



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Zoning Board of Appeals
FROM: Kevin Garcia, Principal Planner & Zoning Administrator
DATE: August 5, 2022
SUBJECT: **ZBA-2022-A-01:** An appeal by Octapharma Plasma, Inc. of a use determination by the Zoning Administrator regarding blood plasma donation centers

Octapharma Plasma, Inc. has filed an appeal of a use determination by the Zoning Administrator.

Per Section V-1.B of the Zoning Ordinance: *In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator.*

The Zoning Administrator made a determination that blood plasma donation centers, which are not specifically mentioned in Table V-1, are most similar to a “hospital or clinic,” a use that is found in Table V-1. The applicant believes that determination is incorrect, and argues that blood plasma centers are more similar to a retail use than a hospital or clinic (see “Attachment A”).

The applicant has requested that this case be continued to the October 19th regularly-scheduled meeting of the Zoning Board of Appeals.

Staff recommends that the Board open the public hearing on August 10, 2022, and then continue the hearing to the October meeting.

Attachments: Attachment A: Application for Zoning Appeal

cc: Kerry Clish, Octapharma Plasma, Inc.
Jenny Park & Dane Amundson, Meyer Capel



Application for Zoning Appeals

ZONING BOARD OF APPEALS

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

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 07-14-2022 ZBA Case No. ZBA-2022-A-01
 Fee Paid - Check No. 157368 Amount \$175.00 Date 07/15/2022

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

APPEAL is taken from the enforcing officer's decision, a copy of which is attached, for a reversal or modification of said decision in conformity with the discretionary powers of the board to permit the following use or construction proposed _____ on the property described below, and in conformity with the plans on the application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): _____ Phone: _____
 Address (*street/city/state/zip code*): _____
 Email Address: _____
 Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): _____

2. OWNER INFORMATION

Name of Owner(s): _____ Phone: _____
 Address (*street/city/state/zip code*): _____
 Email Address: _____
 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

Location of Subject Site: _____
 PIN # of Location: _____
 Lot Size: _____

Current Zoning Designation:

Current Land Use (*vacant, residence, grocery, factory, etc*):

Proposed Land Use:

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

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Engineers(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

5. SUMMARY OF PARTIES' POSITION IN THIS APPEAL:

The specific decision appealed from is:

The decision appealed from was inconsistent with the following sections of the Zoning Ordinance of the City of Urbana, Illinois. **(IDENTIFY EACH SECTION BY NUMBER AND QUOTE THE RELEVANT LANGUAGE OF EACH.)**

See Exhibit B, attached.

I believe the decision appealed from was inconsistent with the above described section(s) for the following specific reason(s): **(BRIEFLY STATE THE SPECIFIC FACTS AND ARGUMENTS IN SUPPORT OF YOUR POSITION.)**

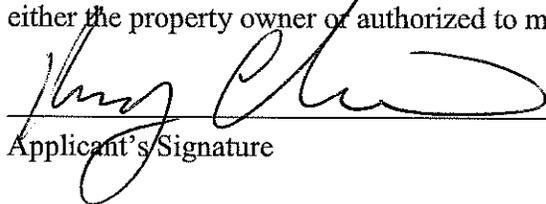
See Exhibit B, attached.

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

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

CERTIFICATION BY THE APPLICANT

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



Applicant's Signature

14 Jul 2022
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 A

That part of Lot 2 of a Subdivision of part of the Southwest 1/4 of the Southeast 1/4 of Section 8, Township 19 North, Range 9, East of the Third Principal Meridian, described as follows:

Parcel A: Beginning at a point where the East right of way line of Broadway Avenue intersects the South line of Lot 2 of a Subdivision of part of the Southwest 1/4 of the Southeast 1/4 of Section 8, Township 19 North, Range 9, East of the Third Principal Meridian, as recorded in Book 18 at Page 246 of Deed records in the Office of the Champaign County Recorder; thence North 00 degrees, 00 minutes, 00 seconds East along the East line of Broadway Avenue, 150.00 feet; thence South 83 degrees, 49 minutes, 19 seconds East, 571.61 feet to the West line of Vine Street; thence South 00 degrees, 08 minutes, 19 seconds West along the West line of Vine Street, 88.00 feet to the South line of said Lot 2; thence South 89 degrees, 57 minutes, 04 seconds West along the South line of said Lot 2, 568.08 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

