West, thence South 89°59'48" West 272.47 feet to the said proposed east line of the Art Bartell Road easement, thence North 00°11'25" East 16.50 feet along the said proposed east line of the Art Bartell Road easement, thence North 00°12'45" West 16.50 feet along the said proposed east line of the Art Bartell Road easement to the True Point of Beginning

Said tract containing 0.510 acres, more or less.



PROJECT NO.:	SCALE:	AS SHOWN	NO.	DATE	REVISION	BY
18933000	SEP. 2017	DRAWN BY:	CBP	1	2017/10/10	REVISED LEGAL DESCRIPTION FOR ART BARTELL ROAD PER CITY REVIEW COMMENTS
2281-10-15	CHECKED BY:	DEA				

**MSA**  
PROFESSIONAL SERVICES

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201 W Springfield Ave Champaign, IL 61820  
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**CHAMPAIGN COUNTY NURSING HOME SUBDIVISION**  
CHAMPAIGN COUNTY  
CITY OF URBANA, ILLINOIS

**MINOR PLAT - ART BARTELL ROAD EASEMENT**

# Exhibit C: Champaign County Nursing Home Proposed Conditional Use Permit Site Plan



# Exhibit D: Application for Subdivision Waivers



## Application for a Waiver of Subdivision Regulations

**PLAN  
COMMISSION**

**DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY**

Date Request Filed: 01-22-2018 Plan Case No.: 2335-S-18

**PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION**

### 1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): John Hall

Phone: (217) 384-3708

Address (street/city/state/zip code): Department of Planning & Zoning, Brookens Admin. Center,  
1776 East Washington Street, Urbana IL 61802

Email Address: jhall@co.champaign.il.us

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Point of Contact

### 2. OWNER INFORMATION

Name of Owner(s): Champaign County Board

Phone: (217) 384-3776

Address (street/city/state/zip code): Brookens Administrative Center, 1776 East Washnigton St.  
Urbana IL 61802

Email Address: webmaster@co.champaign.il.us

Is this property owned by a Land Trust?  Yes  No

*If yes, please attach a list of all individuals holding an interest in said Trust.*

### 3. PROPERTY INFORMATION

Name of Development: Champaign County Nursing Home Subdivision

Address/Location of Subject Site: 500 Art Bartell Drive, Urbana IL 61802

PIN # of Location: Part of 92-21-16-200-005

Legal Description (If additional space is needed, please submit on separate sheet of paper): see attached

# Exhibit D: Application for Subdivision Waivers

Waiver(s) Requested:

Section: 21-36      Subsection: a11      Page: 57

Section: 21-37      Subsection: a11      Page: 59

Section: 21-38      Subsection: (A)-(E)      Page: 62

Section:              Subsection:              Page:

What practical difficulties or conditions exist that are not applicable generally to other properties which make it difficult to comply with the requirements of the development ordinance?

see attached

What effects will the requested waiver(s) have on present and future public services to the property proposed for subdivision and lands adjacent to the property? Further, will such waiver(s) result in any negative impact or environmental incursions to the property adjacent to or in the vicinity of the proposed subdivision? If so, please state (or attach) evidence identifying such impacts and proposed solutions in order to mitigate or reduce the negative impacts resulting from the waiver(s).

see attached

What other circumstances justify granting the requested waiver(s)?

see attached

Additional exhibits submitted by the petitioner:

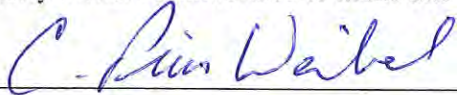
1. Urbana Plan Commission Memorandum dated 4/5/04 for Plan Case 1888-SU-04
2. City of Urbana Ordinance No. 2004-04-045
3. City of Urbana Ordinance No. 2007-10-123
4. Draft Declaration of Covenants and Restrictions for Champaign County Nursing Home Subdivision
5. Post-Closing Covenants from Asset Purchase Agreement for Champaign County Nursing Home (excerpted from Champaign County RFP 2018-001)
6. Post-Commencement Date Covenants from Operations Transfer Agreement for Champaign County Nursing Home

# Exhibit D: Application for Subdivision Waivers

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

## 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.



Applicant's Signature



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 D: Application for Subdivision Waivers

## LEGAL DESCRIPTION OF LOT 1

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South  $00^{\circ}37'27''$  East 1000.29 feet along the east line of said Section 16 to the True Point of Beginning, thence continue along the said east line of Section 16 South  $00^{\circ}37'27''$  East 767.98 feet to the north of Tract "B" as depicted by a plat of survey by Charles S. Danner dated November 3, 1966, thence South  $89^{\circ}36'12''$  West 814.84 feet along the said north line of Tract "B" and the north line of Tract "A" as depicted by the said plat of survey by Charles S. Danner to the proposed east right-of-way line of Art Bartell Road, thence North  $00^{\circ}11'25''$  East 575.20 feet along the said east right-of-way line of Art Bartell Road, thence North  $90^{\circ}00'00''$  East 235.96 feet, thence North  $44^{\circ}59'42''$  East 81.81 feet, thence North  $90^{\circ}00'00''$  East 216.10 feet, thence North  $00^{\circ}03'18''$  East 137.32 feet, thence North  $89^{\circ}22'23''$  East 294.53 feet to the True Point of Beginning on the said east line of Section 16.

Said tract containing 12.315 acres, more or less.

# Exhibit D: Application for Subdivision Waivers

## LEGAL DESCRIPTION OF ART BARTELL ROAD INGRESS/EGRESS EASEMENT

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South 00'37'27" East 40.00 feet along the east line of said Section 16 to the south line of the East Main Street right-of-way, thence South 89'38'52" West 795.13 feet along the said south line of the East Main Street right-of-way to the True Point of Beginning, thence South 00'12'45" East 691.39 feet, thence South 00'11'25" West 1037.55 feet collinear with the proposed west line of Lot 1 of Champaign County Nursing Home Subdivision to a point 2.91 feet north of the north line of Tract "B" as depicted by a plat of survey by Charles S. Danner dated November 3, 1966, thence South 89'37'59" West 506.58 feet, thence 136.03 feet along a curve to the left concave to the southeast with a radius of 435.00 feet and a chord bearing of South 80'40'29" West, thence 151.64 feet along a curve to the right concave to the northwest with a radius of 485.00 feet and a chord bearing of South 80'40'24" West, thence South 89'37'48" West 386.48 feet to the east line of South Lierman Avenue, thence North 00'44'16" West 60.00 feet along the said east line of South Lierman Avenue, thence North 89'37'48" East 386.86 feet, thence 132.88 along a curve to the left concave to the northwest with a radius of 425.00 feet and a chord bearing of North 80'40'24" East, thence 154.79 feet along a curve to the right concave to the southeast with a radius of 495.00 feet and a chord bearing of North 80'40'29" East, thence North 89'37'59" East 397.65 feet, thence 78.05 feet along a curve to the left concave to the northwest with a radius of 50.00 feet and a chord bearing of North 44'54'42" East, thence North 00'11'25" East 925.60 feet, thence North 00'12'45" West 691.13 feet to the said south line of the East Main Street right-of-way, thence North 89'38'52" East 60.00 feet along the said south line of the East Main Street right-of-way to the True Point of Beginning.

Said tract containing 3.934 acres, more or less.

# Exhibit D: Application for Subdivision Waivers

## LEGAL DESCRIPTION OF ACCESS DRIVE EASEMENT

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South 00'37'27" East 40.00 feet along the east line of said Section 16 to the south line of the East Main Street right-of-way, thence South 89'38'52" West 795.13 feet along the said south line of the East Main Street right-of-way to the proposed east line of the Art Bartell Road easement, thence South 00'12'45" East 674.89 feet along said proposed east line of the Art Bartell Road easement to the True Point of Beginning, thence North 89'59'48" East 272.47 feet, thence 109.33 feet along a curve to the right concave to the southwest with a radius of 161.50 feet and a chord bearing of South 70'36'34" East, thence South 51'12'56" East 138.04 feet, thence 144.52 feet along a curve to the right concave to the southwest with a radius of 161.50 feet and a chord bearing of South 25'34'49" East, thence South 00'03'18" West 35.21 feet to the proposed north line of Lot 1 of Champaign County Nursing Home Subdivision, thence South 89'22'33" West 33.00 feet along the said proposed north line of Lot 1 of Champaign County Nursing Home Subdivision to a proposed northwest corner of Lot 1 of Champaign County Nursing Home Subdivision, thence North 00'03'18" East 35.60 feet, thence 114.99 feet along a curve to the left concave to the southwest with a radius of 128.50 feet and a chord bearing of North 25'34'49" West, thence North 51'12'56" West 138.04 feet, thence 86.99 feet along a curve to the left concave to the southwest with a radius of 128.50 feet and a chord bearing of North 70'36'34" West, thence South 89'59'48" West 272.47 feet to the said proposed east line of the Art Bartell Road easement, thence North 00'11'25" East 16.50 feet along the said proposed east line of the Art Bartell Road easement, thence North 00'12'45" West 16.50 feet along the said proposed east line of the Art Bartell Road easement to the True Point of Beginning.

Said tract containing 0.510 acres, more or less.



