

AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT

CARTER'S FIRST SUBDIVISION

WHEREAS, the 410 North Vine Development Corporation has submitted a Preliminary Plat and Final Plat of Carter's 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 Preliminary Plat and Final Plat of Carter's First Subdivision; and

WHEREAS, the Preliminary Plat and Final Plat of Carter's First Subdivision complies with the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council finds that the request to waive the requirements of Sections 21-36 and 21-38, requiring right-of-way dedication and street construction along the west side of Maple Street; Section 21-37, Subsection A requiring sidewalk construction along Courtesy Road, and Section 21-42 Subsections A and B requiring a storm water management plan and that the request to defer the requirement of Section 21-37, Subsection A requiring sidewalk construction along said subject property on Maple Street 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 property is located in an older, developed area of the City and is subject to the constraints of existing structures and developments; and
- (2) The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare; 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. No waivers or deferrals requested herein will negatively impact 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 since it allows the further development of a commercially designated site; 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 the peculiar circumstances not of the applicant's own making because this development is an infill development project in an already established, older neighborhood of the City.

WHEREAS, in Plan Case No. 1490-S-92, the Urbana Plan Commission, on March 4, 1993, recommended approval of the Preliminary Plat and Final Plat of Carter's First Subdivision, including the requested deferrals and waivers of the aforementioned requirements of Chapter 21 of the Code of Ordinances.

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

Section 1. The Preliminary Plat and Final Plat of the Carter's First Subdivision as attached hereto as Exhibit A are approved as platted.

Section 2. The following requirements of Chapter 21 of the Urbana Code of Ordinances are hereby deferred or waived:

- a. Waiver of the requirements of Sections 21-36 and 21-38, requiring right-of-way dedication and street construction along the west side of Maple Street;
- b. Waiver of the requirements of Section 21-37, Subsection A requiring sidewalk construction along Courtesy Road;
- c. Waiver of the requirement of Section 21-42 Subsections A and B requiring a storm water management plan;
- c. Deferral of the requirement of Section 21-37, Subsection A requiring sidewalk construction along said subject property on Maple Street;

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.

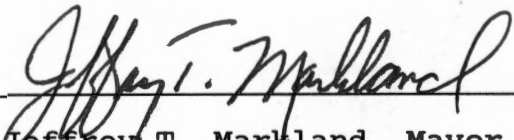
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois at a regular meeting of said Council on the 15th day of March, 1993.

PASSED by the City Council on this 15th day March, 1993.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



APPROVED by the Mayor the 19th day of March, 1993.



Jeffrey T. Markland, Mayor

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