



**DEPARTMENT OF COMMUNITY DEVELOPMENT  
SERVICES**

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Christopher Marx, AICP, Planner I

**DATE:** March 29, 2018

**SUBJECT:** **Plan Case 2341-SU-18:** A request by Tatman Family L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, known as Trust Number 1-2125, for a Special Use Permit to operate a Medical Clinic at 520 North Cunningham Avenue in the B-3, General Business Zoning District.

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## **Introduction**

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

The Plan Commission must review the Special Use Permit application, hold a public hearing, and make a recommendation to the Urbana City Council. The Urbana City Council must then approve, approve with certain conditions, or deny the application.

## **Background**

### **Description of the Site and Surrounding Properties**

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

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

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

## Proposed Use

The proposed use is a Medical Clinic that would provide primary care on an outpatient basis. The building for the clinic would be approximately 3,264 square feet. It would be located on the northeast portion of the property with its parking lot on the southern half of the property. The clinic would provide 13 off-street parking spaces as required in Table VIII-7 of the Zoning Ordinance. A small portion of the parking lot would encroach into the required front yard setback on Cunningham Avenue and would have landscaping along its street frontage as required in Section VIII-4.F.6 of the Zoning Ordinance. Vehicle access to the property would be made available through a private drive from Park Street and through an entrance from Walgreen's parking lot. The clinic operator would also install a monument sign on the southwestern portion of the property that would be set back and sized in accordance with Zoning Ordinance requirements. The clinic would operate with normal business throughout the daytime and early evening.

## Discussion

### Requirements for a Special Use Permit

According to Section VII-4.A of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

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

The proposed use is conducive to the public convenience at that location. A medical clinic is appropriate for a busy commercial corridor such as Cunningham Avenue. The public may find it convenient to have a clinic next to a pharmacy. The proposed use provides development for a parcel that is currently vacant.

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

The proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare. The clinic would be surrounded by other B-3 zoned properties and commercial uses. The use is of similar scale than the surrounding uses of restaurants, bars, and retail. The subject property also has an entrance that encourages safe vehicle circulation among its patrons.

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

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

## **Overview**

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

In addition to the requirements in Section VII-4.A of the Zoning Ordinance, the Plan Commission shall make a recommendation to the City Council for or against the proposed special uses, and may also recommend such additional conditions and requirements on the operation of the proposed uses as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such uses;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

## **Summary of Findings**

1. Tatman Family L.L.C., on behalf of First Busey Trust & Investment Co., as Trustee under the provisions of a Trust Agreement dated the 6th day of August, 1985, known as Trust Number 1-2125, has requested a Special Use Permit to allow a Medical Clinic on the property at 520 North Cunningham Avenue.
2. The proposal calls for a 3,264 square foot medical clinic to provide primary-care, outpatient services. The use of a Medical Clinic is permitted in the B-3, General Business zoning district with a Special Use Permit.
3. The proposed use is conducive to the public convenience at that location.

4. The proposed use is designed, located, and prepared to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.
5. The character of the B-3, General Business zoning district would be preserved with the proposed use.

## Options

The Plan Commission has the following options in Plan Case 2341-SU-18:

1. Recommend approval of the Special Use Permit without any additional conditions.
2. Recommend approval of the Special Use Permit with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the City's municipal code.
3. Recommend denial of the Special Use Permit. If the Plan Commission elects to do so, it should articulate the findings supporting its denial.