# Exhibit D: Application for Subdivision Waivers

## Application for Waiver of Subdivision Regulations

### Minor Plat Champaign County Nursing Home Subdivision: Responses to Questions

***Application for Waiver of Subdivision Regulations Question: What practical difficulties or conditions exist that are not applicable generally to other properties which make it difficult to comply with the requirements of the development ordinance?***

1. The Special Use Permit for the Nursing Home was approved with access being provided only by Art Bartell Road, a private street maintained by Champaign County. Requiring dedication of right-of-way for Art Bartell Road now, as required per Section 21-38, would fragment the Champaign County Brookens Campus and would likely reduce the long-term functionality of the real estate for County operations without significantly improving access to the Nursing Home.
2. At the time of approval of the Special Use Permit for the Nursing Home, Art Bartell Road was not anticipated to be used for general traffic circulation in the area (see page 3 of the attached Community Development Staff Memorandum for Plan Case No. 1888-SU-04) and Art Bartell Road is still not used for general traffic circulation in the area. Converting Art Bartell Road to a public street now as required by Section 21-36 could result in additional nuisance traffic in the interior of the Brookens Campus that would not be related to, and thus could hinder and interfere with, County, Nursing Home, and Urbana Park District operations.
3. Art Bartell Road was constructed as a private street without curbs and gutters for a great part of its length and converting Art Bartell Road to a public street as required by Section 21-36 would require additional expense without significantly improving access to the Nursing Home.

***Application for Waiver of Subdivision Regulations Question: What effects will the requested waivers have on present and future public services to the property proposed for subdivision and land adjacent to the property? Further, will such waivers result in any negative impact or environmental incursions to the property adjacent to or in the vicinity of the proposed subdivision? If so, please state (or attach) evidence identifying such impacts and proposed solutions in order to mitigate or reduce the negative impacts resulting from the waivers.***

1. The waiver of Section 21-36 for Design of Public Streets; and Section 21-37 Arrangement of Sidewalks; and Section 21-38 (A)-(E) for Right-of-Way dedication for streets should have no ill effect on provision of public services to the property or to adjacent land. Art Bartell Road will continue to be maintained by Champaign County and will continue to provide the same good access to the Nursing Home.
2. No negative impact or environmental incursions are anticipated to adjacent properties or to other properties in the vicinity of the proposed subdivision as a result of the waiver of Section 21-36 Design of Public Streets; and Section 21-37 Arrangement of Sidewalks; and Section 21-38 (A)-(E) for Right-of-Way dedication for streets because the proposed subdivision will not result in any actual change in use (the Nursing Home will continue to be a Nursing Home) and there will be no increase in traffic caused by the proposed subdivision or additional need for new streets or rights-of-way or new sidewalks.

# Exhibit D: Application for Subdivision Waivers

## Application for Waiver of Subdivision Regulations

### Minor Plat Champaign County Nursing Home Subdivision: Responses to Questions

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#### ***Application for Waiver of Subdivision Regulations Question* What other circumstances justify granting the requested waivers?**

1. The proposed use of the property will be as a skilled care nursing home the same as the existing use, although it will not necessarily be government owned. No other development is proposed or anticipated and no changes are proposed to the Nursing Home or to the Nursing Home site plan. Champaign County has endeavored to ensure there will be no increase in traffic based on the following:
  - a. The Draft Declaration of Covenants and Restrictions (see the attached covenants) includes a restrictive covenant that limits traffic over the ingress/egress easement on Art Bartell Road "...up to the amount and of the type reasonably expected to be necessary for the use of Lot 1 for the operation of a nursing home facility."
  - b. Both the Asset Purchase Agreement and the Operations Transfer Agreement released with Champaign County's Request for Proposal (RFP; see attached) to sell the Nursing Home include several limits on future use of the property for the benefit of Champaign County. As part of those Agreements, any buyer will commit to the following through December 31, 2027:
    - (1) No other use of the property except as a skilled nursing facility, geriatric center, long-term care facility, or assisted living facility.
    - (2) No current resident of the Home to be transferred elsewhere without their consent, excepting only cases of medical necessity.
    - (3) At least 50% of licensed beds reserved for Medicaid-eligible persons.
    - (4) Priority admissions for Champaign County residents.
2. Champaign County will provide on-going maintenance for Art Bartell Road in the same manner as would have occurred if the Nursing Home were to stay under County ownership and given that, there is little justification to add to municipal costs for street maintenance by requiring Art Bartell Road to be converted to a public street, particularly since there will be no change in the actual use of the Nursing Home nor would conversion of Art Bartell Road significantly improve access to the Nursing Home.

# Exhibit D: Application for Subdivision Waivers

## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



### Planning Division

## MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, Planning Manager  
Paul Lindahl, Planner

DATE: April 5, 2004

SUBJECT: Plan Case No. 1888-SU-04 A Request From Champaign County for a Special Use Permit to allow the establishment of a Nursing Home on Art Bartell Drive east of Lierman Avenue Between Main And Washington Streets.

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### Introduction

Champaign County is requesting a Special Use Permit for the construction of the new Champaign County Nursing Home. The nursing home is proposed to be located on 13 acres within the County East Campus located east of Lierman Avenue and north of Washington Street. The site is immediately south of the Juvenile Detention Center and immediately north of Prairie Park (see attached maps).

The property is presently zoned CRE, Conservation-Recreation-Education. Section VII-7.A of the Urbana Zoning Ordinance allows the establishment of a government use in any zoning district subject to a special use permit. This process was also used in 1999 for review of the Juvenile Detention Center.

Attached to this report is a thorough application package from Champaign County which details the proposal and the site conditions.

### Background

Two referendums were passed in November 2002 to fund the replacement of the existing nursing home at 1701 East Main Street in Urbana. Subsequent to this action, Champaign County completed a master plan of the East Campus area to address potential building expansions and to determine the desired location for the new nursing home. The master plan resulted in the recommendation to locate the nursing home at a new location on the campus. The new facility is proposed to be built interior to the campus and bordering Prairie Park to the south and the future Weaver Park to the east.

# Exhibit D: Application for Subdivision Waivers

## Description of the Area

The new location is on County-owned property which currently includes the Brookens Administrative Center, the Adult Detention Facility, the Juvenile Detention Center, the Champaign County Highway Department, the current Champaign County Nursing Home, and the Champaign County Humane Society.

The following chart identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

**Survey of Comprehensive Plan Designation, Zoning, and Land Use**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	Institutional Public	CRE Conservation-Recreation-Education	Champaign County East Campus – Undeveloped
North	Institutional Public	R-6, High Density Multiple Family Residential	Champaign County East Campus – Juvenile Detention Center
East	Institutional Public	Residential, Champaign County	Undeveloped, Future Park. Owned by Urbana Park District.
South	Institutional Public	CRE Conservation-Recreation-Education	Prairie Park, Urbana Park District
West	Institutional Public	CRE Conservation-Recreation-Education	Champaign County East Campus – Adult Detention Center

Please refer to the attached Future Land Use, Zoning, and Existing Land Use maps and photo exhibits for further information.

## Discussion

### Proposal

Champaign County is set to begin the construction of a new 243-bed nursing home. The facility will be a skilled care facility that will include an alzheimer's care unit and an adult and child day care facility. The number of beds in the new facility matches the number of beds in the existing facility. A Certificate of Need (C.O.N.) has been issued by the State of Illinois Department of Public Health which limits the capacity of the development to 243 beds. The need for the new facility is based more on the physical problems of the existing facility rather than the demand for services. The new facility will contain rooms that are larger than those in the existing facility and will incorporate more of a "home" environment. A "central core" of the facility will contain a dining area, a store, and access to a central courtyard.

The location of the new nursing home was chosen primarily due to its proximity to two parks. The land immediately to the east of the site was recently acquired by the Urbana Park District and will be developed into a 60-acre park that should contribute to a tranquil, pastoral setting for the nursing home residents.

# Exhibit D: Application for Subdivision Waivers

## **Access and Parking**

The site will be accessed primarily from Art Bartell Drive. Art Bartell Drive is a private street that currently ties into East Main Street and extends south to serve METCAD and the Humane Society. The road will be continued south to connect with the new nursing home site and to connect to the Brookens Administration Center access drive off of Lierman Avenue. Since the road is a private drive and not a public street, it is not anticipated to be used for general traffic circulation in the area. Users of the road will primarily be visitors to the nursing home. Since the number of beds in the new facility is not greater than the existing facility, it is not anticipated that the overall traffic to the campus will greatly increase and cause any problems with circulation. The extension of Art Bartell Drive will be able to accommodate MTD buses as well as delivery vehicles. Finally, Champaign County is planning the construction of new sidewalks to loop around the complex that will connect the development to existing and future parks in the area.

The Urbana Zoning Ordinance requires parking for a nursing home based on both the number of employees and the number of beds. The facility will have 243 beds and it is estimated there will be a maximum of 250 employees. The total parking requirement would be 123 spaces. The site plan identifies two separate areas to provide parking. A lot northeast of the building will contain 147 spaces and will be used primarily for employee parking. A second lot will be constructed southwest of the facility. This lot will contain 58 spaces and is intended primarily for public/visitor parking. In total 205 spaces are being planned. This exceeds the requirements of the Urbana Zoning Ordinance.

## **Storm Water Management**

The site currently drains to the southeast onto the undeveloped property to the east owned by the Urbana Park District. Most of the runoff from the Parks property currently drains into the Scottswood Subdivision where Illinois Street stubs to the west. This currently creates a drainage problem within the Scottswood Subdivision. For the past few years, a consortium of governmental agencies including the City of Urbana, Champaign County, the Urbana Park District and the Township have been working together to address the flooding problems in the Scottswood Subdivision. It has been determined that to alleviate the flooding problems, a detention basin needs to be constructed just east of the Scottswood Subdivision on the property now controlled by the Urbana Park District. This basin would be able to hold stormwater runoff and gradually release it into the existing storm sewers as opposed to overwhelming the sewers during heavy rain events. At this time a preliminary design for a basin has been developed by Berns, Clancy and Associates and a grant to fund the construction of the basin is pending with the State of Illinois. The basin would be designed to accommodate the runoff generated from the new nursing home development thus eliminating the need for on-site detention. The new basin also creates the opportunity for shared, regional detention that can be designed to be an asset to the new park.

