



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Lorrie Pearson, AICP, Community Development Director
Kevin Garcia, AICP, Planner II

DATE: November 27, 2019

SUBJECT: **An Ordinance Approving a Special Use Permit** (802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue / Rael Development Corporation – Plan Case 2362-SU-18)

Memorandum to Correct an Error in an Approved Ordinance

On February 25, 2019, City Council approved Rael Development Corporation’s request for a Special Use Permit (Ord. No. 2019-02-016) for the “Gather” development, located on the southeast corner of Lincoln Avenue and University Avenue. As part of the due diligence process being conducted to complete the sale of the properties to Rael Development Corporation, it was discovered that the legal description of the site in the approved ordinance is incorrect: the description do not include the vacated Mulberry Alley, which runs down the middle of the block subject to the development proposal. This was an error. The intent was to include the former Mulberry Alley in the special use permit ordinance. Staff presented the cases to Plan Commission and City Council with the alley as part of the overall development plan, and it was understood that the project (and adopted ordinance) would include the alley.

The attached ordinance corrects the error by including the vacated Mulberry Alley in the legal description.

Attachments: Exhibit A: Site Diagram

CC: Steve Peltine, Kimley-Horn; Graeme Rael, Rael Development Corporation

ORDINANCE NO. 2019-12-070

An Ordinance Approving a Special Use Permit

(802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue /
Rael Development Corporation – Plan Case 2362-SU-18)

WHEREAS, Rael Development Corporation has petitioned the City for approval of a Special Use Permit to allow Multiple-Family Residential use in the B-3, General Business, at 802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue.; and

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

WHEREAS, the proposed use is conducive to the public convenience at this location and is located in an area that already contains residential and commercial uses; and

WHEREAS, the proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located; and

WHEREAS, the proposed use conforms to the regulations and standards of, and preserves the essential character of the B-3, General Business Zoning District in which it shall be located; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on January 24, 2019, and February 7, 2019. On February 7, 2019, the Urbana Plan Commission voted with seven (7) ayes and one (1) nay to forward Plan Case 2362-SU-18 to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

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

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

Section 1. A Special Use Permit is hereby approved to allow a Dwelling, Multifamily in the B-3, General Business Zoning District with the following conditions:

1. The development shall be constructed in general conformance with the site plan and renderings in “Ordinance Attachment A”.
2. The developer shall submit a final Traffic Impact Analysis, including analysis of pedestrian and transit use, prior to the City issuing any building permits.
3. The developer shall adequately mitigate negative impacts the final Traffic Impact Analysis anticipates prior to the City issuing a Certificate of Occupancy.
4. That the maximum height of the building is 65 feet, except that the building height may reach 70 feet near the northeast corner of the building to accommodate roof access.

Legal Description:

THAT PART OF LOTS 14, 15, 16, 17, 18, 19 AND MULBERRY ALLEY IN M.W. BUSEY’S HEIRS ADDITION TO THE TOWN OF URBANA, RECORDED IN BOOK 8 PAGE 444, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 7 AND THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINES OF SAID LOTS 14, 19 AND 18, A DISTANCE OF 479.80 FEET; THENCE NORTH 21 DEGREES 13 MINUTES 40 SECONDS WEST, 17.08 FEET TO THE WEST LINE OF SAID LOT 18, BEING ALSO THE EASTERLY LINE OF LINCOLN AVENUE; THENCE NORTH 00 DEGREES 39 MINUTES 21 SECONDS WEST ALONG SAID EASTERLY LINE OF LINCOLN AVENUE, 162.50 FEET; THENCE NORTH 04 DEGREES 21 MINUTES 29 SECONDS EAST ALONG SAID

EASTERLY LINE, 46.29 FEET; THENCE NORTH 43 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID EASTERLY LINE AS GRANTED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION BY DOCUMENT 2018R20827, A DISTANCE OF 65.64 FEET; THENCE NORTH 86 DEGREES 24 MINUTES 53 SECONDS EAST 20.31 FEET TO THE SOUTHERLY LINE OF THE FORMER WABASH RAILROAD RIGHT-OF-WAY, DESCRIBED AS TRACT 2 IN DOCUMENT 1991R03067; THENCE SOUTH 71 DEGREES 18 MINUTES 03 SECONDS EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE, 371.66 FEET TO THE NORTH LINE OF SAID MULBERRY ALLEY; THENCE SOUTH 89 DEGREES 13 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID ALLEY, 0.96 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST 16.50 FEET TO THE SOUTH LINE OF SAID ALLEY; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, NON-TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 91.75 FEET; A CHORD BEARING SOUTH 68 DEGREES 22 MINUTES 40 SECONDS EAST, A CHORD LENGTH OF 71.31 FEET, AN ARC LENGTH OF 73.24 FEET, TO THE EAST LINE OF SAID LOT 14, BEING ALSO THE WEST LINE OF BUSEY AVENUE; THENCE SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST ALONG SAID WEST LINE OF BUSEY AVENUE, 104.82 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this _____ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, _____.

