

ORDINANCE NO. 2008-03-020

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback in the B-3, General Business and B-3U, General Business - University Zoning Districts for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street - Case No. ZBA-2008-MAJ-04)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Vermilion Development Corporation has submitted a petition for a major variance to allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street in the B-3, General Business and the B-3U, General Business - University Zoning Districts; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2008-MAJ-04; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals held a public hearing on the proposed major variance on March 12, 2008 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The variance requested will not serve as a special privilege because there are major impediments related to the site that would otherwise make the property unusable for meaningful development.
2. The variance requested is necessary due to special circumstances relating to the property because of its size, site geometry and location of an alley in the middle of the subject property.
3. The encroachment of parking in a required buffer yard will not cause a nuisance to adjacent properties. Where the subject site is immediately adjacent to other development to the west, every effort has been made to maintain the required setbacks.
4. The proposed project conforms to and will advance the goals of the 2005 Comprehensive Plan.
5. The proposed project will fulfill the agreement between the City and the University for development of the subject property.

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

Section 1. The major variance request by Vermilion Development Corporation, in Case No. ZBA-2008-MAJ-04, is hereby approved to allow for parking to encroach greater than ten feet in the required fifteen-foot front yard setback for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street in the B-3, General Business and the B-3U, General Business - University Zoning Districts, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Tract 1 - the East ½ of Lot 23 of M. W. Busey's Heirs' Addition to Urbana, as per plat recorded in Deed Record 8 at Page 444, situated in Champaign County, Illinois, EXCEPT a tract of land described as follows: Beginning at the Southeast corner of said Lot 23; thence North along the East line of said Lot 23 a distance of 132.0 feet to the Northeast corner; thence West along the North line of sand Lot 23 a distance of 153.36 feet; thence Southeasterly to a point which is 19.07 feet South of the North line of said Lot 23 and 43.60 feet West of the East line of said Lot 23; thence Southeasterly to a point which is 43.07 feet South of the North line of said Lot 23 and 17.0 feet West of the East line of said Lot 23; thence Southeasterly to the Southeast corner of said Lot 23, to the point of beginning, all situated in the City of Urbana, County of Champaign and State of Illinois; and commonly known as 901 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-484-003

AND

Tract 2 - the East 106.92 feet of Block 22 in Colonel M. W. Busey's Heirs' Addition to the City of Urbana, as per plat recorded in Deed Record 8 at Page 444, situated in Champaign County, Illinois; and commonly known as 902 and 904 W. Clark Street, Urbana, Illinois.

Permanent Index Nos. 91-21-07-484-008 and 91-21-07-484-007

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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the ____ day of _____, 2008.

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2008, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE (To allow for parking to encroach greater than ten feet into the required fifteen-foot front yard setback in the B-3, General Business and B-3U, General Business - University Zoning Districts for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street - Case No. ZBA-2008-MAJ-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2008, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2008