## **Development Regulations**

A review of the site plans for compliance with all the development regulations in the Urbana Zoning Ordinance is currently underway. At this time it does not appear that any waivers or variances of the requirements of the ordinance will be necessary.

# Exhibit D: Application for Subdivision Waivers

## Requirements for a Special Use Permit

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 new location of the Champaign County Nursing Home will be conducive to the public convenience at its location. The new location within the Champaign County East Campus location will offer a more tranquil and park-like setting for the residents since it will be located immediately adjacent to two parks. The facility will also be well served by the extension of Art Bartell Road.

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

The facility is being located in an area that will not have a negative impact on neighboring properties. The site is located within the Champaign County East Campus and will function as a component of the County services in that area. The facility will not have a negative impact to the two adjacent parks to the south and east. The facility is not immediately adjacent to any residential areas.

3. *That the proposed use conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.*

The development will meet all the regulations and requirements of the Urbana Zoning Ordinance and will preserve the essential character of the CRE, Conservation, Recreation and Education Zoning District.

## Consideration

The Plan Commission 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 Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such 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:

# Exhibit D: Application for Subdivision Waivers

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:

1. In November 2002 two related referendums were passed by the voters of Champaign County authorizing the replacement of the existing Champaign County Nursing Home. After completion of a Master Campus Plan, Champaign County proposes to construct the new facility on the east side of the East Campus immediately north of Prairie Park and immediately west of the future Weaver Park.
2. The proposal will be conducive to the public convenience at its location because it will offer a better, “park-like” atmosphere for residents and will function better within the Champaign County East Campus.
3. The proposal will be designed and operated in a way that will not be injurious to the area or the district. The site is not immediately adjacent to any residential development or any other type of development that will realize a negative impact from the operation of the facility.
4. The proposal will conform to all the established requirements of the Urbana Zoning Ordinance including the appropriate development regulations. Stormwater runoff will be accommodated by a future detention basin on the property to the east. A consortium of governmental units are working together on achieving a grant to construct the basin.
5. The proposal is consistent with all adopted plans including the Urbana Comprehensive Plan.

## Options

The Urbana Plan Commission has the following options in this case:

1. Recommend approval of the Special Use Permit request;

# Exhibit D: Application for Subdivision Waivers

2. Recommend approval of the Special Use Permit request with any additional conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance;
3. Recommend denial of the request for a Special Use Permit.

## Staff Recommendation:

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed special use in Plan Case No. 1888-SU-04 as presented to the Urbana City Council, for the reasons articulated above and with the following condition of approval:

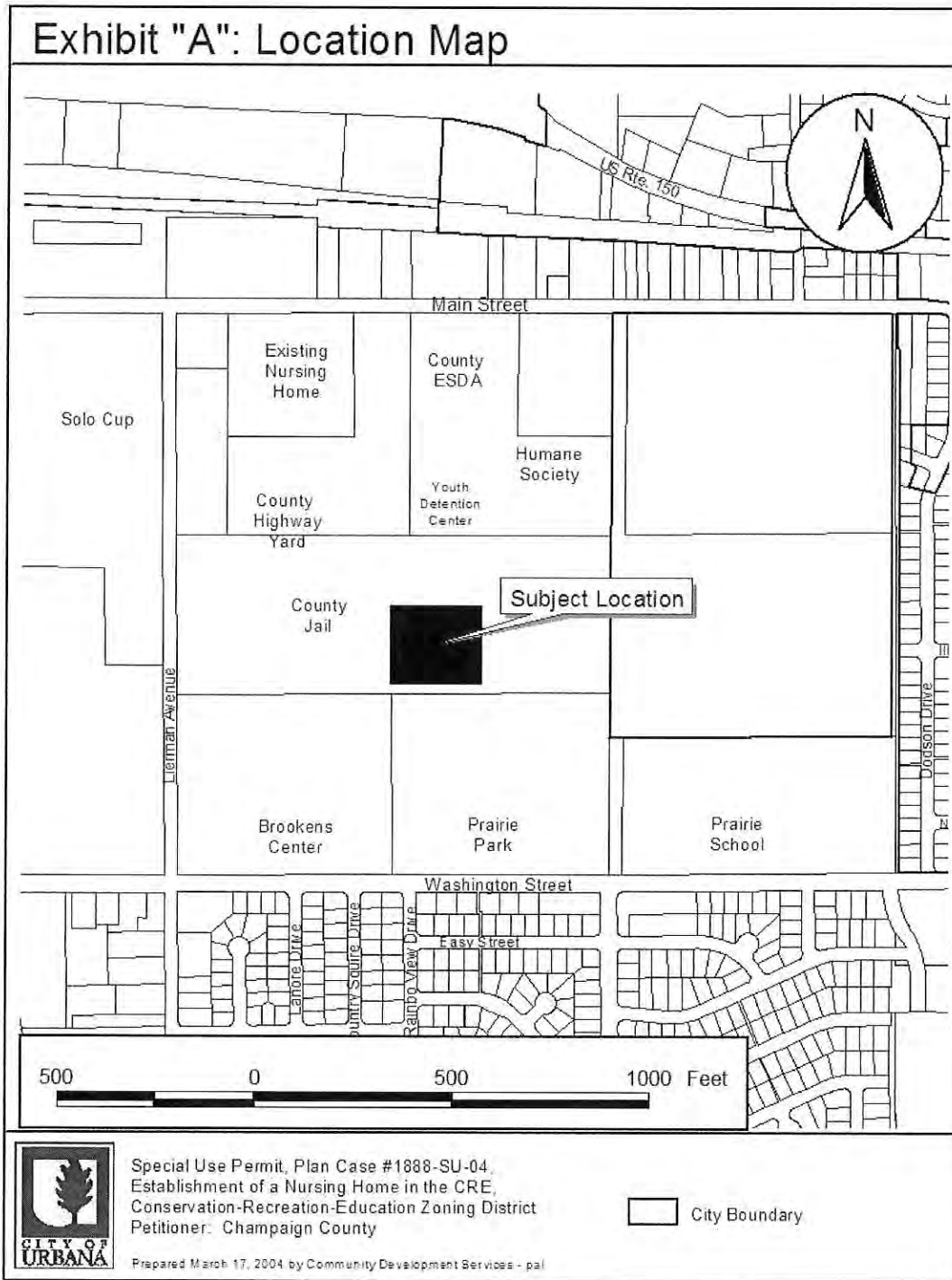
1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. An intergovernmental agreement providing for interim and perpetual off-site stormwater detention (commonly referred to as the “Scottswood Detention Basin”) be completed. The governmental consortium may consist of city, county, parks, and township interests.
3. The construction plans for the extension of Art Bartell Drive be reviewed by the Urbana City Engineer.

Attachments: Exhibit A, Location Map  
Exhibit B, Zoning map  
Exhibit C, Existing Land Use map  
Exhibit D, Future Land Use map  
Exhibit E, Aerial Photo  
Exhibit F, Petition for Special Use Permit (provided by Champaign County)  
Exhibit G, Notice to Adjacent Property Owners