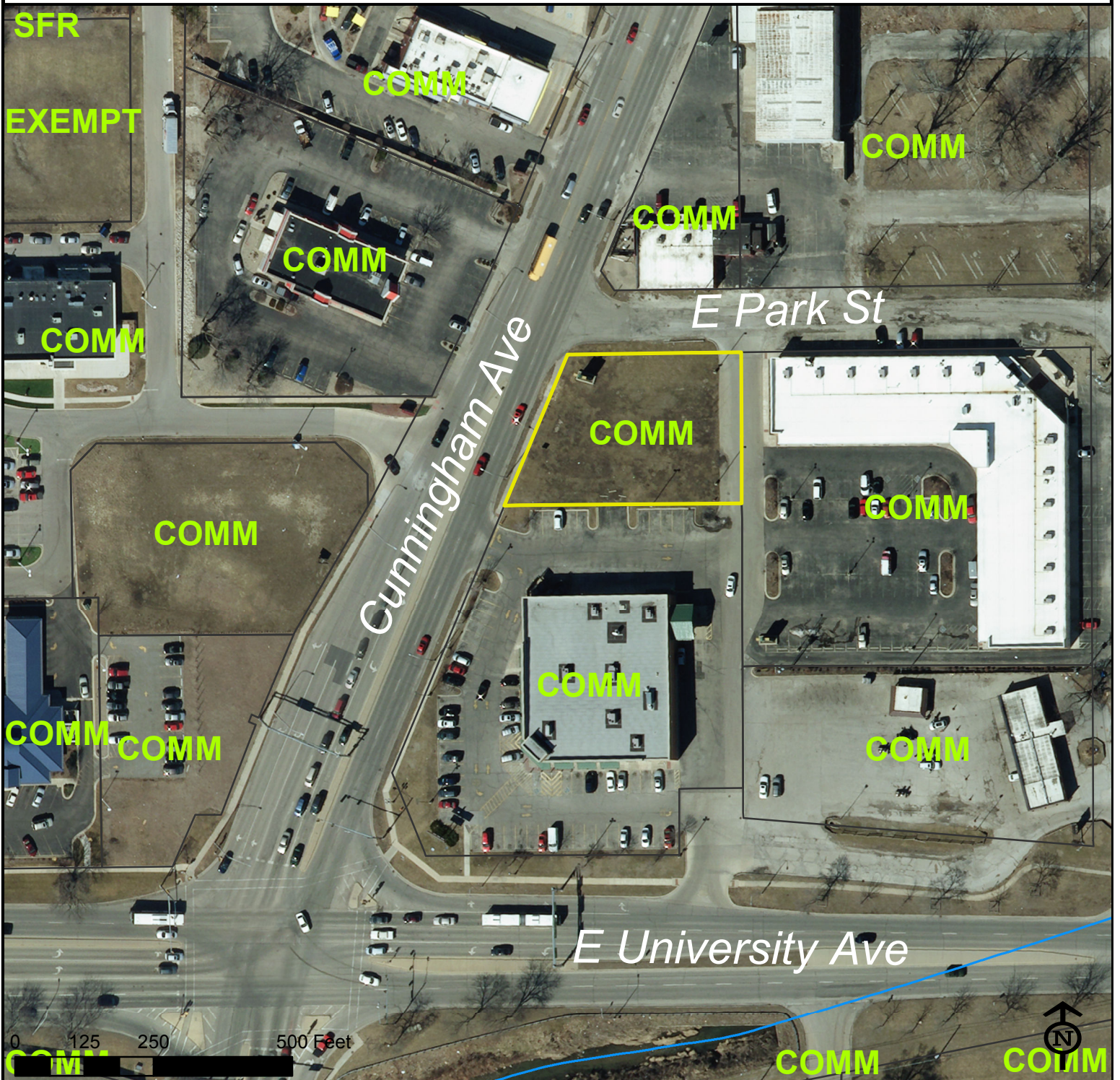
## Recommendation

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 Permit in Plan Case No. 2341-SU-18 for the reasons articulated above and with the following conditions:


1. The use generally conforms to the site plan submitted in this application as shown in Exhibit D, except where modified to meet City regulations.

Attachments: Exhibit A: Location and Existing Land Use Map  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map  
Exhibit D: Site Plan  
Exhibit E: Site Photos  
Exhibit F: Special Use Permit Application

