



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: July 1, 2004

SUBJECT: Plan Case No. 2004-A-02: Annexation Agreement between the City of Urbana, and Pega Hrnjak and Ivana Bodulic for a 1.00-acre tract of property located at the northwest corner of Willow Road and Anthony Drive commonly referred to as 2209 North Willow Road; and

Plan Case No. 1899-M-04: Request to rezone a 1.00-acre tract from Champaign County I-1, Light Industrial to City, B-3, General Business upon annexation. Property located on the northwest corner of Willow Road and Anthony Drive commonly referred to as 2209 North Willow Road.

Introduction and Background

At the northwest corner of Willow Road and Anthony Drive is a 1.00-acre parcel that contains a vacant single-family home with two accessory structures. The property has not been annexed into the City of Urbana although it is immediately contiguous to the city limits. Pega Hrnjak and Ivana Bodulic own the property and intend to operate a research laboratory for the prototype development of refrigeration and air conditioning. The annexation agreement specifies the allowed use of the property within the B-3, General Business Zoning District.

On June 24, 2004 the Champaign County Board approved a rezoning of the property from R-5, Manufactured Home Park to I-1, Light Industrial. The owners originally submitted a request with Champaign County to rezone the property to light industrial in order to allow the laboratory use. During this process the owners also consulted with City staff and agreed to pursue an annexation agreement that would allow for the annexation of the property with a City zoning district of B-3, General Business. The agreement stipulates that a petition to annex must be submitted upon execution of the agreement. The B-3, General Business Zoning District better meets the long term goal of the City of Urbana to have commercial uses along Anthony Drive.

Past practice has been for the Plan Commission to consider the proposed annexation agreement in conjunction with the public hearing for the rezoning. A separate public hearing with the Urbana City Council is required to officially consider the annexation agreement. That hearing is scheduled for July 19, 2004 at 7:20 p.m.

Adjacent Land Uses and Zoning Designations

Surrounding the site are generally commercial and industrial uses. The property to the north and west is zoned commercial although undeveloped. To the east across Willow Road is a tire and auto service station and the new site for Michelle’s Bridal Store to be under development this year.

COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE TABLE

Direction	Comprehensive Plan	Zoning	Land Uses
Site	Commercial	Champaign County I-1, Light Industrial	Vacant Single-Family Home
North	Industrial	B-3, General Business	Undeveloped
East	Commercial	B-3, General Business	Retail Bridal Store, (under construction)
South	Residential	Champaign County R-1, Single-Family Residential	Church
West	Industrial	B-3, General Business	Undeveloped

Issues and Discussion

Annexation Agreement

A draft annexation agreement is attached to this memorandum. Under State Statute, annexation agreements are considered by the City Council via a public hearing. A public hearing for the agreement has been scheduled for July 19, 2004 with the Urbana City Council. Also by statute, annexation agreements may include the negotiation of provisions that are customarily considered by other boards and commissions, such as zoning and subdivision requirements. This provision excludes the rezoning of land which must be considered at a public hearing with the Urbana Plan Commission.

The attached draft annexation agreement outlines obligations by the Owners, Developer and the City. The highlights of the agreement are listed below:

- The Owners agree to immediately annex the property into the City of Urbana upon execution of the annexation agreement on July 19, 2004.
- The Owners agree to accept City B-3, General Business zoning for the property.
- The Owners agree that any improvements to the property subsequent to annexation must be in full compliance with all codes and ordinances of the City of Urbana.
- The Owners agree to work with the City on a Development Agreement as such time commercial redevelopment of the property is considered.
- The City agrees to grant a Conditional Use Permit to allow an *Engineering, Laboratory, Scientific, and Research Instruments Manufacturing* land use on the property. This permits the owners to use the property for the laboratory as described above.
- The City agrees to accept any improvements on the property that may not meet city codes as “legally non-conforming”. An inspection of the property by the Urbana Building Safety Division did not identify any life-safety building or fire code deficiencies.
- The City agrees to submit an application to include the property into the Enterprise Zone upon annexation in the City of Urbana.

Proposed Rezoning

Without the rezoning the property would automatically covert to City IN, Industrial Zoning upon annexation. However, the Urbana Comprehensive Plan was amended in 1999 to identify this site, as well as additional property to the east, as desirable for commercial land uses. This Comprehensive Plan amendment is also consistent with recent zoning and annexation cases in the immediate area which have designated property for commercial uses. Although the

annexation agreement allows for an immediate land use that is not necessarily commercial, the agreement and B-3 zoning are the best measures to ensure that the property will eventually be considered for commercial development. Zoning the property commercial also greatly limits many potentially undesirable industrial uses today and in the future.

Development in the Area / Comprehensive Plan

The 1982 Comprehensive Plan and 1993 Extraterritorial Jurisdictional Plan Maps were unclear as to the desired land use for this property. However, an amendment to the Urbana Comprehensive Plan was passed in 1999 which identified this property as desirable for commercial uses. The current draft future land use plans for the update to the Comprehensive Plan also identify this site as appropriate for a commercial development by designating the site “Regional Business”.

Comprehensive Plan Goals, Objectives and Policies

In considering the zoning map amendment for the tract, the Plan Commission must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration.

The proposed Comprehensive Plan map amendment should be considered in light of other goals, objectives and policies contained in the 1982 Comprehensive Plan. The following goals and policies of the 1982 Urbana Comprehensive Plan relate to this case:

Objective 1.410

Promote the redevelopment and conservation of urbanized areas.