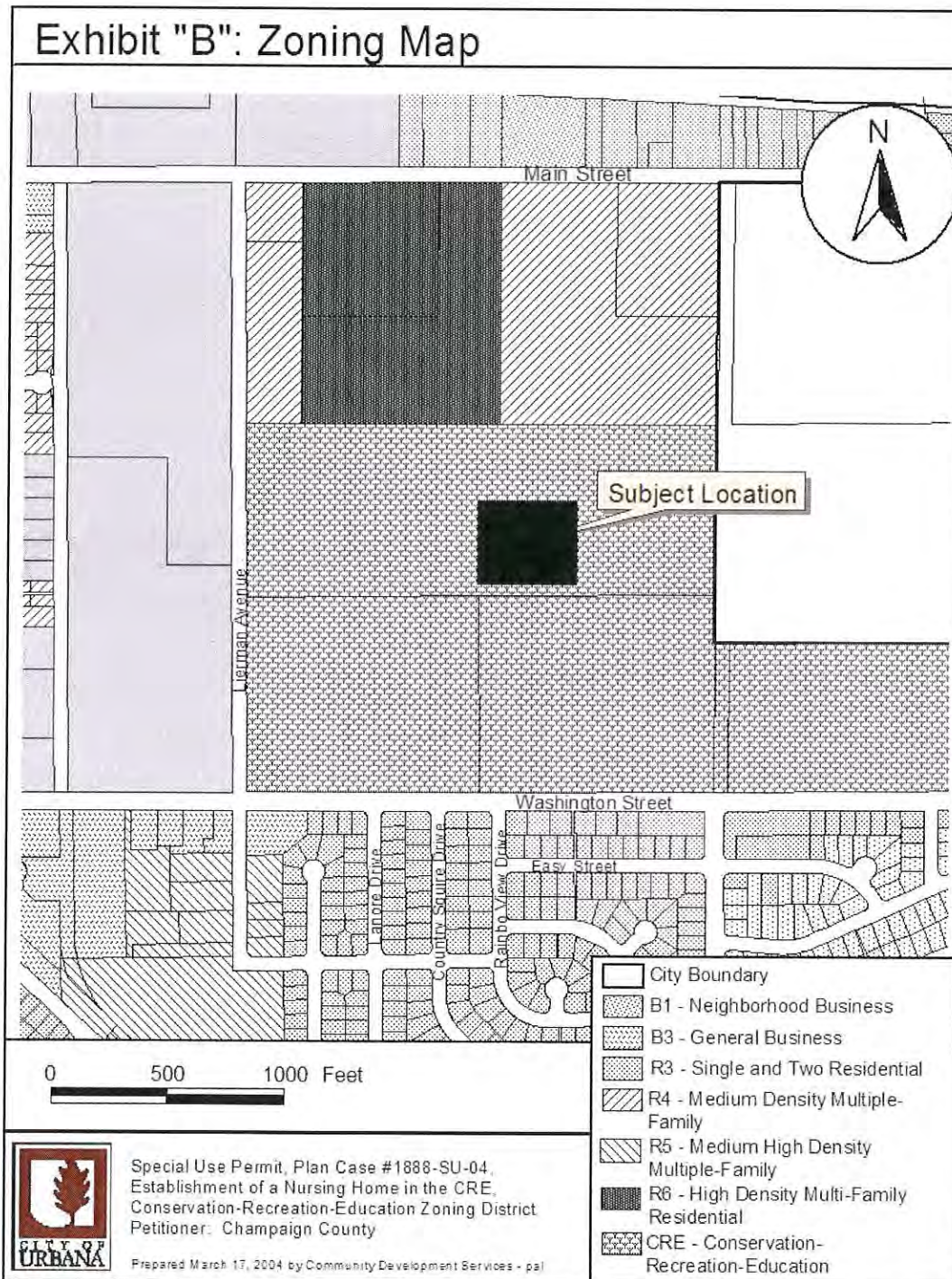
Cc: Denny Inman, Champaign County



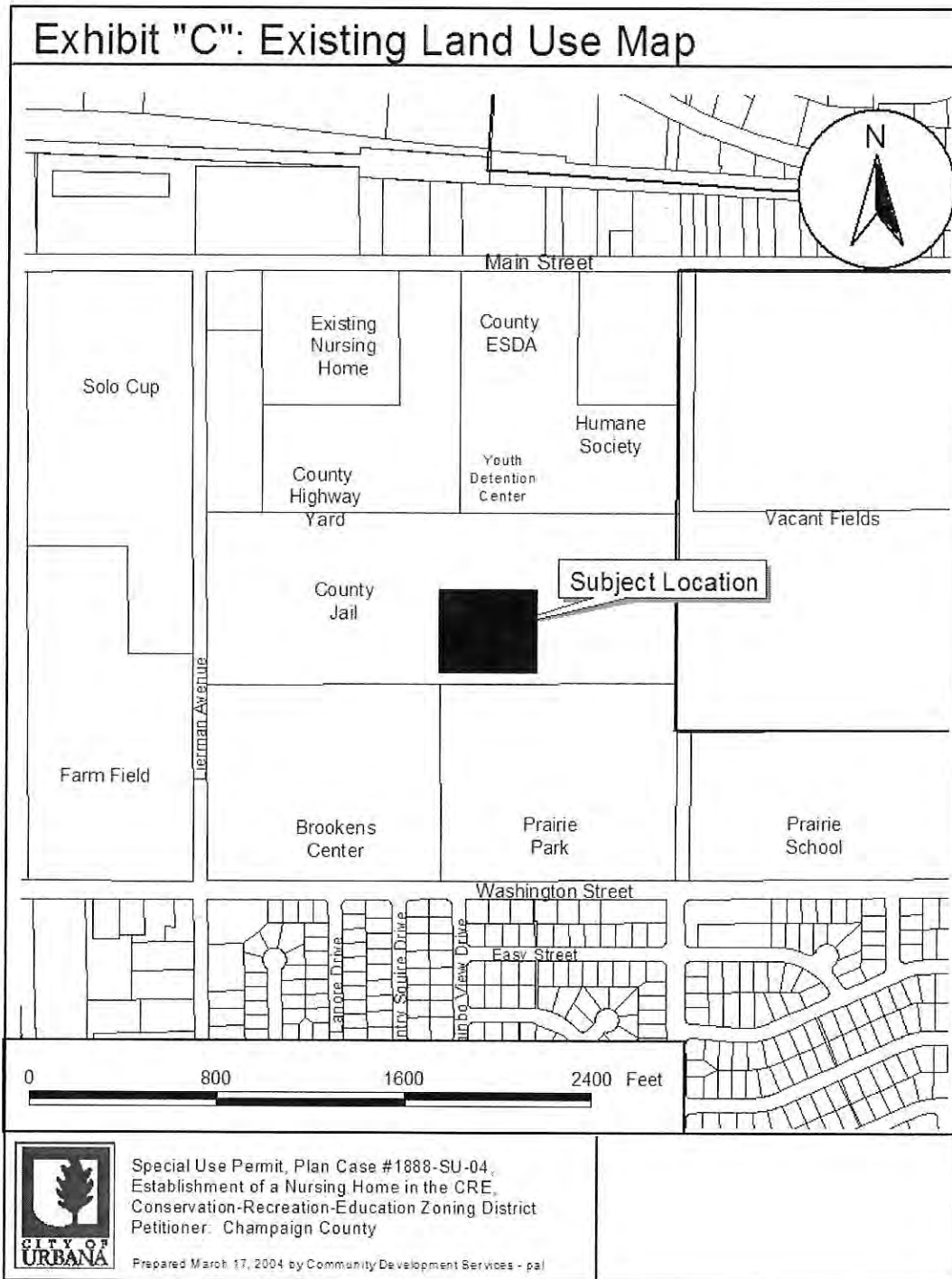
# Exhibit D: Application for Subdivision Waivers



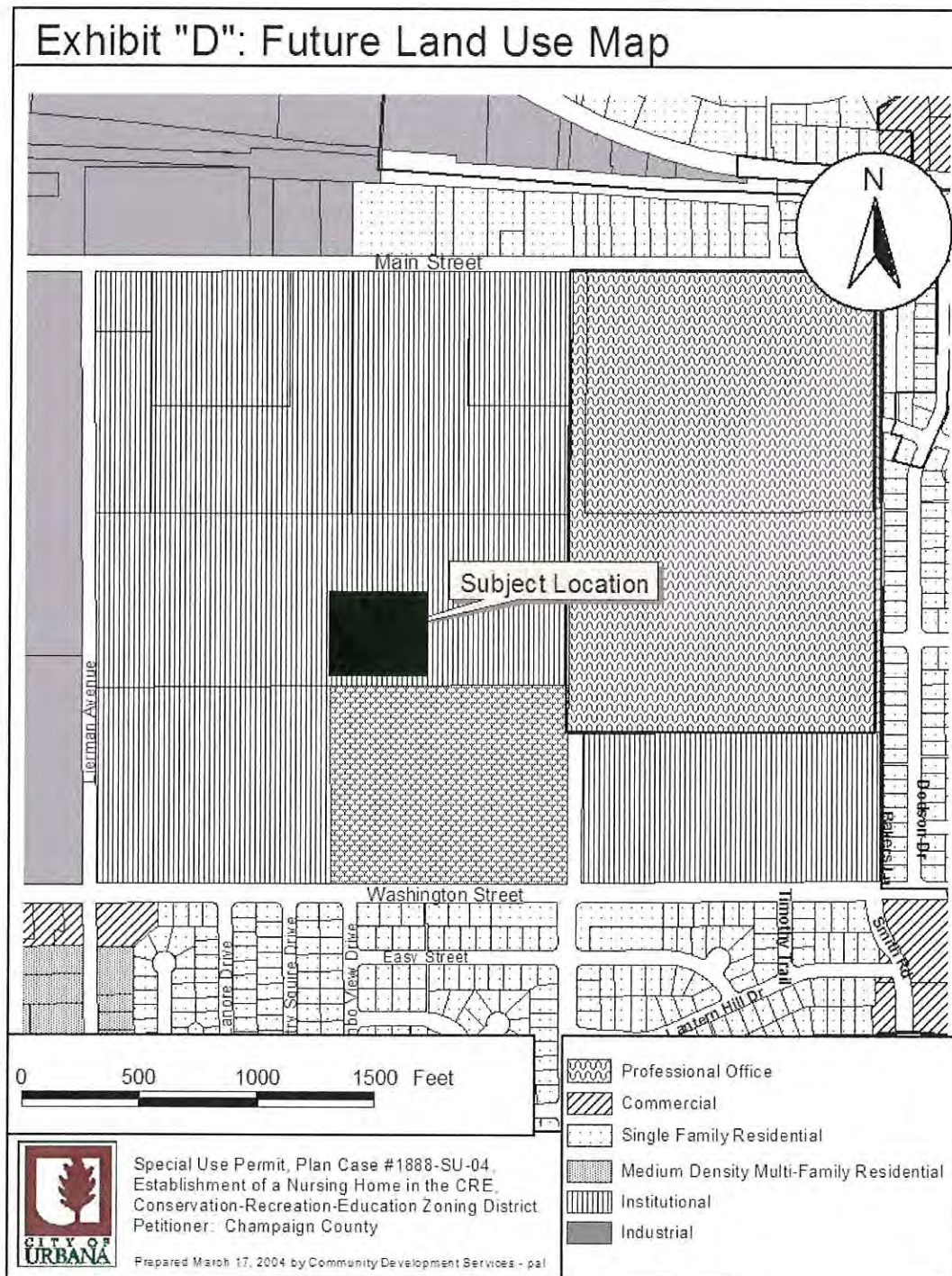
# Exhibit D: Application for Subdivision Waivers



# Exhibit D: Application for Subdivision Waivers



# Exhibit D: Application for Subdivision Waivers



# Exhibit D: Application for Subdivision Waivers

Exhibit "E": Aerial Photo



Special Use Permit  
Plan Case # 1888-SU-04  
Establish a Nursing Home in CRE Zoning District  
Petitioner: Champaign County

Prepared by Community Development Services - mrb



# Exhibit D: Application for Subdivision Waivers



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

400 S. Vine

P.O. Box 946

Urbana, IL 61801

(217) 384-2440

March 18, 2004

### **NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED SPECIAL USE PERMIT**

Dear Property Owner:

A public hearing will be held by the Urbana Plan Commission on **Thursday, April 8, 2004 at 7:30 P.M.** in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois, at which time and place the Commission will consider a request in Plan Case **1888-SU-04**.