# Exhibit A: Location & Existing Land Use Map

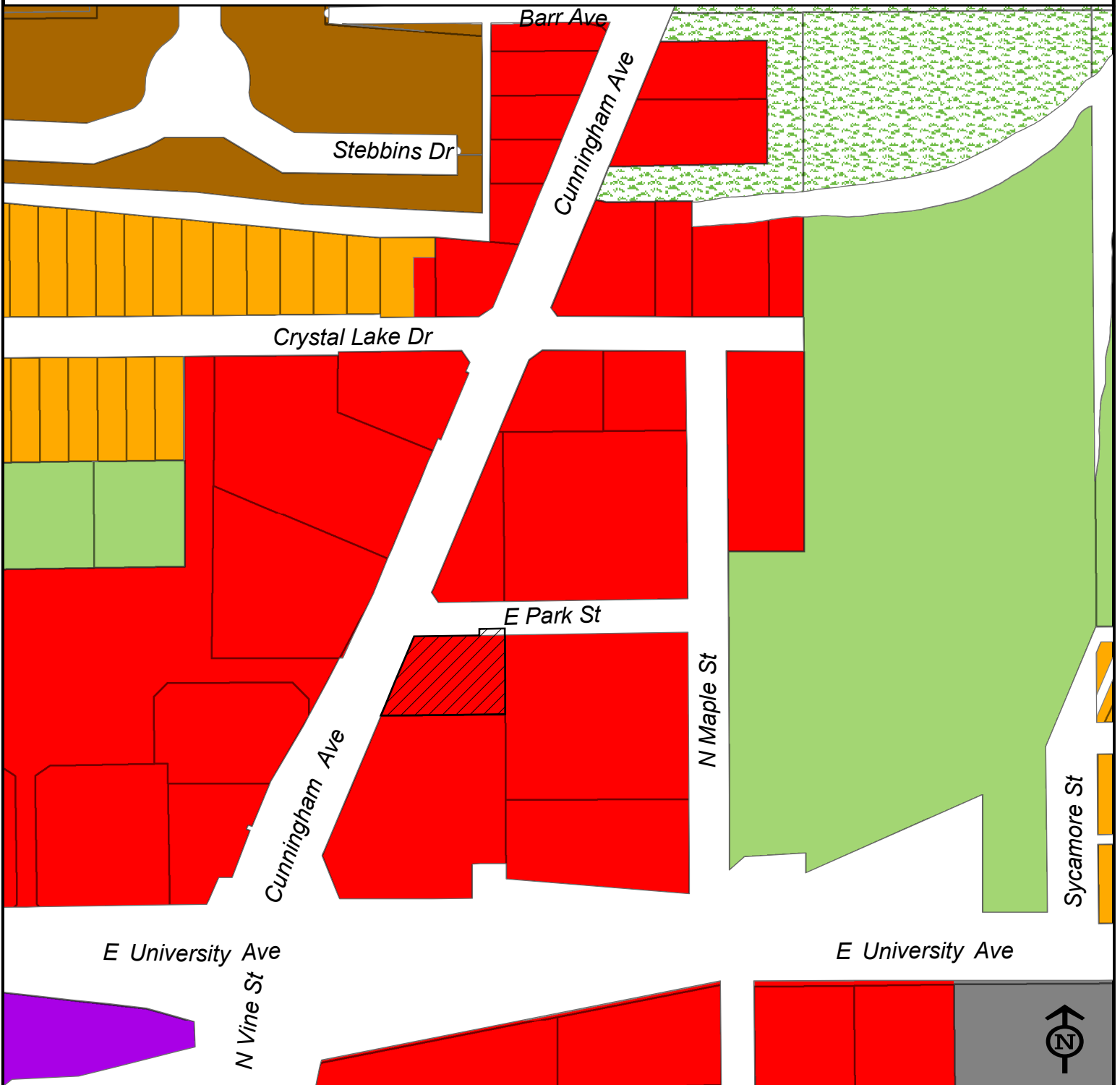


Case: Plan Cases 2341-SU-18  
Subject: Special Use Permit for Medical Clinic  
Location: 520 North Cunningham Avenue  
Petitioner: Tatman Family, LLC