Goal 3.100

To organize and develop land uses and adjacent properties in a balanced and mutually compatible manner relative to the functional needs of the City.

Goal 3.110

Promote development in the City and surrounding unincorporated areas in a manner which minimizes conflicting land uses and/or adjacent development.

Goal 4.100

To increase sources of municipal revenues required to continue providing existing and future increased levels of municipal services.

Objective 4.100

Increase the proportion of land uses which produce municipal revenues equal to, or in excess of, the cost of required services.

Policy 4.111

Promote mixtures of compatible uses, improvements in services and facilities, aesthetics and public convenience, in existing commercial and industrial developments.

Policy 4.113

Facilitate expansion plans of local businesses, commercial and industrial concerns.

Goal 6.100

To increase and diversify the tax base of the City of Urbana.

Objective 6.110

Encourage the promotion of commercial and industrial development which is compatible with the character, environment, and resources of the community.

Policy 6.112

Support rezoning petitions for land that has been identified as having the greatest potential within the parameters of the Plan for commercial and industrial development.

The following goals and policies of the ETJA Plan relate to this case:

Goal 15.100 To assure a balance between the growth of Urbana and Urbana's quality of life, new development must be encouraged but must also enhance rather than threaten Urbana's community standards.

Goal 15.200 To assure that municipal services can be extended to adequately serve a rapidly growing municipal territory.

Objective 15.210. Assess the cost of annexations and developments so that developments are contributing their fair share of the increased cost of municipal services and/or capital improvements.

Objective 15.220 Control development in the ETJA so that properties adjacent to or near City limits develop first to prevent scattered development in the outer reaches of the ETJA.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook* (the “La Salle” case), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The proposed rezoning to B-3, General Business would be generally consistent with existing B-3 zoning designations in the general vicinity of the site. The rezoning is also consistent with the commercial development to the east which also contains B-3, General Business zoning.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned for Neighborhood Business and the value it would have if it were rezoned to General Business to permit the proposed use.

The site is currently zoned for industrial purposes in Champaign County and could be directly converted to the City industrial zoning classification. Considering the fact that the location of the parcel is at a highly visible location along a major interstate, the site is more appropriately zoned for General Business rather than Industrial.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative and inconclusive.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

Questions 3 and 4 apply to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The proposed zoning and future commercial development will contribute to the welfare of the community in the future by offering convenient access to goods and services and increase the city's overall tax base.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

As stated above, this property is located in an area that is ideal for commercial zoning. The specific feature for this property is its location along Interstate 74 and its close proximity to commercial development to the east.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

Another test of the validity of the current zoning district is whether it can be shown that the property has remained vacant for a significant period of time because of restrictions in that zoning district.

The property has been vacant for some time as a single-family residential use. It has only recently been considered for re-use.

Summary of Staff Findings

1. The proposed B-3, General Business zoning district for the subject site would be consistent with the current B-3 zoning in the general vicinity.
2. The location of the site, which is visible from the interstate, makes it appropriate for future commercial development.
3. The proposed rezoning to the B-3, General Business zoning district would allow for current owner to utilize the property for a laboratory while allowing for potential future commercial redevelopment of the property which would be a benefit to the community.
4. The annexation and rezoning of the property will be a benefit to the community's tax base.
5. The proposed rezoning would not be detrimental to the public health, safety or general welfare.
6. The proposed rezoning appears to generally meet the LaSalle Case criteria.

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 2004-A-02, the Plan Commission may:

- a. The Plan Commission may forward the Annexation Agreement to the City Council with a recommendation for approval.
- b. The Plan Commission may forward the Annexation Agreement to the City Council with a recommendation for denial.
- c. The Plan Commission may forward the Annexation Agreement to the City Council with a recommendation for approval with recommended modifications.

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1899-M-04, the Plan Commission may:

- a. The Plan Commission may forward the rezoning request to the Urbana City Council with a recommendation of approval.
- b. The Plan Commission may forward the rezoning request to the Urbana City Council with a recommendation of denial.

