

**AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT
EAST URBANA - RTE 150 INDUSTRIAL PARK**

WHEREAS, the East Urbana - Rte 150 Industrial Park Preliminary and Final Plat are in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the City Engineer has reviewed and approved the Preliminary and Final Plat of East Urbana - Rte 150 Industrial Park; and

WHEREAS, the Preliminary and Final Plat of East Urbana - Rte 150 Industrial Park comply with the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council finds that the requested waivers listed in Section 2 of this ordinance are appropriate in accordance with the following criteria of Chapter 21 of the Urbana Code of Ordinances:

- (1) Due to existing conditions, there are site specific difficulties in complying with these regulations. This change shall only apply to existing conditions which are not generally applicable to other properties since Illinois Route 130 was recently improved; and
- (2) The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare since the development will not be taking access from Pfeffer Road and the improvements to Route 130 are constructed; and
- (3) Sufficient evidence is shown to both the Plan Commission and the City Council that the waiver will benefit the public health, safety and welfare.
- (4) The proposed waivers support and foster implementation of the goals, objectives and policies represented in the Urbana Official Comprehensive Plan, as amended as; and
- (5) The proposed waivers are the minimum deviation from the requirements that will alleviate the difficulties; and
- (6) The plight of the applicant is due to peculiar circumstances not of the applicant's own making.

WHEREAS, in Plan Case No. 1439-S-91, the Urbana Plan Commission on June 20, 1991 recommended approval of the Preliminary and Final Plat of East Urbana - Rte 150 Industrial Park.

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

Section 1. The Preliminary and Final Plat of East Urbana - Rte 150 Industrial Park as attached hereto is approved as platted subject to the following conditions:

a. The owners shall construct and maintain a four-foot high landscape berm along the Pfeffer Street frontage of Lots 201 within the thirty-five foot setback illustrated on the attached plat. Said landscape berm shall be approved by the Urbana Zoning Administrator and shall be constructed at the time buildings are constructed on Lot 201 of East Urbana - Rte 150 Industrial Park.

b. There will be no vehicular access to Pfeffer Road after development of said lots except that an access easement to Lot 206 for the purpose of emergency maintenance of the proposed detention basin shall be maintained.

Section 2. The following waivers of Chapter 21 of the Urbana Code of Ordinances are hereby granted.

a. Waiver of Section 21-36 requiring the construction of one-half of the street pavement along the east side of Pfeffer Road and the west side of Illinois Route 130 for the length of the subdivision fronting said streets.

b. Waiver of Section 21-37 requiring the construction of sidewalks along the length of said subdivision fronting on Pfeffer Road.

c. Waiver of Section 21-37 requiring the construction of sidewalks along both sides of an industrial street.

Section 3. The following deferrals of the requirements of Chapter 21 of the Urbana Code of Ordinances are hereby granted subject to the conditions outlined herein:

a. Deferral of Section 21-37 to the extent that sidewalks required to be constructed by the owner along the west side of Illinois Route 130 shall not be required until sidewalks for adjoining said subdivision on the north and south are approved. The City Council shall request sidewalk construction and the City Engineer shall notify the owner of the requirement. The owner will cause the construction of said sidewalks within ninety days of the City's request to do

so or in accordance with other arrangements satisfactory to the City Engineer.

Section 3. The Secretary of the Urbana Plan Commission is hereby directed to record said Plat with the Champaign County Recorder upon City Council approval of said Plat and waiver request.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "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 on the 1st day of July, 1991.

PASSED by the City Council on this 1st day of July, 1991.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor the 8th day of July, 1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

(1439.ord)