**Plan Case 1888-SU-04** is a request by Champaign County for the granting of a Special Use Permit to allow the establishment of a Nursing Home on Art Bartell Drive on the lot property displayed on the attached location map. The property is zoned CRE, Conservation-Recreation-Education and is located within the Champaign County East Campus Area. Section VII-7.A of the Urbana Zoning Ordinance provides for any structure and/or use by a public service entity for a public utility, government educational, charitable, philanthropic, or medical use to be permitted in any zoning district under the provisions for Special Use Permit review.

You have been sent this notice because you are a nearby property owner. The Urbana Plan Commission will consider the proposal and its impact to the district at the public hearing. The Plan Commission will forward a recommendation to the Urbana City Council for their final consideration. The Urbana Plan Commission welcomes your comments at the public hearing, or in writing if received prior to the hearing. If you have any specific questions about the request, please do not hesitate to contact me.

Sincerely,

Rob Kowalski, AICP  
Planning Manager

Enclosure:      Location Map

Persons with disabilities needing services or accommodations for this hearing should contact the Community Development Services Department at 384-2440, or the City of Urbana's Americans with Disabilities Act Coordinator at 384-2466, or TTY 384-2360. If you have any questions concerning this request, please contact my office at (217) 384-2440.

ORDINANCE NO. 2004-04-045

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(Request by Champaign County to Establish a Nursing Home in the CRE,  
Conservation-Recreation-Education, Zoning District,  
500 South Art Bartell Road - Plan Case No. 1888-SU-04)**

WHEREAS, Champaign County has submitted a petition under Plan Case 1888-SU-04 for a Special Use Permit to establish a nursing home in the CRE, Conservation, Recreation, and Education Zoning District at 500 South Art Bartell Road legally described as attached; and

WHEREAS, Section VII-7.A of the Urbana Zoning Ordinance allows the establishment of a government use in any zoning district subject to a Special Use Permit; and

WHEREAS, all applicable development regulations are required 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 April 8, 2004 concerning the petition filed by the petitioner in Plan Case No. 1888-SU-04; and

WHEREAS, on April 8, 2004, the Urbana Plan Commission voted 7 ayes and 0 nays 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

# Exhibit D: Application for Subdivision Waivers

**COPY**

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 nursing home on the parcel as described on the attached legal description with the following conditions upon approval:

1. That the layout of the facility shall closely resemble the attached Site Development Plan. Any significant deviation from this Site Development Plan will require an amendment to the Special Use Permit, including further review by the Plan Commission and approval by City Council.
2. An intergovernmental agreement providing for interim and perpetual off-site stormwater detention (commonly referred to as the "Scottswood Detention Basin") be completed. The governmental consortium may consist of city, county, parks, and township interests.
3. The construction plans for the extension of Art Bartell Drive be reviewed by the Urbana City Engineer.

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).



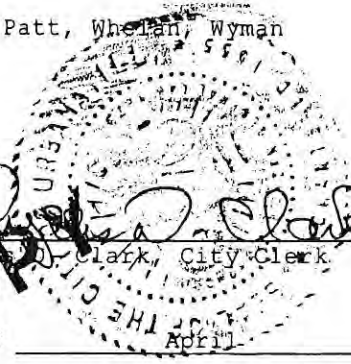
# Exhibit D: Application for Subdivision Waivers

PASSED by the City Council this 19th day of April,  
2004.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

  
*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

**COPY**

APPROVED by the Mayor this 30th day of April,  
2004.

*Tod Satterthwaite*  
Tod Satterthwaite, Mayor

# Exhibit D: Application for Subdivision Waivers

ORDINANCE NO. 2007-10-123

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CHAMPAIGN COUNTY, ILLINOIS, CITY OF URBANA, ILLINOIS AND THE URBANA PARK DISTRICT IN CHAMPAIGN COUNTY, ILLINOIS RELATING TO DEVELOPMENT AND MANAGEMENT IN THE WATERSHEDS WHICH INCLUDE PARTS OF EAST URBANA, THE COUNTY'S EAST CAMPUS AND THE PARK DISTRICT'S WEAVER AND PRAIRIE PARKS

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

Section 1. That said Intergovernmental Agreement, in substantially the form of the copy of said Agreement attached hereto, be and the same is hereby approved.

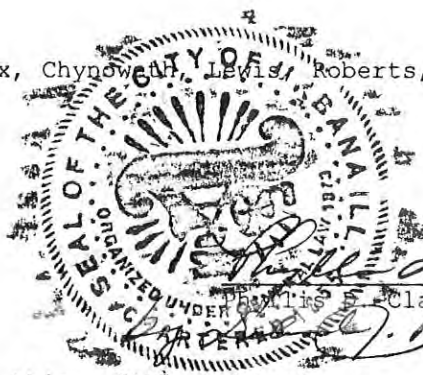
Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver, and the City Clerk of the City of Urbana, Illinois be and the same is authorized to attest to said execution of said Assignment and Estoppel Certificate as authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this 5th day of November, 2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Michelle D. Clark*  
Michelle D. Clark, City Clerk  
*D. Boland*  
D. Boland, Deputy Clerk

APPROVED by the Mayor this 9th day of November, 2007.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor

# Exhibit D: Application for Subdivision Waivers

2007-1-12

**FILED**

JAN - 9 2008

Phyllis D. Clark  
City Clerk

INTERGOVERNMENTAL AGREEMENT BETWEEN  
CHAMPAIGN COUNTY, ILLINOIS, CITY OF URBANA, ILLINOIS AND  
THE URBANA PARK DISTRICT IN CHAMPAIGN COUNTY, ILLINOIS  
RELATING TO DEVELOPMENT AND MANAGEMENT  
IN THE WATERSHEDS WHICH INCLUDE PARTS OF EAST URBANA,  
THE COUNTY'S EAST CAMPUS AND THE  
PARK DISTRICT'S WEAVER AND PRAIRIE PARKS

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THIS INTERGOVERNMENTAL AGREEMENT is made as of the date below the signature of the last entity to sign it ("effective date"), by and between CHAMPAIGN COUNTY, ILLINOIS, the CITY OF URBANA, ILLINOIS and the URBANA PARK DISTRICT IN CHAMPAIGN COUNTY, ILLINOIS.

This Intergovernmental Agreement sets forth certain agreements between Champaign County, Illinois ("County"), the City of Urbana, Illinois ("City"), and the Urbana Park District in Champaign County Illinois ("Park District") that developed from discussions between the staff of Champaign County, the Urbana Park District, Unit 116 Urbana Schools, the City of Urbana, Urbana Township and St. Joseph Drainage District Number 3 concerning development issues in the watersheds which include parts of east Urbana and adjacent areas. Those current development issues include the new County

# Exhibit D: Application for Subdivision Waivers

Nursing Home, the need for additional athletic playing fields for Park District programs, the development of the new Weaver Park site, and surface flooding problems in east Urbana and Scottswood Subdivision because of the lack of sufficient infrastructure. See Exhibit A for the benefiting areas.

The staffs of the governmental units have been meeting for several years to develop comprehensive approaches to the current development issues that would maximize the benefits for the public and minimize the costs by coordinating the planning, design and construction of facilities. As a result of the discussions, the new County Nursing Home has been sited next to the new park site (Weaver Park) to minimize the distance between the Nursing Home and the Park thereby providing to the nursing home residents and employees views over park land and access to the natural areas that will be developed in the park. Minimizing the distance between the new Nursing Home and Park also will help with the collaborative approach to water issues envisioned by this intergovernmental agreement.

For the County's benefit, the Park District has agreed to allow drainage from the nursing home on the County's east campus into Weaver Park. Further, the Park District has agreed that Weaver Park be part of the City's drainage improvements for a limited section of Main Street north of Weaver Park, other incorporated areas of the City, and Cunningham Township to improve storm water management.

Further, the parties agree to work together in the future to coordinate plans for movement via streets, trails, bicycle and pedestrian pathways between the City, the County, the Campus and the Park so that the public, area residents, nursing home

# Exhibit D: Application for Subdivision Waivers

residents, school children and County employees at the various buildings on the County's East Campus can access the area conveniently.

Also Unit 116 Urbana Schools and Urbana Park District will benefit from planning shared parking and access, access to park land for students and joint use of athletic facilities.

As a result of the discussions, grant applications have been made and further grant applications may occur to obtain funding assistance to develop and implement collaborative approaches to addressing current development issues in the area.

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution of 1970, and 5 ILCS 220/1, et seq., the parties to this contract are authorized to enter into an intergovernmental agreement;

WHEREAS, the County has the power to construct and maintain a nursing home (55 ILCS 5/5-22001; 55 ILCS 5/5-25001) and to provide necessary county buildings (55 ILCS 5/5-1106); the City has authority to regulate development including streets and roads and stormwater improvements (Illinois Constitution, Article VII, Section 6, Powers of Home Rule Units) and the Park District has the power to manage and control all property of the Park District (70 ILCS 1205/8-1(f));

WHEREAS, there are current development issues in the eastern part of the City's incorporated area and adjacent areas that could become incorporated into the City in the future, at the County's East Campus and the District's Prairie and Weaver Parks that it is in the public's best interest the three government entities coordinate;

NOW, THEREFORE, it is agreed as follows:

1. DEFINITIONS:

# Exhibit D: Application for Subdivision Waivers

a. Weaver Park Master Plan-Plan for Weaver Park adopted by Urbana Park District on June 14, 2005.

b. The Scottswood Area Stormwater Improvement Project – Those public improvements as depicted in the Construction Plans for Phase 1 Improvements, Scottswood Area Stormwater Improvement Project; prepared by Berns, Clancy and Associates, P.C.; dated November 17, 2005, consisting of 25 sheets: and further depicted in the Construction Plans for Phase 2 Improvements, Scottswood Area Stormwater Improvement Project; prepared by Berns, Clancy and Associates, P.C.; dated November 17, 2005, consisting of 33 sheets: constructed under the authority of Drainage District Number 3 of the Town of St. Joseph, as approved by the Circuit Court of Champaign County on March 6, 2007.