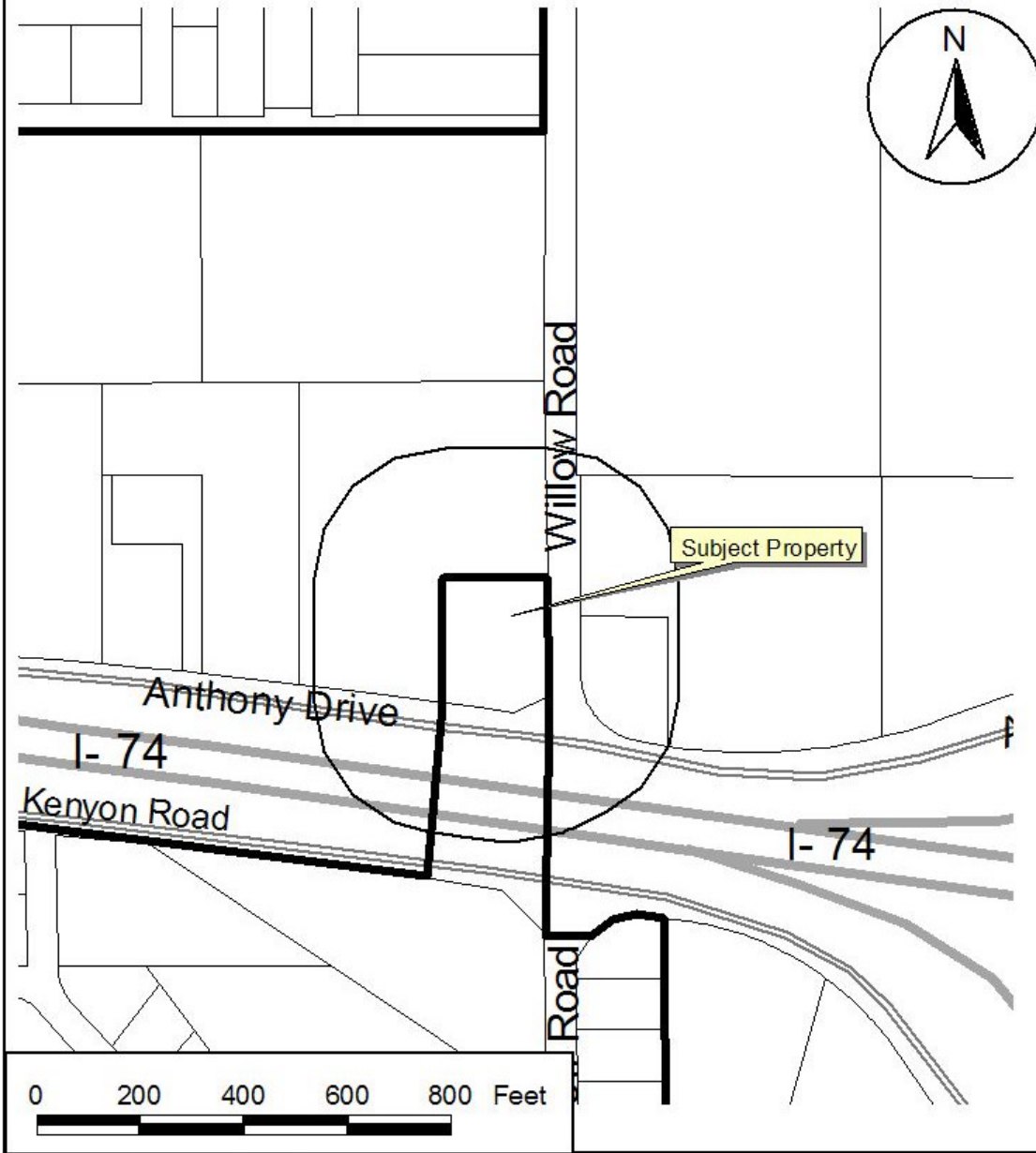
Staff Recommendation

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 forward Plan Cases No. 2004-A-02 and 1899-M-04 to the Urbana City Council with a recommendation for approval.**

c: Pega Hrnjak
203 West Vermont Street
Urbana, IL 61801

- 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, Proposed Draft Future Land Use Map
 (From Comprehensive Plan Update – 2004)
 Exhibit G, Draft Annexation Agreement with attachments
 Exhibit H, Neighborhood Notification

Exhibit "A": Location Map



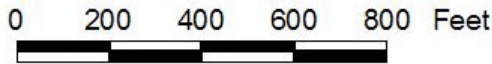
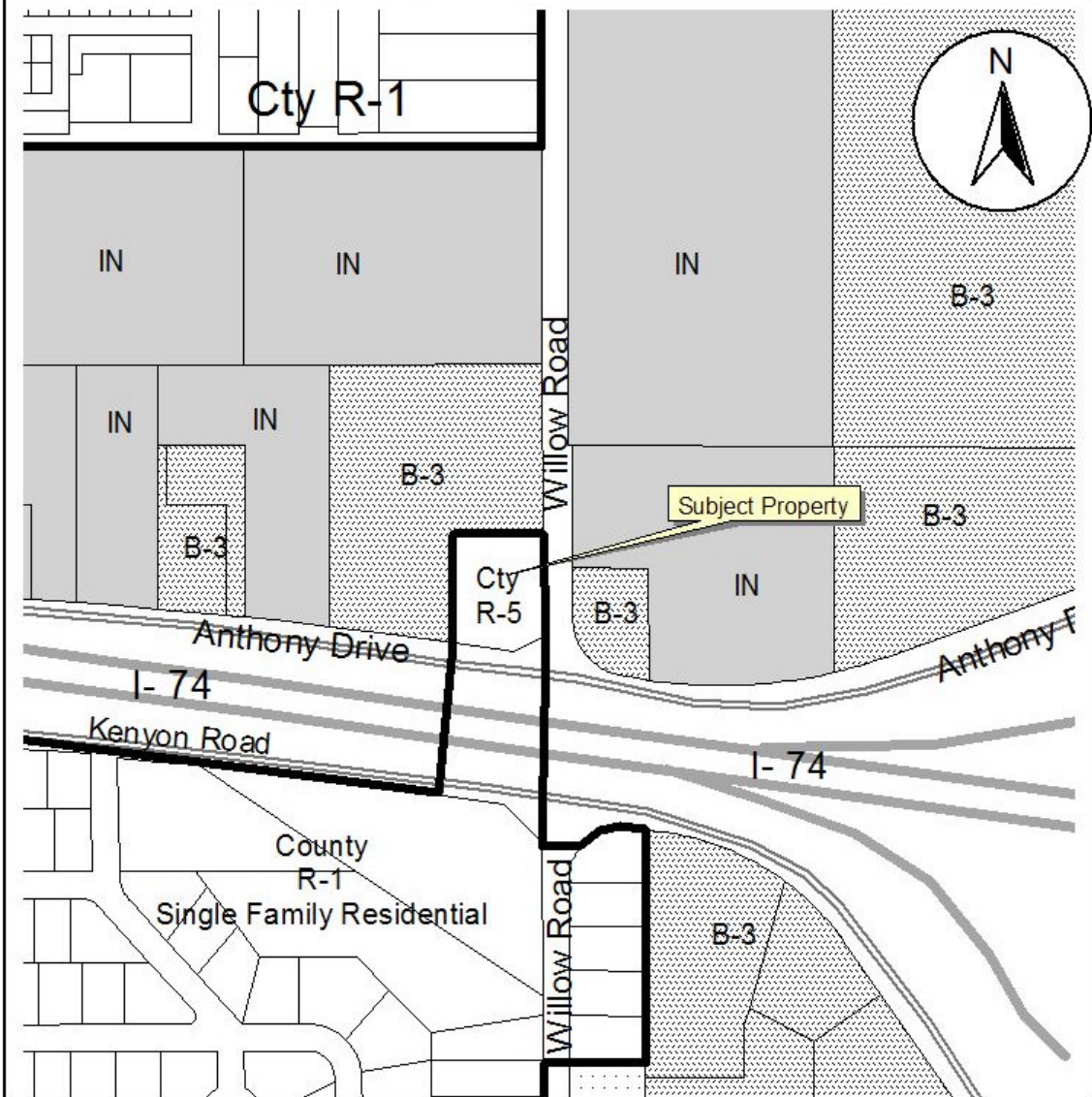
2209 N. Willow Road