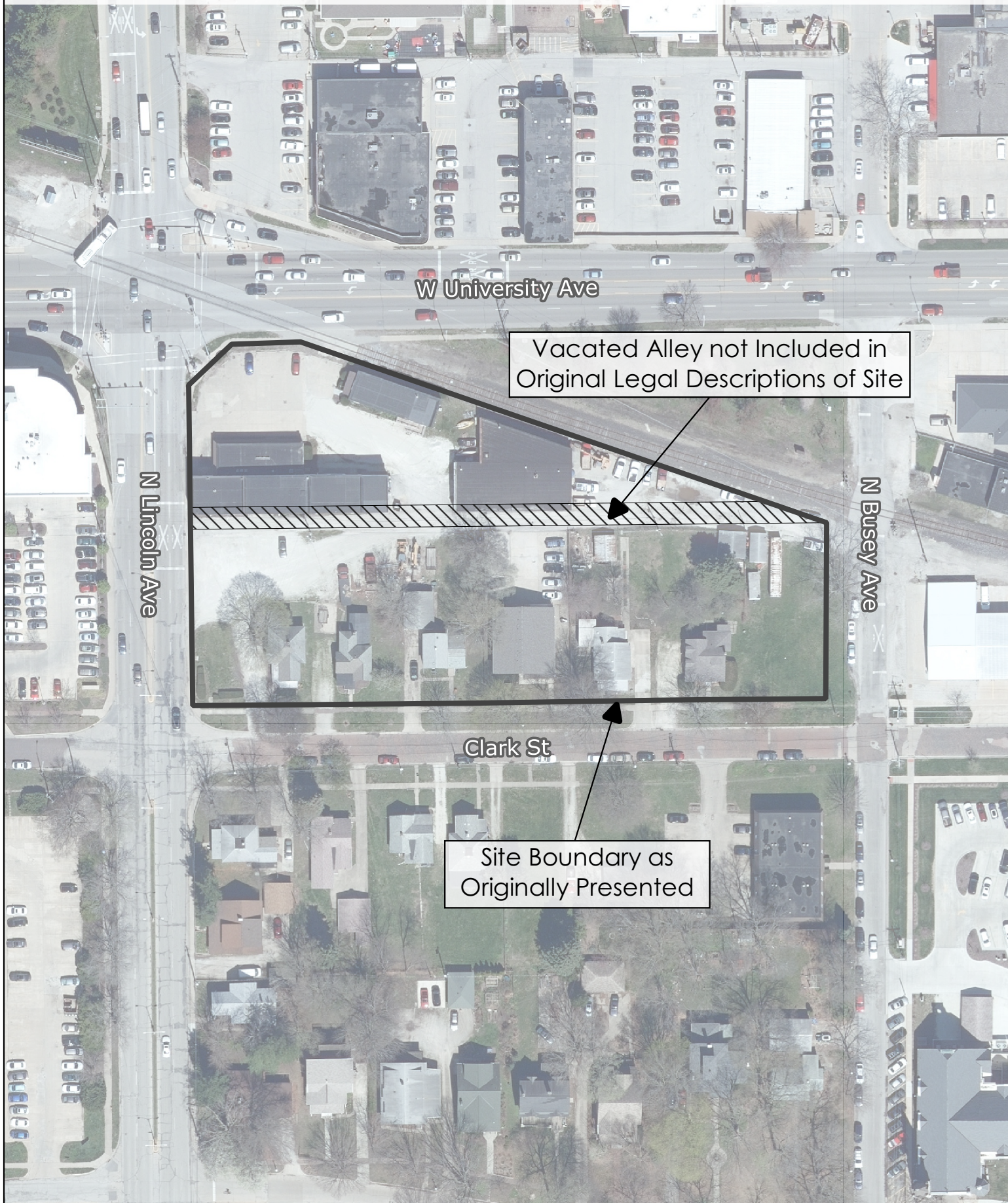
Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ___ day of _____, 2019, the City Council of the City of Urbana passed and approved Ordinance No. _____, entitled **“An Ordinance Approving a Special Use Permit (802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue / Rael Development Corporation – Plan Case 2362-SU-18)”** which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2019, 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 _____, 2019.

Exhibit A - Site Diagram



W University Ave

Vacated Alley not Included in Original Legal Descriptions of Site

N Lincoln Ave

N Bussey Ave

Clark St

Site Boundary as Originally Presented