## 2. WEAVER PARK MASTER PLAN:

Background: The Urbana Park District acquired the Weaver Park site in 2003. The site contains 60 acres, 8 acres of which are wooded, a remnant of the Big Grove, 2-3 acres of which are low lying and periodically wet and the balance is former grain fields. The Park District named the park in honor of Stanley Weaver, a former state senator from Urbana who strongly supported education and parks. The park district has developed a plan for the park site and incorporated into the plan a permanent watershed management facility that will accept rain water flow from the Thomas Paine Subdistrict of Drainage District No. 3 in the Town of St. Joseph, Illinois.

a. The Park District retained JJR, Inc. to develop a conceptual master plan for Weaver Park with the plan to include a watershed management facility using green design principles.

# Exhibit D: Application for Subdivision Waivers

- b. The county agreed to pay a portion of the cost for the preparation of a conceptual master plan for Weaver Park done by JJR, Inc.
- c. The plan will be considered a concept plan that both agencies can use for current and future planning projects.
- d. The County, City and Park District have agreed to comply with the terms of Illinois Department of Natural Resources Project Number 17-00933("Grant #017-00933"), Illinois Department of Commerce and Economic Opportunity Grants Numbers 04-24255 and 04-24256 ("Grant # 04-24255") for the Scottswood Area Drainage Improvement Project ("Project").

### 3. PERMANENT WATERSHED MANAGEMENT FACILITY:

Background: The construction of the new nursing home and parking lots for the nursing home adjacent to Weaver Park increases the rain water flow from the site which necessitates the planning and construction by the County of a facility to handle the increased volume and flow. See Exhibit A – Weaver Park Area Watershed Map. In Weaver Park there are 2-3 acres that are low lying and periodically wet and that could be developed into a wetland natural wildlife habitat if more water was channeled into the area. By the Park District agreeing to allow the County to build a facility to manage the increased water flow from the new nursing home site in Weaver Park, the County will not have to devote County land and resources to construct a retention area. By also agreeing to incorporate water from the east Main Street area in the City of Urbana and the Scottswood Subdivision area adjacent to the City and participating in the Scottswood Area Drainage Improvement Project, the surface flooding problems in Scottswood Subdivision are being addressed. By accepting the additional water flow from the new

# Exhibit D: Application for Subdivision Waivers

nursing home site into Weaver Park through pipes and surface storage, a wetland environment can be created in the park to filter and clean the water and serve as a bird and wildlife sanctuary and as an educational site for the citizens of the area.

a. Berns, Clancy & Associates designed the permanent watershed management facilities. The expenses for the work of the engineering firm of Berns, Clancy, & Associates were paid by the Project.

b. Sustainable design principles were used in the design of the permanent watershed management facility and it was located, designed and constructed in accordance with state laws, federal laws and City of Urbana ordinances and for a large rainfall event (e.g., a 10 year flood).

c. The Park District has agreed to allow a permanent watershed management facility to be built in Weaver Park sufficient in size and suitable in location to meet the runoff needs of the identified watersheds in Exhibit A.

d. In the event that additional development is under consideration for the County Complex Area watershed shown on Exhibit A, the County agrees to furnish to the Park District copies of the proposed development plans and obtain the Park District's permission before increasing the runoff to park district land.

e. In the event that additional development within the watershed areas identified in Exhibit A is under consideration for the incorporated area of the City that is being drained into Weaver Park, the City agrees to obtain the Park District's permission before approving any plans for new development that will increase the runoff to park district land.



# Exhibit D: Application for Subdivision Waivers

f. The County agrees to maintain the piping and related infrastructure from the County's Nursing Home to the permanent watershed management facility. The City agrees to be responsible for the periodic cleaning, televising, inspecting, reporting of the condition, and maintenance of all other piping, manholes, inlets, and outlet structures constructed for the Scottswood Area Drainage Improvement Project ("Project"). The County, Park District, and City responsibilities are graphically shown in Exhibit B. The County and the City shall not be responsible for future improvements within Weaver Park that may include storm sewers, manholes, inlets, etc. associated with new Park District parking lots or other facilities. The Project will pay for preparation of the areas in Weaver Park for the watershed management plants, the costs of those plants and the planting and establishment of those plants and the maintenance costs for establishment of the plantings for the first year as specified in Project documents. Thereafter, the County will pay the Park District on annual basis the Park District's costs for maintenance of plant cover, silt removal, dredging, erosion control, and removal of exotic species in the permanent watershed management facility and the Park District agrees to be responsible for said maintenance.

g. The County agrees to provide drainage improvements (including abatement for any seasonal flooding) to accommodate drainage onto Prairie Park from the existing soccer/football fields east of the Brookens Administrative Center

#### 4. STREETS, TRAILS, BICYCLE AND PEDESTRIAN PATHWAYS:

a. The County, City and Park District agree to coordinate the planning, design, and construction, of all streets, parking, trails and bicycle and pedestrian

# Exhibit D: Application for Subdivision Waivers

pathways in the area of the County's East Campus, Weaver Park, Prairie School and Prairie Park, with the intent of providing mutual benefits to both agencies and the public.

b. Joint use of roads, parking, and bicycle and pedestrian pathways will be encouraged.

5. CONTACT PERSONS:

a. The County's contact person will be the County Administrator, Brookens Administrative Center, 1776 E. Washington Street, Urbana, IL 61802

b. The City's contact person will be the City Engineer, Urbana City Building, 400 S. Vine Street, Urbana, IL 61801.

c. The Park District's contact person will be the Executive Director of the District, Darius E. Phebus Administrative Building, 303 W. University Avenue, Urbana, IL 61801

d. Any party may designate some other contact person to coordinate its efforts under this agreement by a written resolution of its governing board, delivered by certified mail to the most recently designated contact person of the other parties.

6. TERM:

This agreement shall continue in perpetuity until amended by agreement.

7. BINDING OF SUCCESSORS.:

This agreement shall be binding on any successors of any of the current parties.

URBANA PARK DISTRICT

By: 

Board President

Date: 12-6-07

CHAMPAIGN COUNTY BOARD

By: 


County Board Chair

Date: 12/10/2007


# Exhibit D: Application for Subdivision Waivers

Attest: [Signature]  
Board Secretary

Attest: [Signature]  
County Clerk



CITY OF URBANA



By [Signature]  
Mayor  
Date 1/9/08  
Attest: [Signature]  
City Clerk

STATE OF ILLINOIS )  
) SS  
COUNTY OF CHAMPAIGN )

I, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY that Michael W. Walker, and Betsy Pendleton Wong of URBANA PARK DISTRICT personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Board President and Board Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary acts, and as the free and voluntary act of said URBANA PARK DISTRICT, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 6<sup>th</sup> day of December, 2007.

SHERRI R. REIFSTECK  
Notary Public, State of Illinois  
My commission expires 01/30/08

[Signature]  
Notary Public

STATE OF ILLINOIS )  
) SS  
COUNTY OF CHAMPAIGN )

I, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY that C. Pius Weibel, and Mark V. Sheldon personally known to me to be the same persons whose names are subscribed to the foregoing instrument as County Board Chair and County Clerk, respectively, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary acts, and as the free and voluntary act of said CHAMPAIGN COUNTY BOARD, for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

# Exhibit D: Application for Subdivision Waivers

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF CHAMPAIGN            )