2004-A-02 - Annexation Agreement
with Pega Hrnjak and Ivana Bodulic

1899-M-04 - Rezoning Request from County R-5 Manufactured
Home to City B-3, General Business upon annexation

Prepared 6/04/04 by Community Development Services - pal

Exhibit "B": Zoning Map



- B3 - General Business
- IN - Industrial



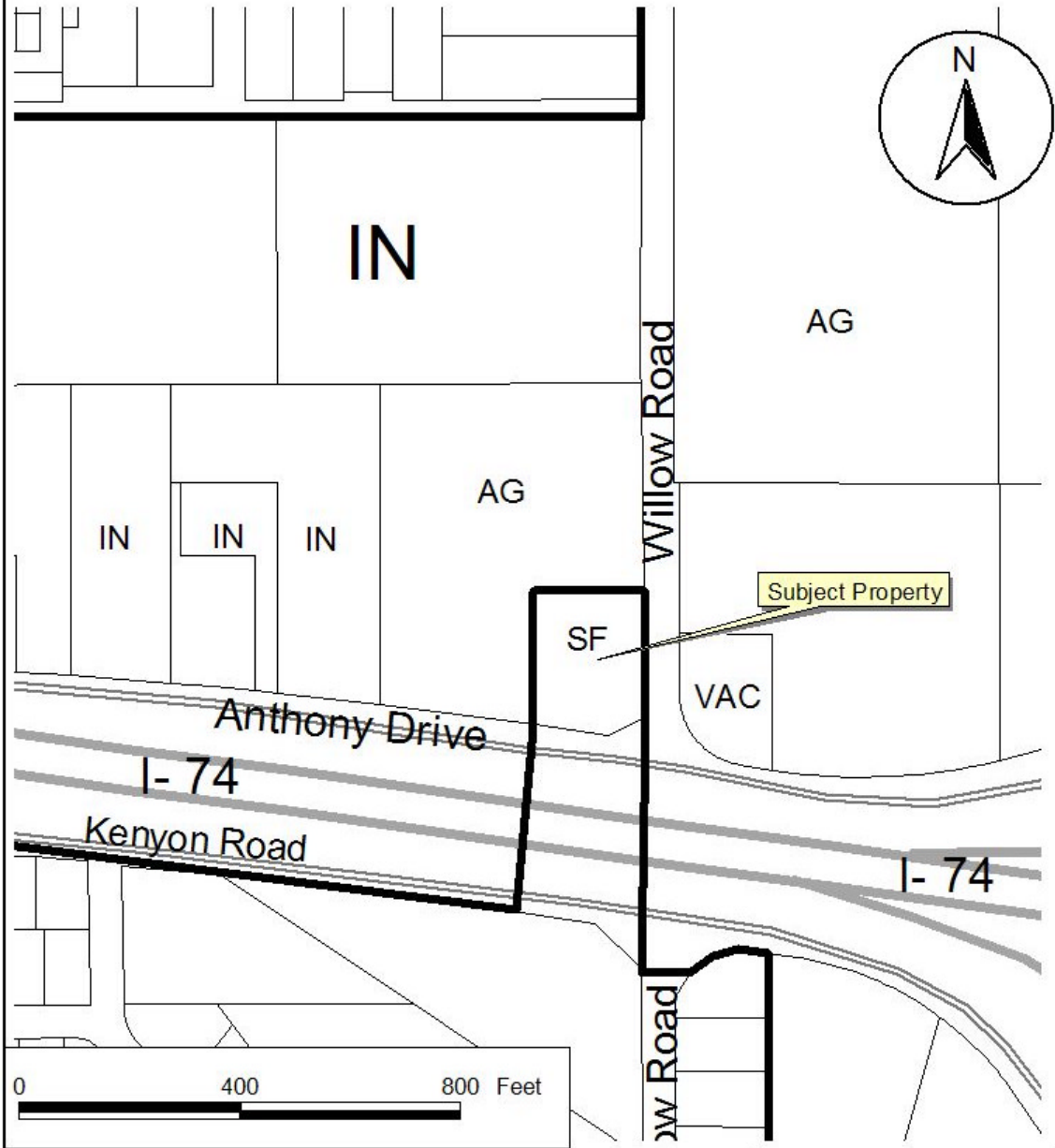
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Prepared 6/04/04 by Community Development Services - pal

