

AN ORDINANCE APPROVING A FINAL PLAT

Niemann First Subdivision

WHEREAS, Niemann Foods, Inc. has submitted a Final Plat of Niemann First Subdivision which is in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the City Engineer has reviewed and approved the Final Plat of Niemann First Subdivision; and

WHEREAS, the Final Plat of Niemann First Subdivision complies 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 since the majority of the site is currently developed and adjoins existing drainage systems; and
- (2) The granting of the waivers as set forth herein will not cause significant adverse effects on the public health, safety and welfare since the required street and sidewalk improvements will be constructed by the City of Urbana pursuant to a development agreement between the City and the property owner approved by the City Council on November 18, 1991 by Ordinance No. 9192-55; and
- (3) Sufficient evidence was presented to both the Plan Commission and the City Council that the waivers will benefit the public health, safety and welfare; and
- (4) The proposed waivers support and foster implementation of the goals, objectives and policies represented in the Urbana Official Comprehensive Plan, as amended; 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 in that the property is currently developed, limiting the developers ability to construct large detention basins and instead provides the opportunity to use the storm

water capacity in the existing system in combination with detention on site.

WHEREAS, in Plan Case No. 1469-S-92, the Urbana Plan Commission on February 20, 1992 recommended approval of the Final Plat of Niemann First Subdivision, subject to certain conditions.

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

Section 1. The Final Plat of Niemann First Subdivision as attached hereto as Exhibit A is approved as platted subject to the following conditions:

a. The Urbana Champaign Sanitary District must release the sanitary sewer easement as illustrated on the attached plat of Niemann First Subdivision prior to its recording with the Champaign County Recorder's Office.

b. The Urbana Park District must grant the owners of the property within Niemann First Subdivision the authority to connect to a storm sewer on the Park District property prior to the plat's recording with the Champaign County Recorder's Office.

c. The owners of the property within Niemann First Subdivision must include any further minor changes to the Owners Certificate or plat as may be directed by the City of Urbana's City Engineer and City Attorney and execute said plat and recording documents prior to their recording with the Champaign County Recorder's Office.

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

a. Waiver of the requirements of Section 21-36 which would require the construction of one-half of the street pavement along the north side of Colorado Avenue and the west side of Philo Road for the length of the subdivision fronting said streets. Said improvements will be constructed by the City of Urbana pursuant to the previously approved development agreement referenced herein.

b. Waiver of the requirements of Section 21-37 which would require sidewalks to be constructed by the owner along the north side of Colorado Avenue and the west side of Philo Road. Said improvements will be constructed by the City of Urbana pursuant to the previously approved development agreement referenced above.

c. Waiver of the requirements of Section 21-14 which would require the submittal of a preliminary plat.

d. Waiver of the requirements of Section 21-42 which would require the controlled release rate of storm water runoff from the entire subject site be limited to the pre-development runoff rate from a five year storm.

Section 3. The Secretary of the Urbana Plan Commission is hereby directed to record said final Plat with the Champaign County Recorder upon City Council approval of said Plat and upon compliance with the conditions in Section 1 of this Ordinance.

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 2nd day of March, 1992.

PASSED by the City Council on this 2nd day of March, 1992.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor the 11th day of March, 1992.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

1469.ord