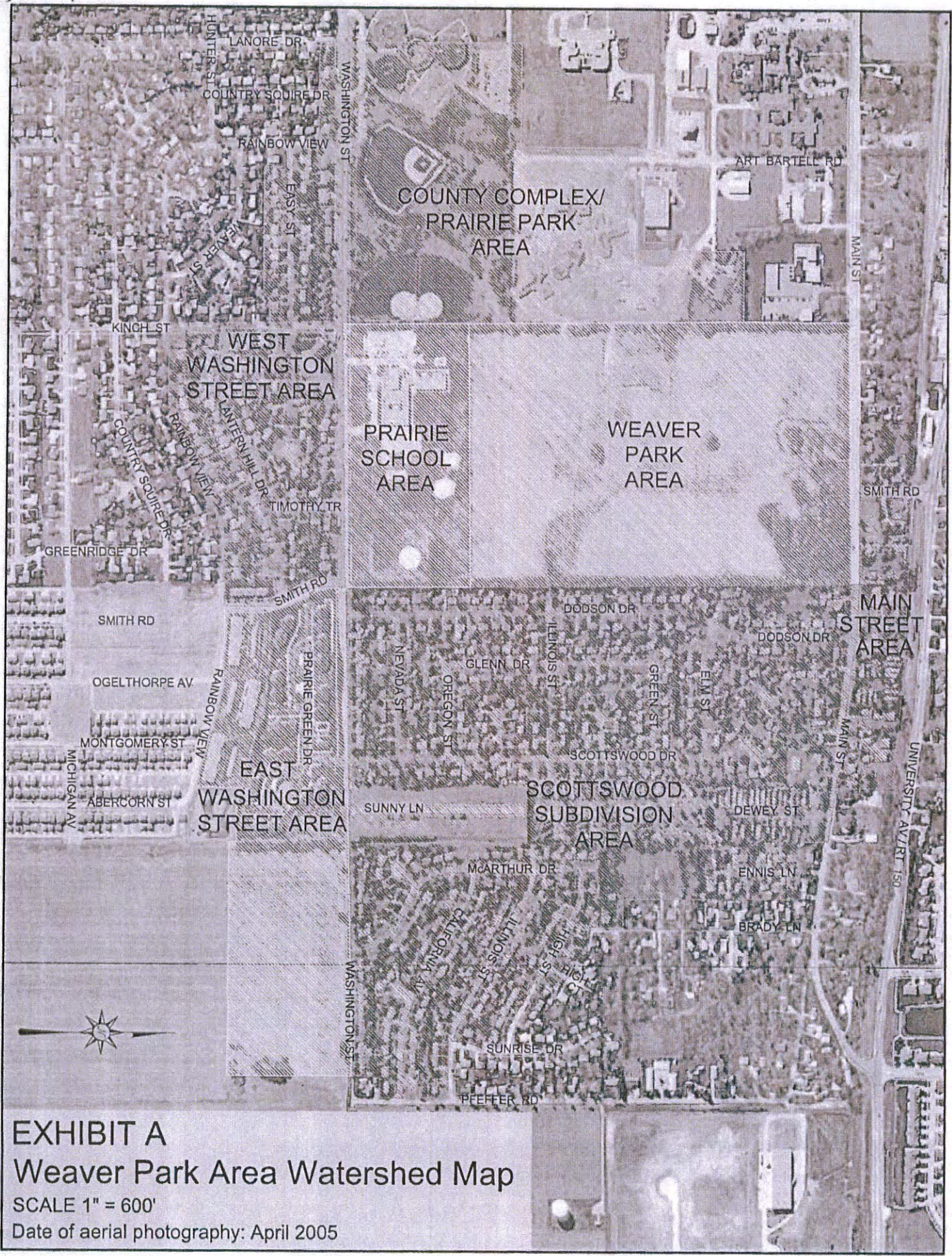
I, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY that Laurel Lunt Prussing and Phyllis D. Clark, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as Mayor and City Clerk, respectively, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary acts, and as the free and voluntary act of said CITY OF URBANA, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9<sup>th</sup> day of January, 2007.

*Deborah J. Roberts*  
Notary Public



# Exhibit D: Application for Subdivision Waivers



**EXHIBIT A**  
**Weaver Park Area Watershed Map**  
SCALE 1" = 600'  
Date of aerial photography: April 2005

# Exhibit D: Application for Subdivision Waivers



# Exhibit D: Application for Subdivision Waivers

## DECLARATION OF COVENANTS AND RESTRICTIONS

CHAMPAIGN COUNTY NURSING HOME MINOR SUBDIVISION  
CITY OF URBANA  
CHAMPAIGN COUNTY, ILLINOIS

This Declaration of Easements, Covenants, Conditions, and Restrictions is made and entered into this 17<sup>th</sup> day of January, 2018, by the County of Champaign, a body corporate and politic (hereinafter referred to as the "County").

WHEREAS, the County is the fee owner of certain real property (hereinafter referred to as "Lot 1") described in Exhibit "A"; and

WHEREAS, the County may convey Lot 1 to certain other persons or entities; and

WHEREAS, the County will continue to own and have interests in lands adjacent to Lot 1; and

WHEREAS, the County desires to subject Lot 1 to the terms, conditions and provisions of this Declaration as hereinafter set forth,

NOW, THEREFORE, the County does hereby declare and agree as follows:

1. **Ingress/Egress Easement for Lot 1 over Art Bartell Road.** The County hereby creates a non-exclusive easement and right of use appurtenant to and for the benefit of Lot 1, for the persons or entities to whom Lot 1 is conveyed, their successors and assigns, tenants, licensees, guests and invitees (collectively referred to hereinafter as the "Purchasers"), in, on, and over the area designated and described on the attached plat as "proposed easement for ingress/egress, drainage, and public utilities," as designated and described on the attached plat, solely and exclusively for the purposes of ingress to and egress from Lot 1, and subject to all of the following terms and conditions:
  - a. The easement is established in perpetuity, except that it may be extinguished as provided by law, and except that it shall terminate upon occurrence of either or both of the following conditions or events: establishment of alternative access for the Purchasers by public right-of-way, easement, or otherwise, to both the main entrance and the northern parking lot of Lot 1; and/or dedication as a public right-of-way of Art Bartell Road.
  - b. Within the premises of this easement, the County will maintain the road surface and any additional road improvements, such as sidewalks, curbs, shoulders, and drainage ditches, in accordance with County standards, for the duration of the existence of this easement.

# Exhibit D: Application for Subdivision Waivers

- c. The County reserves the right to any reasonable above-surface or subsurface use of the easement premises.
  - d. The County reserves the right to relocate this easement, provided that the County first obtains all necessary approvals from the City of Urbana, at the County's expense.
  - e. This easement shall allow traffic only up to the amount and of the type reasonably expected to be necessary for the use of Lot 1 for the operation of a nursing home facility.
  - f. This easement shall not be a buildable lot.
2. **Utility Easement for Lot 1.** A perpetual, non-exclusive easement is hereby reserved for and granted to the City of Urbana, and to all public utility companies and other companies of any kind operating under franchise granting them easement rights from the City of Urbana, in, on, across, over, under, and through the area designated and described on the attached plat as "proposed easement for ingress/egress, drainage, and public utilities," for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining electrical, gas, telephone, or other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, and, without limitation, such other installations as may be required to furnish public utility service or other franchise services to Lot 1, and such appurtenances and additions thereto as the City and Utilities may deem necessary, together with the right of access to the premises of this easement for the necessary persons and equipment to do any or all of the above work. This easement is not a buildable lot. Installation and all other work performed by the City or Utilities in the premises of this easement shall be subject to the County's reasonable prior approval as to the type of equipment used and the method and timing of the work, and subject to execution of appropriate agreements. The City or Utilities shall be responsible for repair of any damage they may cause to the surface of the easement premises or to any subsurface installations owned and maintained by the County.
3. **Access Drive Easement for Lot 1.** The County hereby creates a perpetual, non-exclusive easement and right of use appurtenant to and for the benefit of Lot 1, for the Purchasers of Lot 1, in, on, and over the Access Drive connecting the northernmost portion of Lot 1 with Art Bartell Road, as designated and described on the attached plat, solely and exclusively for the purposes of ingress and egress to and from Lot 1, and subject to all of the following terms and conditions:
  - a. Within the premises of this easement, the County will maintain the Access Road surface in accordance with County standards for the duration of the existence of this easement.
  - b. The County reserves the right to any reasonable above-surface or subsurface use of the easement premises.
4. **Obligations of the Purchasers of Lot 1 for the Benefit of the County and Its Successors and Assigns.**




# Exhibit D: Application for Subdivision Waivers

- a. **Reservation of Drainage Infrastructure Easement In Lot 1.** The County hereby reserves, for the benefit of the County, and its successors and assigns, for the use and ownership of its lands adjacent to Lot 1, a perpetual, non-exclusive easement and right of use by the County in, on, across, over, under, and through that area designated on the attached plat as “proposed easement for drainage and public utilities,” in the southwest corner of Lot 1, for drainage and public utilities, and for maintenance of existing subsurface drainage and utilities infrastructure, and for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining subsurface drainage and utilities infrastructure, and for access to the premises of this easement for the necessary persons and equipment to do the above work. The County shall provide reasonable notice to the Purchasers of Lot 1 prior to entry onto the easement premises. The County shall be responsible for repair of any damage to the surface of Lot 1 caused by its use of the easement premises. The County shall have the right to increase, above the present yearly average, the volume of subsurface drainage conducted through this easement, as may be necessary to serve the storm water drainage needs of all County land adjacent to Lot 1.
  - b. **No Alteration of Lot 1 to Increase Runoff Without County Approval.** The Purchasers of Lot 1 are prohibited from physically altering the condition of Lot 1, including making improvements in drainage infrastructure, in any manner that may increase runoff into Weaver Park, without first notifying the County and providing specifications, drawings, and other information that the County may reasonably request, regarding the planned alterations, and obtaining the County’s approval, in addition to obtaining any necessary approvals from the City of Urbana. Should the Purchasers of Lot 1 fail to provide notice and obtain approval as required in this subparagraph, the County may seek injunctive relief and/or damages, and costs, including attorneys’ fees.
5. **No New Easements.** Except as expressly stated herein, all easements identified on the attached plat are for informational purposes only, and no new easements are intended to be granted hereby.

IN WITNESS WHEREOF, the County of Champaign has executed this Declaration this 17<sup>th</sup> day of January, 2018.

THE COUNTY OF CHAMPAIGN

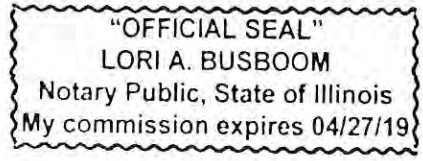
By:   
C. Pius Weibel, Chair  
Champaign County Board

# Exhibit D: Application for Subdivision Waivers

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF CHAMPAIGN            )

The foregoing Declaration of Covenants and Restrictions was signed and sworn before me this 17<sup>th</sup> day of January, 2018, by C. Pius Weibel, on behalf of the County of Champaign.)