Exhibit "C": Existing Land Use Map

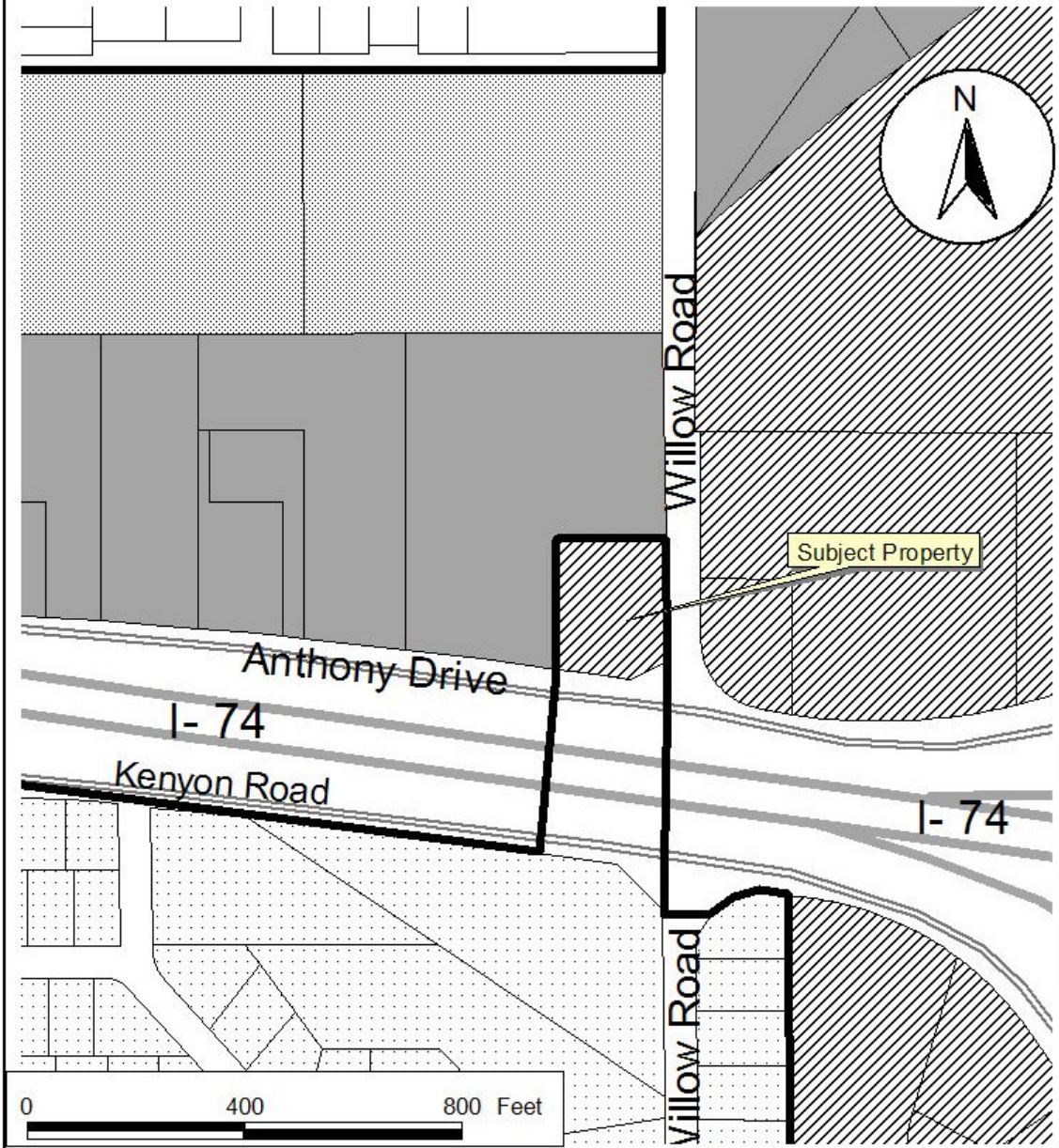


2209 N. Willow Road
2004-A-02 - Annexation Agreement
with Pega Hrnjak and Ivana Bodulic
1899-M-04 - Rezoning Request from County R-5 Manufactured
Home to City B-3, General Business upon annexation

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AG - Agriculture
SF - Single Family
IN - Industrial
VAC - Vacant Land

Exhibit "D": Future Land Use Map



2209 N. Willow Road
 2004-A-02 - Annexation Agreement
 with Pega Hrnjak and Ivana Bodulic
 1899-M-04 - Rezoning Request from County R-5 Manufactured
 Home to City B-3, General Business upon annexation

Prepared 6/04/04 by Community Development Services - pal

-  Commercial
-  Low Density Residential
-  Medium Density Residential
-  Industrial