Parcel B: Commencing at a point where the East right of way line of Broadway Avenue intersects the South line of Lot 2 of a Subdivision of part of the Southwest 1/4 of the Southeast 1/4 of Section 8, Township 19 North, Range 9, East of the Third Principal Meridian, as recorded in Book 18, at Page 246 of Deed records in the Office of the Champaign County Recorder; thence North 00 degrees, 00 minutes, 00 seconds East along the East line of Broadway Avenue, 150.00 feet for a true place of beginning; thence North 00 degrees, 00 minutes, 00 seconds East, along the East line of Broadway Avenue, 70.00 feet; thence Easterly around a curve to the right having a radius of 2980 feet, an arc distance of 570.28 feet, said curve having a chord distance of 569.41 feet and a chord bearing of South 86 degrees, 49 minutes, 38 seconds East to the West line of Vine Street; thence South 00 degrees, 08 minutes, 19 seconds West along the West line of Vine Street, 100.00 feet; thence North 83 degrees, 49 minutes, 19 seconds West, 571.61 feet to the place of beginning, situated in the City of Urbana, in Champaign County, Illinois.

Exhibit B – Summary of Applicant’s Position on Appeal

The designation of blood plasma donation centers as a Special Use in Urbana’s B-4, Central Business District is inconsistent with Urbana’s Zoning Ordinance. In particular, Section IV-2 of that Ordinance sets out the purposes and intent of the B-4 Central Business District. The Ordinance states, with respect to the B-4 District designation, that:

The B-4, Central Business District is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.

Urbana Zoning Ordinance, Section IV-2(B)(5). This statement sets out the intention of zoning authorities to permit a broad range of commercial activity within this District. There is nothing in this statement to indicate that zoning administrators should make the special use permit a requirement for blood plasma donation centers. Rather, the statement indicates exactly the opposite intentions; i.e., to permit and promote a broad array of high intensity commercial uses of the property within the district. Placing a barrier to entry in the form of a Special Use requirement is contrary to this stated intention.

The Zoning Ordinance defines Special Uses as a property use that:

. . . is potentially appropriate in and compatible with other uses in its zoning district, but which, because of the potential major impact of its scale and nature on its district and the City of Urbana as a whole, necessitates stricter examination, site plan review, and individual regulation than a conditional use permit. The standards and procedures for the consideration of special uses are specified in Section VII-4.A and Article XIII.

Urbana Zoning Ordinance, Section VII-1(B). According to this statement, Special Use designation is reserved for businesses that have the potential for major impact on the district and the City of Urbana. As for any major impact on this particular District, blood plasma donation centers have no greater impact than a generic, commercial space such as a retail shop or office. As for impact on the City as a whole, at this point, there has been a blood plasma donation center in operation in the City for more than a year. Impacts from this operation are minimal, as one would expect from a business that is, in essence, no different from any other generic, commercial use.

Further, the basis of the special use designation, as we understand it, is that blood plasma donation centers are most similar to Hospitals and Clinics, which require a special use designation in the B-4 District. However, there is very little similarity between the land use that pertains to hospitals/medical clinics and blood plasma donation centers. Hospitals and clinics have infrastructure requirements that simply do not apply to blood plasma donation centers. Hospitals and clinics often have a large number of employees on site and an even larger number of patients and family members coming and going. Hospitals, in particular, are often open around the clock. Obviously, the public has an interest in mitigating the impacts of these types of operations on their district. But, a blood plasma donation center does not implicate the same concerns. The intensity of activity at a blood plasma donation center is very low compared with hospitals and most clinics. In general, there are fewer infrastructure requirements. There are

likely to be fewer employees than a hospital and most clinics. Donors will come and go but on a much lower scale than one expects at a hospital or clinic.

In addition, Section V-1 of the Zoning Ordinance states that:

In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. He/she may determine that such a use is either permitted by right, permitted as a conditional use, permitted as a special use, or not permitted in any particular district. He/she shall keep a written record of all determinations, which may be consulted in the future.

Zoning Ordinance, Section V-1(B). As noted, the Zoning Administrator has determined that blood plasma donation centers are most similar to Hospitals and Clinics. As noted above, blood plasma donation centers have a lower impact on the District than a hospital or most clinics. And there are numerous uses that are permitted by right that are much more similar to the operation of a blood plasma donation center. In terms of impact on the district, the activity at a blood plasma donation center would be similar to a generic retail business, rather than a hospital or clinic.

For these reasons, the applicant requests that the Zoning Board of Appeals reverse the designation of blood plasma donation centers as a Special Use within the B-4 District and request that blood plasma donation centers be designated as permitted within that District.