Lori A. Busboom  
Notary Public



# Exhibit D: Application for Subdivision Waivers

periods on or prior to the Closing Date, (iv) contingent liabilities or obligations of Seller, whether known or unknown by Seller, Purchaser or New Operator, (v) any liabilities with respect to the Facility prior to the Closing Date or (vi) any other liabilities resulting from any act or failure to act by Seller on or prior to the Closing Date.

b. **Purchaser's Liabilities.** Except as otherwise set forth in this Agreement, Seller does not assume, and shall not be liable for, any debts, liabilities or obligations of Purchaser including, but not limited to, any (i) liabilities or obligations of Purchaser to its creditors, (ii) liabilities or obligations of Purchaser with respect to any acts, events or transactions occurring on or after the Closing Date, (iii) liabilities or obligations of Purchaser for any federal, state, county or local taxes applicable to or assessed against Purchaser or the assets or business of Purchaser, or applicable to, incurred by and accrued or assessed against the Facility on or after the Closing Date, (iv) contingent liabilities or obligations of Purchaser, whether known or unknown by Purchaser, New Operator or Seller, or (v) any other liabilities resulting from any act or failure to act by Purchaser after the Closing Date.

c. **Anti-Sandbagging.** Notwithstanding anything herein to the contrary, neither party shall have liability for any inaccuracy or breach of any representation or warranty if, before the closing, the other party had knowledge of said inaccuracy or breach or the underlying facts giving rise to such inaccuracy or breach.

## 22. POST-CLOSING COVENANTS.

a. **Use Covenants.** Purchaser hereby covenants that beginning on the Closing Date and continuing through December 31, 2027:

i. **Property Use.** The Facility shall be operated as a skilled nursing facility with at least 220 licensed beds. The Real Property shall not be used for any purpose except as a skilled nursing facility, geriatric center, long-term care facility or assisted living facility, provided it complies with Section 22(a)(iii) in all instances.

ii. **Residents.** All persons who are residents of the Facility on the Closing Date shall continue to be residents after the Closing Date and Purchaser shall ensure no existing resident shall be transferred by New Operator to another facility (A) without the written consent of such resident; or (B) for medical necessity as determined by a medical professional in accordance with standard industry practice.

iii. **Medicaid Beds.** At least fifty percent (50%) of the Licensed Beds shall be reserved for Medicaid-eligible persons to the extent allowed by law and New Operator and its successors and assigns will use their absolute best efforts to accept all such Medicaid eligible residents.

iv. **Priority to County Residents.** Purchaser's tenant shall provide priority for admissions to residents of Champaign County, Illinois where there are insufficient beds for both individuals within Champaign County, Illinois and outside of

# Exhibit D: Application for Subdivision Waivers

Champaign County, Illinois.

b. **Employees.** Purchaser shall ensure that New Operator: (i) re-hires all of the current employees at the Facility on the Closing Date who pass a background check, (ii) does not terminate 10% or more of the current employees within the first 60 days following the Closing Date and (iii) does not terminate 20% or more of the current employees during the first 6 months after the Closing Date. Nothing in this paragraph, however, shall create any right in favor of any person not a party hereto, including the exiting employees, or constitute an employment agreement or condition of employment for any employee of Seller.

c. **Liquidated Damages.** The terms and conditions of this Section 22 (and of Section 19 of the OTA) are fundamental terms of the sale transaction upon which Seller relied when entering into this Agreement. If there occurs a breach of Section 22 by Purchaser or of Section 19 of the OTA by Purchaser, New Operator or their successors or assigns, Purchaser shall pay to Seller the amount of One Million Dollars (\$1,000,000), as liquidated damages ("*Liquidated Damages*") within five (5) business days of request. At Seller's sole discretion, it may require prior to Closing, delivery of a personal or upstream guaranty of Purchaser's obligations to pay the Liquidated Damages from an individual or entity and in form and substance all acceptable to Seller. The parties intend that the Liquidated Damages constitute compensation and not a penalty. The parties acknowledge and agree that Seller's harm caused by a breach of Section 22 would be very difficult to accurately estimate and that the Liquidated Damages are a reasonable estimate of the anticipated or actual harm that might arise from such a breach.

d. **Successors and Assigns.** The use restrictions set forth in this Section 22 shall apply to Purchaser's successors and assigns, although Purchaser shall in no event be relieved of and may, at Seller's sole discretion, be included on the Deed.

e. **Survival.** This Section 22 shall survive the termination of this Agreement until January 1, 2028. Although, as of the Effective Date, Purchaser does not intend to sell or transfer ownership of the Facility, Purchaser may transfer ownership of the Facility at any time (in accordance with applicable laws) provided that Purchaser provides evidence satisfactory to Seller that the party to whom Purchaser proposes to transfer the Facility has agreed to comply with the terms of Section 22(a) and Section 22(b) and assume Purchaser's liquidated damages obligations.

23. **PUBLICITY.** Neither Purchaser nor Seller shall, and each shall cause their respective affiliates, representatives and agents not to, issue or cause the publication of any press release, public or private announcement with respect to the transactions contemplated by this Agreement (including, an announcement or communication to any employee of the Facility) without the express prior written approval of the other party, except as necessary in connection with New Operator's efforts to obtain the IDPH License.

# Exhibit D: Application for Subdivision Waivers

l. Surveys. Seller has furnished New Operator with true, accurate and complete copies of all surveys, inspection reports and similar examination reports related to the Facility in its possession as of the date of this Agreement (collectively, the "Surveys"). Any violations on the Surveys have been cured and addressed by a plan of corrective action.

m. Utilities. All utility services, including heat, air conditioning, hot and cold water, telephones, gas and electricity are available at the Facility in quantities sufficient for the present use of the Property. The Facility has not experienced any material disruptions to its operations arising out of any recurring loss of electrical power, flooding, limitations to access to public sewer and water or restrictions on septic service.

n. Permits. To the best of Seller's knowledge, all of the licenses and permits are valid and in full force and effect, and Seller has not received any notice of any violation of such permit or license.

o. Survival of Representations or Warranties. The representations and warranties of Seller under this Agreement shall survive the Commencement Date of the transaction contemplated hereunder for the period of twelve (12) months after the Closing Date; except the representations and warranties set forth in Section 18(a) (Status) and Section 18(b) (Authority), together with any right to indemnification for breach thereof, shall survive the Commencement Date and continue in full force and effect for the maximum period permitted by applicable law.

## 19. POST-COMMENCEMENT DATE COVENANTS.

a. Use Covenants New Operator hereby covenants that beginning on the Commencement Date and continuing through December 31, 2027:

i. Property Use . The Facility shall be operated as a skilled nursing facility with at least 220 licensed beds. The Facility shall not be used for any purpose except as a skilled nursing facility, geriatric center, long-term care facility or assisted living facility, provided it complies with Section 19(a)(iii) in all instances.

ii. Residents. All persons who are residents of the Facility on the Commencement Date shall continue to be residents after the Commencement Date. New Operator shall not transferred any existing resident to another facility (i) without the written consent of such resident; or (ii) for medical necessity as determined by a medical professional in accordance with standard industry practice.

iii. Medicaid Beds. At least fifty percent (50%) of the licensed beds shall be reserved for Medicaid-eligible persons to the extent allowed by law and New Operator will use its absolute best efforts to accept all such Medicaid eligible residents.

iv. Priority to County Residents. New Operator shall provide priority for admissions to residents of Champaign County, Illinois where there are insufficient

# Exhibit D: Application for Subdivision Waivers

beds for both individuals within Champaign County, Illinois and outside of Champaign County, Illinois.

b. **Employees.** New Operator shall: (i) re-hire all of the current employees at the Facility on the Commencement Date who pass a background check, (ii) not terminate 10% or more of the current employees within the first 60 days following the Commencement Date and (iii) not terminate 20% or more of the current employees during the first 6 months after the Commencement Date. Nothing in this paragraph, however, shall create any right in favor of any person not a party hereto, including the Employees, or constitute an employment agreement or condition of employment for any Employee.

c. **Successors and Assigns.** The use restrictions set forth in this Section 19 shall apply to New Operator's successors and assigns.

d. **Survival.** This Section 19 shall survive the termination of this Agreement until January 1, 2028.

20. **NO JOINT VENTURE.** Nothing contained herein shall be construed as forming a joint venture or partnership between the parties hereto with respect to the subject matter hereof. The parties hereto do not intend that any third party shall have any rights under this Agreement.

21. **EXHIBITS AND SCHEDULES.** If any exhibits or schedules are not attached to this Agreement on the date of execution, the parties agree to attach such exhibits and schedules as soon as reasonably practicable. This Agreement is subject to New Operator approving all exhibits and schedules not attached hereto on the date hereof, within five business days of submission thereof to New Operator. The parties hereto agree that the party charged with providing an exhibit or schedule to this Agreement shall, to the extent necessary after delivery thereof, amend or supplement all exhibits and schedules in order for the same to be current, true and correct as of the Commencement Date.

22. **EVENTS OF DEFAULT; REMEDIES.** The breach by either Seller, Manager or New Operator (as applicable, "**Defaulting Party**") of any term, provision, condition, promise, covenant, representation, warranty, indemnity, duty or obligation if not cured within ten (10) business days of the earlier of said Defaulting Party's receipt or refusal of written notice of the same from the other party ("**Non-Defaulting Party**") shall automatically and without further notice hereunder be an immediate event of default ("**Event of Default**") entitling the Non-Defaulting Party to exercise any remedies available to it hereunder or in law or equity. The Non-Defaulting Party's rights and remedies hereunder shall be cumulative and not mutually exclusive and the exercise by the Non-Defaulting Party of one or more rights or remedies shall not be deemed, interpreted or construed as an election of the same or to bar, prevent or preclude the simultaneous or consecutive exercise of any other right or remedy available to the Non-Defaulting Party, including the simultaneous or successive pursuit of money damages and injunctive relief. The Non-Defaulting Party shall not be required to post any bond, surety or security of any nature whatsoever to pursue injunctive relief, the necessity or requirement for the same being hereby waived by the Defaulting Party.

23. **GENERAL PROVISIONS.**