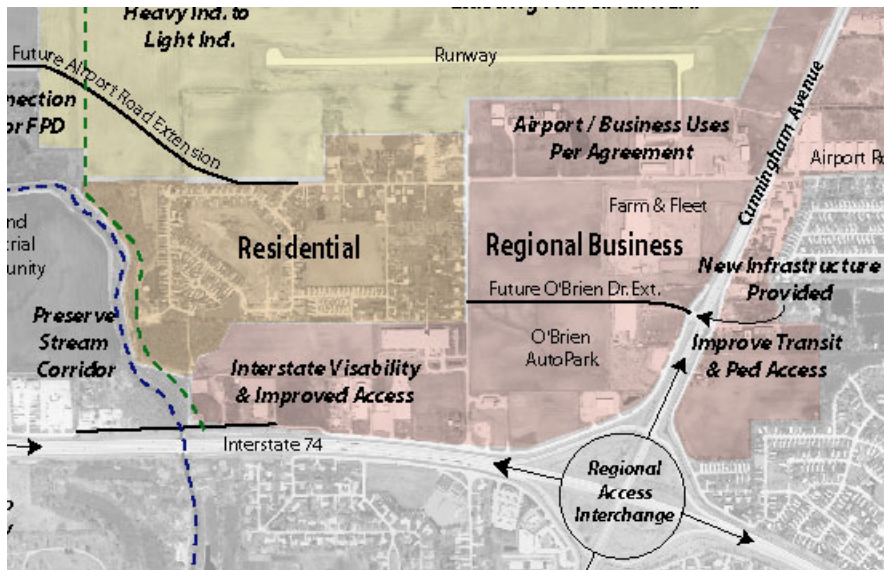
Exhibit "E" : Aerial Photo



2209 N. Willow Road
2004-A-02 - Annexation Agreement
with Pega Hrnjak and Ivana Bodulic
1899-M-04 - Rezoning Request from County R-5 Manufactured
Home to City B-3, General Business upon annexation

Prepared 6/04/04 by Community Development Services - psj

Exhibit “F”; Draft Future Land Use Map



2209 North Willow Road

Annexation Agreement / Pega Hrnjak & Ivana Bodulic

THIS Agreement, made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and Pega Hrnjak and Ivana Bodulic (hereinafter referred to as the "Owners"). The effective date of this Agreement shall be as provided in Article III, Section 6.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, Pega Hrnjak and Ivana Bodulic are the Owners of record of a certain 1.00 acre parcels of real estate located at 2209 North Willow Road, and having permanent index numbers 30-21-05-277-004, the legal description of which real estate is set forth in Exhibit "A" attached hereto and referenced herein as "the tract"; and

WHEREAS, the attached map, labeled Exhibit "B", is a true and accurate representation of the tracts to be annexed to the City of Urbana under the provisions of this agreement; and

WHEREAS, the tract is contiguous to the City of Urbana and may be immediately annexed; and

WHEREAS, the City and the Owners find it necessary and desirable that the tract be annexed and rezoned from Champaign County R-5, Manufactured Home to the City B-3, General Business, under the terms and provision of the Urbana Zoning Ordinance in effect upon the date of annexation, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexation of the tract as described herein reflects the goals, objectives and policies set forth in the City's 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation will ensure that the City of Urbana will receive real estate taxes and other revenues and will enable the City to continue to enhance its tax base; and

WHEREAS, the Owners desire to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNERS

The Owners agree to the following provisions:

Section 1. Ownership and Annexation.

- A. **Representation of ownership/mortgage status.** Owners represent that they are the sole owners of record of the tract and said owners agree to annex the tract to the City subject and pursuant to the provisions of this agreement. Furthermore, owners represent that the said tract is not subject to any mortgage, or if it is subject to a mortgage, the mortgagee has joined in this agreement.
- B. **Agreement to Annex.** Owners agree to cause the tract described in Exhibit “A” to be annexed to the City by filing or causing to be filed with the Clerk of the City contemporaneously with execution of this agreement, a written petition signed by the owners of record of the tract and any electors residing thereon, said petition requesting annexation of the entire tract to the City and being in proper form to allow annexation of the entire tract pursuant to the Illinois Municipal Code.

Section 2. Zoning: The Owners acknowledge that upon annexation, the tract as described in Exhibit “A” will be rezoned from Champaign County R-5, Manufactured Home Zoning District to City B-3, General Business Zoning District. The Owners agree that, unless changed upon the initiative of the Owners the said City zoning classification for said tract shall remain in effect for the term of this Agreement, subject to the right of the Corporate Authorities to amend the Zoning Ordinance text even if such amendment affects the tract. The Owners agree to use the tract only in compliance with the Urbana Zoning Ordinance and this agreement as such may be amended from time to time.

Section 3. Building Code Compliance. The Owners agrees to cause all new development, construction, or additions on said tracts to be in conformance with all City of Urbana building, electrical, fire and plumbing codes, orders or regulations in effect at the time of annexation. The Owners agree to submit all building construction plans to the City of Urbana for review and further agree to pay the building permit fee.

Section 4. Outdoor Storage. The Owners agree that the use of the property as an Engineering, Laboratory, Scientific, and Research Instruments Manufacturing land use shall not involve the storage of equipment or machinery outside of any existing or permitted new structures on the property.