 Subject Property



# Exhibit B: Zoning Map

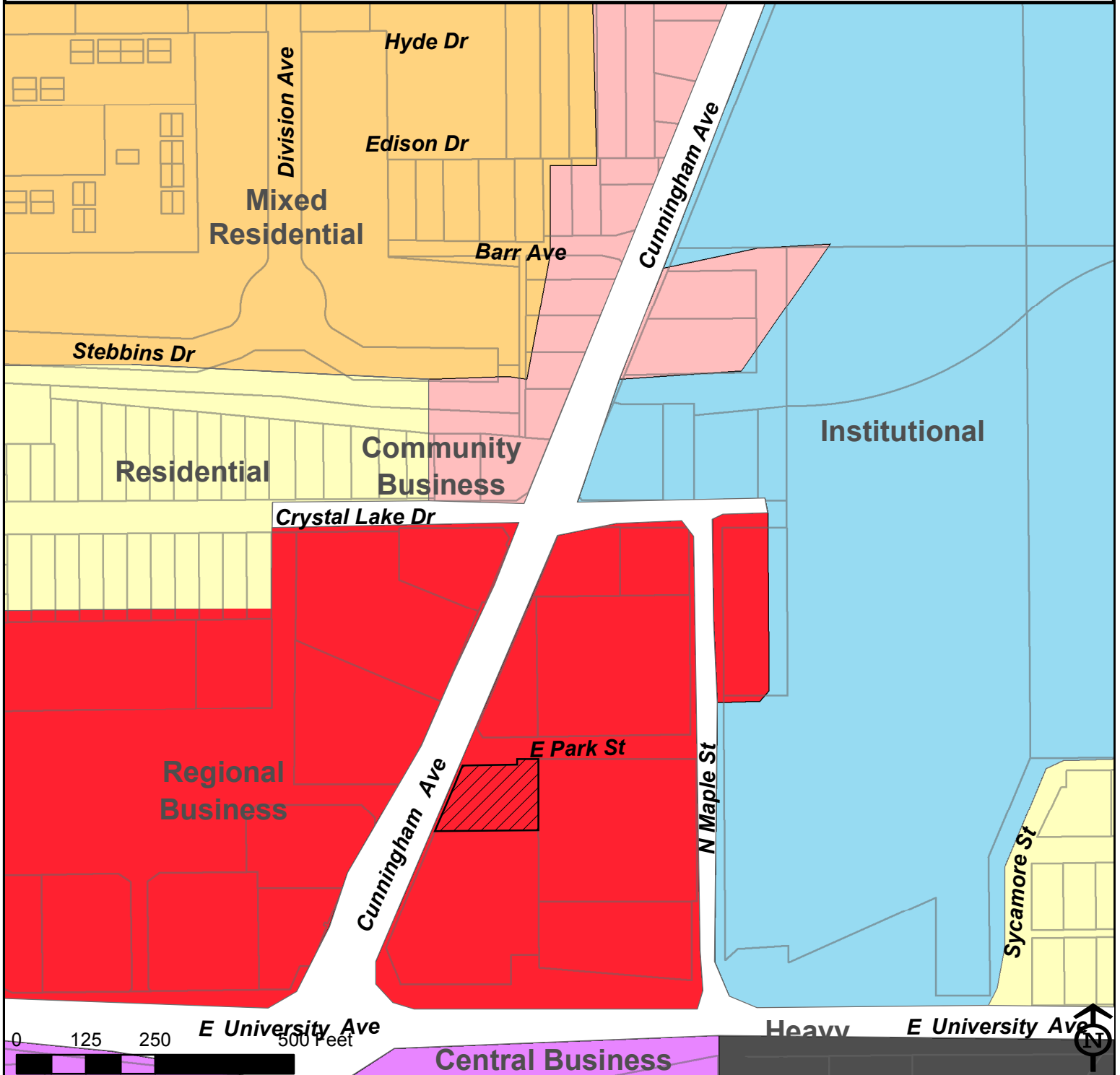


Case: Plan Cases 2341-SU-18  
 Subject: Special Use Permit for Medical Clinic  
 Location: 520 North Cunningham Avenue  
 Petitioner: Tatman Family, LLC

