

ORDINANCE NO. 8990-10

AN AMENDMENT TO A PART OF THE ZONING ORDINANCE (MAP)  
OF THE CITY OF URBANA, ILLINOIS

(101, 103 and 105 W. Illinois Street)

WHEREAS, after due publication, a public hearing before the Urbana Plan Commission was held on June 8 and June 22, 1989, concerning the petition filed in Plan Case #1309-M-89 requesting the rezoning of certain property, described below, from B-3 General Business to B-4 Central Business; and

WHEREAS, the proposed zoning conforms to the City of Urbana's Official Comprehensive Plan Map which designates the property as commercial use; and

WHEREAS, the City Council finds that the proposed zoning does not conform with goals and objectives of the Urbana Comprehensive Plan and the purpose of the Urbana Zoning Ordinance outlined in Article I, Sec. I-1 in that the proposed zoning will negatively impact the character of the surrounding neighborhood; and

WHEREAS, the Urbana Plan Commission recommended approval of the request that the zoning of the property herein described be changed from B-3 General Business to B-4 Central Business; and

WHEREAS, the Urbana Plan Commission did, however, express concern regarding the expansion of the B-4 zoning classification which requires no setback and no off-street parking; and

WHEREAS, the Urbana City Council finds that the current B-3 zoning is inappropriate for this site because the B-3 zoning does not allow the best use of the property due to setback requirements prohibiting the efficient use of the site and prohibits the maximum number of parking spaces on the lot in a district where parking is in high demand; and

WHEREAS, the Urbana City Council is equally concerned with the expansion of the B-4 zoning classification and its lack of parking and setback requirements; and

WHEREAS, the Urbana City Council determines that B-4 zoning classification is inappropriate for the above referenced site due to the lack of setback requirements and due to the fact that no parking is required in B-4; and

WHEREAS, there are a number of changing conditions in downtown Urbana that warrant review of the B-3 and B-4 zoning requirements. These changing conditions include:

a. The imminent construction of a Federal Courthouse which will substantially increase the need for parking in the downtown area; and

b. The downtown area needs to expand beyond its current boundaries but expansion of the B-4 zoning appears to be inappropriate due to the aforementioned lack of setbacks and parking requirements which may result in a lack of open space and development with inadequate off-street parking; and

c. Development under B-4 effectively requires the City to provide off-street parking and it is not in the public's best interest for the City to construct and maintain parking for new private developments at extensive cost to the citizens of Urbana; and

d. The subject property is located in the Downtown To Campus Study Area which will determine where appropriate expansion and growth of the downtown should occur; and

WHEREAS, there is no alternative remedy provided by the Urbana Zoning Ordinance that would allow the development to proceed under B-3 with reduced setbacks as proposed; and

WHEREAS, the Urbana City Council recognizes the conflict between B-3 and B-4 zoning and intends to amend its ordinance to either change the B-3 zoning district or create a new zoning classification which addresses the issues of setbacks and yet requires off-street parking; and

WHEREAS, the City Council has determined that it is in the public's best interest to allow this development in order to increase parking in a congested area; and

WHEREAS, the City Council has determined that it is also in the public's best interest to control the setback and placement of structures and signs to retain the character of this neighborhood and the landscaped appearance of properties in the area; and

WHEREAS, the Urbana City Council determines that classifying the property B-4 without conditions may allow the future re-development of the site without setbacks and without off-site parking which is not in the best interests of the City of Urbana, and;

WHEREAS, the Appellate Court of Illinois, Fifth District upheld the use of conditional zoning in the case commonly referenced as Goffinet v. County of Christian in unique circumstances and for the benefit of the public good.

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

Section 1. It is in the best interests of the City of Urbana to allow the development of additional parking on the subject site since it is located in a district where parking is in high demand; and

Section 2. It is in the best interests of the City of Urbana to control the size and placement of the business sign on the subject property in order to maintain the visual integrity of streets adjoining the downtown area; and

Section 3. The proposed development will allow the expansion of a facility in the downtown area thereby contributing to the value of the property and the City's tax base; and

Section 4. The rezoning of this property to B-4, with conditions, will not adversely impact or threaten the character of the surrounding neighborhood and properties; and

Section 5. The Zoning Ordinance (Map) of the City of Urbana, Illinois is herewith amended to change the zoning classification of the following described area to B-4 Central Business:

Lot One (1), except the West one foot thereof, of James S. Busey's First Addition to Urbana, situated in the City of Urbana, and as shown by plat recorded in Deed Record "D" at page 282 and situated in Champaign County, Illinois, subject to a dedication of the north five feet (5') thereof to the City of Urbana, Illinois, for widening and resurfacing of Illinois Street; and

Lot Two (2) and the West One (1) foot of Lot One (1) in James S. Busey's First Addition to Urbana, situated in the City of Urbana, and as shown by plat recorded in Deed Record "D" at page 282 and situated in Champaign County, Illinois, subject to a dedication of the north five feet (5') thereof to the City of Urbana, Illinois, for widening and resurfacing of Illinois Street; and

Lot Three (3) of James S. Busey's First Addition to Urbana, situated in the City of Urbana, and as shown by plat recorded in Deed Record "D" at page 282 and situated in Champaign County, Illinois, subject to a dedication of the north five feet (5') thereof to the City of Urbana, Illinois, for widening and resurfacing of Illinois Street.

and for reference commonly known as 101, 103 and 105 West Illinois Street, Urbana, Illinois. Permanent Parcel Nos. part of 92-21-17-252-013, 92-21-17-252-006 and 92-21-17-252-005 respectively.

The said area above described being represented on the site plan submitted to the City of Urbana's Building Safety Division and attached hereto.

The said zoning map amendment is subject to the following conditions:

a. The parking lot will be developed in accordance with the submitted site plan and with a minimum front yard setback of six (6) feet. A living landscaping screen shall be maintained in this setback area; and

b. A sign may be located on the site in accordance with the submitted site plan and with a maximum size of forty eight (48) square feet and a maximum height of eighteen (18) feet, and a minimum setback of three (3) feet from Illinois street and six (6) feet from Broadway Avenue; and

c. The B-4 classification is granted only for the purpose of the expansion of Champion Federal Savings and Loan parking area and drive-in development in accordance with the submitted site plan. If the subject property is sold or otherwise redeveloped, the property will revert to B-3 General Business zoning classification unless the Council has, in the interim, rezoned the property.

The said area above described being represented on the map attached hereto and incorporated herein by reference.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

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

Passed by the City Council on this 7th day of August, 1989.

  
Ruth S. Brookens, City Clerk



Approved by the Mayor this 11<sup>th</sup> day of August,  
1989.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

**CERTIFICATE OF PUBLICATION**

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois do  
herewith certify that I caused the above ordinance to be duly  
published in the News-Gazette on the 18<sup>th</sup> day of August,  
1989, corrected on the 28<sup>th</sup> day of August, 1989, and  
a Certificate of Publication is attached hereto.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

*Error in publishing -  
was reprinted 8/28/8  
No charge for this one*

# CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by  
MS Owen, its secretary, does hereby certify that  
said Corporation is the publisher of The News-Gazette and that the same is a daily  
secular newspaper of general circulation published in Champaign, Champaign  
County, Illinois, and which said newspaper had been regularly published for more than  
**six months** prior to the first publication of the annexed notice; said publisher further  
certifies that the annexed notice was published once each week for \_\_\_\_\_ consecutive  
weeks in said newspaper, namely on the following dates: \_\_\_\_\_

\_\_\_\_\_ , A. D. 19 89  
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\_\_\_\_\_ , A. D. 19 \_\_\_\_\_

Said publisher further certifies that the date of the first paper containing the said  
notice was on the first date hereinabove set forth, and that the date of the last paper  
containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

by [Signature]  
Secretary

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 131.88

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WHEREAS, the City Council finds that the proposed zoning does not conform with goals and objectives of the Urbana Comprehensive Plan and the purpose of the Urbana Zoning Ordinance outlined in Article I, Sec. 1-1 in that the proposed zoning will negatively impact the character of the surrounding neighborhood; and

WHEREAS, the Urbana Plan Commission recommended approval of the request that the zoning of the property herein described be changed from B-3 General Business to B-4 Central Business; and

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CITY CLERK'S OFFICE

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The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by MS Ovea, its secretary, does hereby certify that

said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for consecutive weeks in said newspaper, namely on the following dates:

August 28, A. D. 19 89

\_\_\_\_\_, A. D. 19 \_\_\_\_\_, A. D. 19 \_\_\_\_\_, A. D. 19 \_\_\_\_\_, A. D. 19 \_\_\_\_\_

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

Pd 9/15/89 PO# 38256 by

[Signature]

Secretary

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 134.40

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