Section 5. Development Agreement. The Owners agree to work with the Corporate Authorities to enter into a Development Agreement at such time as redevelopment of the property is considered for commercial development. Such agreement may identify provisions and incentives available for the commercial redevelopment of the tract.

Section 6. Disconnection. The Owners shall not take any action to disconnect the tracts from the City once it is annexed.

Section 7. Amendments Required: The Owners shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the tract, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by both the Owners and the City. Said action includes petitioning for a county rezoning of said tract without a written amendment to this Agreement.

Section 6: The undertakings and covenants herein contained to be performed on the part of the City are the inducements for the owners to agree to petition for annexation of the tract to the City and for the City to accept such annexation in accordance with this agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. Annexation. The Corporate Authorities agree to annex said tract subject to the terms and conditions outlined in this Agreement, when properly and effectively requested to do so, by submission of a legally sufficient petition from the Owners, by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning. The Corporate Authorities agree that the tract as described in Exhibit “A” will be zoned B-3, General Business as provided by the Urbana Zoning Ordinance upon its annexation to the City. The Corporate Authorities agree that all applicable development regulations existing at the time of annexation will apply to said tract. Furthermore, although the Corporate Authorities agree not to rezone the property during the term of this Agreement without a rezoning petition executed by the property Owners requesting said change, the Corporate Authorities reserve the right to amend the Zoning Ordinance text even if such amendment affects the property.

Section 3. Conditional Use Permit: The Corporate Authorities agree, as part of this agreement, to approve a Conditional Use Permit to allow an *Engineering, Laboratory, Scientific, and Research Instruments Manufacturing* land use as described by the Table of Uses in the Urbana Zoning Ordinance for the property. This approval includes the use of the existing principal structure and the two accessory structures as a research laboratory for the prototype development of refrigeration and air conditioning. The granting of the Conditional Use Permit is made with the following findings:

- a. That the proposed use is conducive to the public convenience at the location;
- b. 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 will be located, or otherwise injurious or detrimental to the public welfare;
- c. That the proposed use preserves the essential character of the district in which it is located.

Section 4. Nonconformity of Existing Development. The existing development of the tract may include nonconformities to current city codes, including but not limited to zoning, building, fire, electrical and plumbing, insofar as such improvements were constructed under the jurisdiction of Champaign County codes and ordinances. Said nonconformities may be continued indefinitely under the terms of this Agreement. However, any addition to these developments or further

improvement of the tract shall comply with the requirements of all applicable City of Urbana codes and ordinances.

Section 5. Enterprise Zone. The City will submit application to the State of Illinois to request the subject tract to be added to the Urbana Enterprise Zone pursuant to the Illinois Enterprise Zone Act (20 ILCS 655/1 et seq.) no later than 90 days after the effective date of this agreement, or the date all property is located within the City of Urbana, whichever is later.

Section 6. Amendments. - The City shall take no action nor omit to take action during the term of this Agreement which act or omission, as applied to the Tract, would be a breach hereof, without first procuring a written amendment to this Agreement duly executed by the Owners or their successors or assigns, of the portion of the Tract which is directly the subject of the amendment.

ARTICLE III: GENERAL PROVISIONS

Section 1: Term of this Agreement -- This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owners, their successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land. The terms of this Agreement constitute a covenant running with the land for the term of this Agreement unless specific terms are expressly made binding beyond the term of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, mortgagees, lessee, executors, assigns and successors in interest of the Owners as to all or any part of the tract, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties. The Corporate Authorities and Owners agree that neither party will take no action or omit to take action during the term of this Agreement which act or omission as applied to the tract would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owners and the City.

Section 4. Enforcement. The Owners and Corporate Authorities agree and hereby stipulate that either party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or declare this Agreement null and

void in addition to other remedies available. Upon breach by the Owners, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

Section 5. Severability. If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect even without the invalid provision.

Section 6. Effective Date. The Corporate Authorities and Owners intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

IN WITNESS WHEREOF, the Corporate Authorities and Owners have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

**Corporate Authorities
City of Urbana:**

Owner:

Tod Satterthwaite, Mayor

Pega Hrnjak

Date

Date

Ivana Bodulic

Date

ATTEST:

ATTEST:

Phyllis D. Clark
City Clerk

Notary Public

Date

Date

Exhibits attached and made a part of this Agreement:

- Exhibit "A": Legal Description
- Exhibit "B": Map of Tract to be annexed.