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



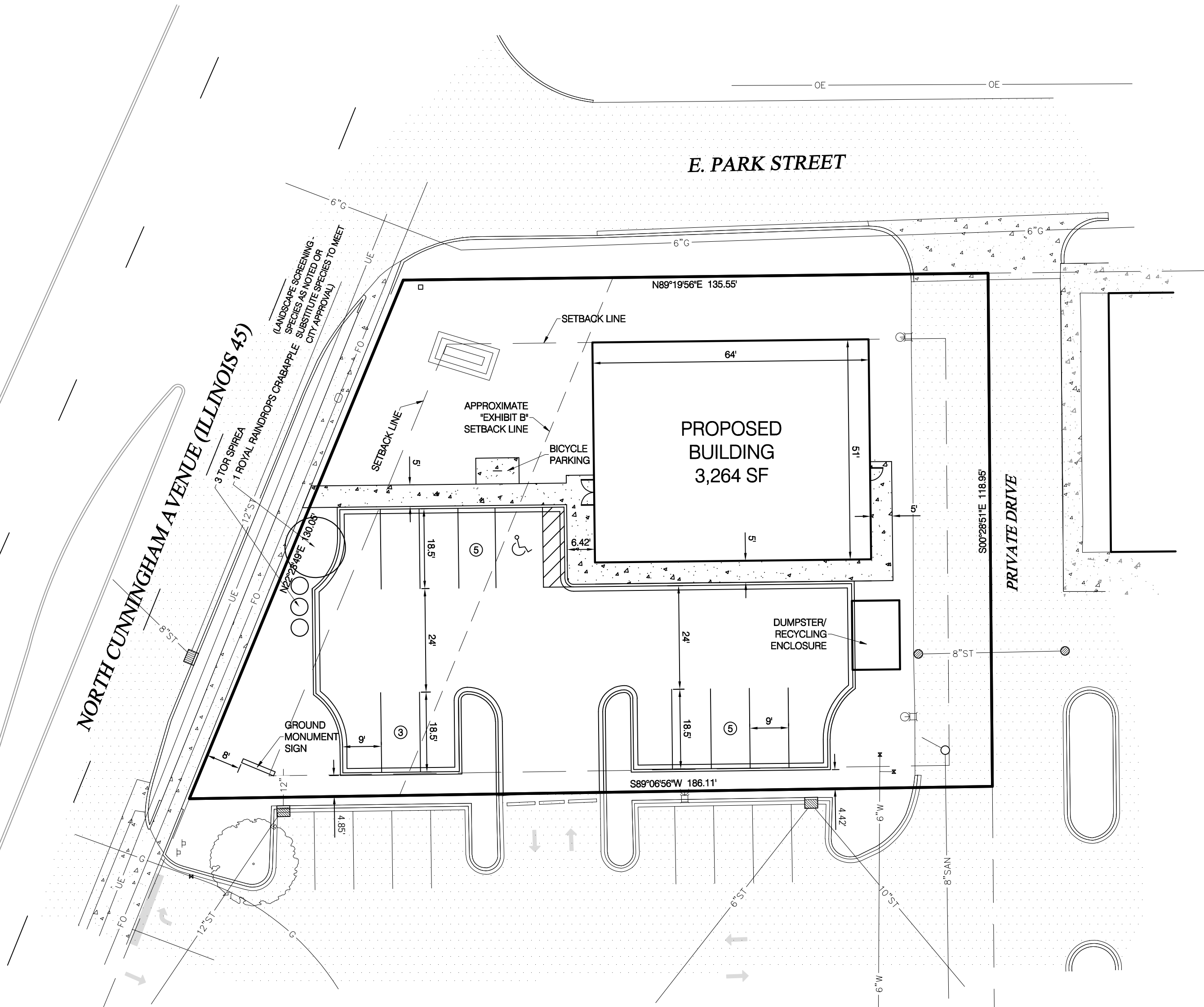
# Exhibit C: Future Land Use Map



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

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

# Exhibit D: Site Plan

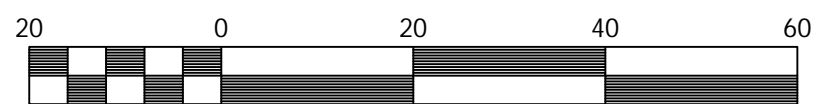


## SITE DATA

PROPERTY ADDRESS = 520 CUNNINGHAM AVENUE, URBANA, IL 61802  
 PARCEL I.D. = 91-21-08-427-010  
 ZONING = B-3  
 PARCEL AREA = 0.440± ACRES  
 PARKING DATA  
 REGULAR - 12  
 DISABLED - 1  
 TOTAL - 13 SPACES

## LEGEND

- FOUND IRON SURVEY MARKER
- W — WATER MAIN
- SAN — SANITARY SEWER
- FO — FIBER OPTIC
- ST — STORM SEWER
- UE — UNDERGROUND ELECTRIC
- G — EXISTING GAS MAIN
- ACTUAL FIELD MEASUREMENT



SCALE : 1" = 20'



**Exhibit E: Site Photos**



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



**Northeast corner of property, facing southwest.**



**Southwest corner of property, facing northeast.**



# Application for Special Use Permit

# PLAN COMMISSION

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

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

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

### PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

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

#### 1. APPLICANT CONTACT INFORMATION

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

#### 2. PROPERTY INFORMATION

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

### 3. CONSULTANT INFORMATION

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

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

**Email Address:** JHP@JHP.biz

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

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

**Email Address:** grz@zumwaltassociates.com

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

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

**Email Address:** grz@zumwaltassociates.com

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

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

**Email Address:** grz@zumwaltassociates.com

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

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

**Email Address:** chris.oswald@mhtlaw.com

### 4. REASONS FOR SPECIAL USE PERMIT

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

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

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

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

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

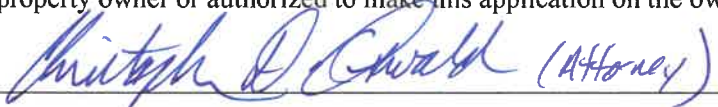
**The project will be designed and constructed in accordance with applicable Code regulations and standards. It will be of benefit to the district in which it is located as it will draw additional customers who will patronize other businesses in the area.**

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

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

**CERTIFICATION BY THE APPLICANT**

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



Applicant's Signature

3-5-2018

Date

**PLEASE RETURN THIS FORM ONCE COMPLETED TO:**

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