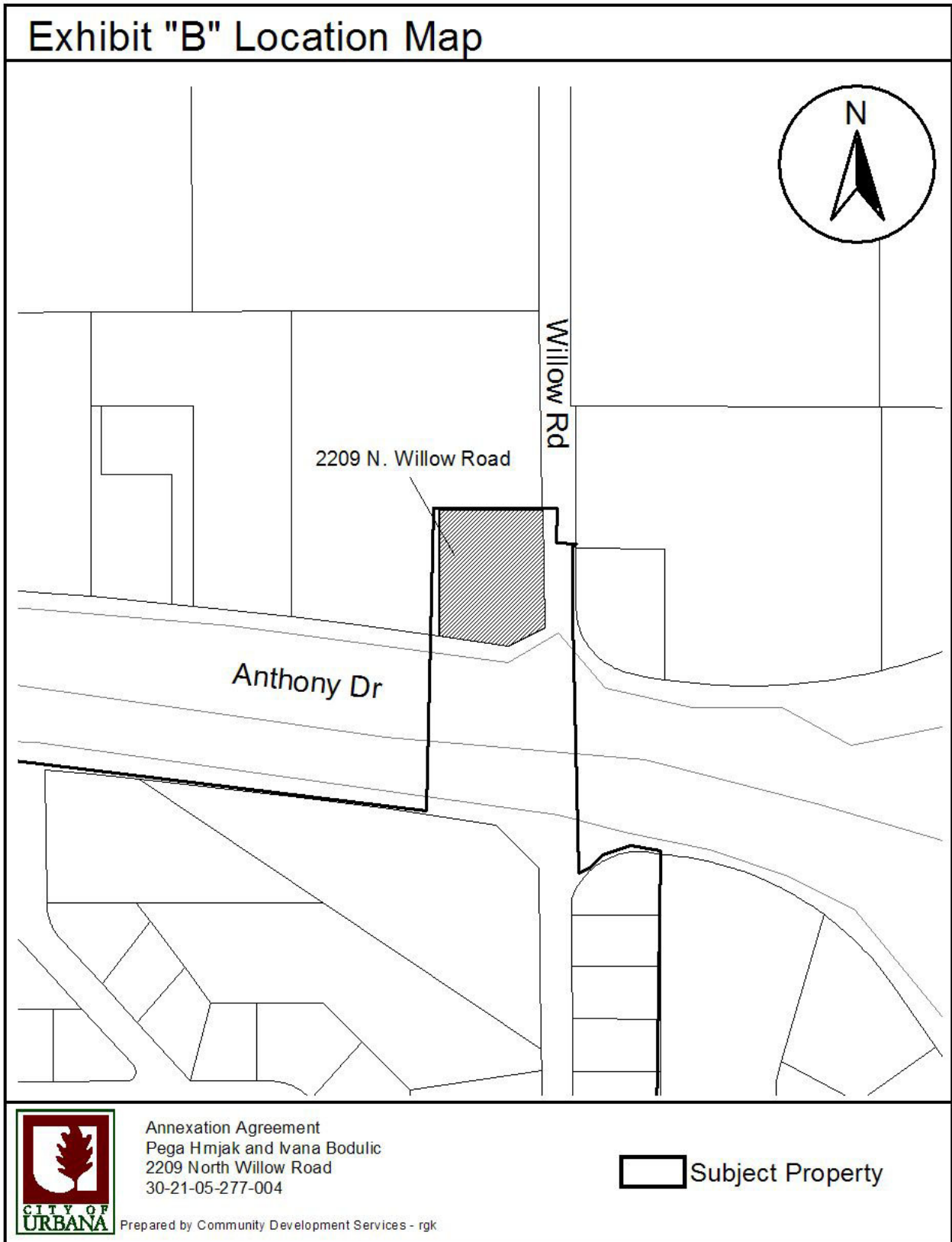
Exhibit “A”: Legal Description

Beginning at a point on the East line of the Southeast Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian lying 876.54 feet South 0°40'23" East (assumed bearing) of the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 5, also being the Southeast corner of Country Club Heights First Subdivision; thence continuing South 0°42'23" East 204.30 feet on said East line; thence North 84°24'02" West 30.75 feet to a concrete right-of-way marker; thence South 56°25'09" West 103.14 feet to a concrete right-of-way marker; thence around a curve to the left having a long chord, with a course and length of North 83°19'13" West 102.48 feet, and having a radius of 12004.30 feet for a length of 102.48 feet to an iron pin monument; thence North 0°33'25" West 237.64 feet to an iron pipe monument found in place; thence North 87°41'36" East 218.40 feet to the point of beginning, in Champaign County, Illinois.

PIN: 30-21-05-277-004

Common address: 2209 N. Willow Road, Urbana, IL

Exhibit “B”: Location Map





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
Planning Division
400 S. Vine
P.O. Box 946
Urbana, IL 61801
(217) 384-2439

June 18, 2004

NOTICE OF PUBLIC HEARING IN REGARD TO A PROPOSED REZONING AND ANNEXATION AGREEMENT

To Whom It May Concern:

Request to Rezone Property

A public hearing will be held by the Urbana Plan Commission on **Thursday, July 8, 2004 at 7:30 P.M.** in the Urbana City Council Chambers, at which time and place the Commission will consider a request for a rezoning of a 1.00-acre tract of property on the northwest corner of Willow Road and Anthony Drive (see map attached). The property is more commonly referred to as 2209 North Willow Road. The request is to annex and rezone the property from the Champaign County R-5, Manufactured Home to the City B-3, General Business Zoning District. The Urbana Zoning Ordinance defines the B-3, General Business Zoning Districts as follows:

*The **B-3 General Business District** is intended to provide areas for a range of commercial uses wider than that of B-1 Neighborhood Business but at a lower intensity than B-4 Central Business, meeting the general business needs of the City.*

Proposed Annexation Agreement

The 1.00-acre tract at the northwest corner of Willow Road and Anthony Drive is currently located in unincorporated Champaign County. At the meeting the Plan Commission will also consider an annexation agreement. It is proposed to be annexed and zoned B-3, General Business. The Urbana Plan Commission will discuss the annexation agreement proposal although the official public hearing for the annexation agreement will be held on **July 19, 2004** at 7:20 P.M. by the Urbana City Council.

You have been sent this notice because you are a nearby property owner. 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

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.