

**ORDINANCE NO. 9394-72**

**AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT**

**of Wildberry Acres**

WHEREAS, Mr. and Mrs. Ed Buxton have submitted a Preliminary Plat and Final Plat of the Wildberry Acres Acres Subdivision 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 the Wildberry Acres Subdivision; and

WHEREAS, the Preliminary Plat and Final Plat of the Wildberry Acres 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 to the extent that this section requires the construction of concrete street, curbs and gutter along the South side of Anthony Drive and the west side of High Cross Road and a deferral of the requirements of Section 21-37 to construct sidewalks on the north side of Anthony Drive adjacent to the subject subdivision 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. The property owner would only be responsible for constructing one-half of a new street. Given that this is only a nine lot development, it does not appear reasonable to require a one-half of a complete urban street at this time; and

(2) The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare. The waiver will only marginally affect other properties. The volume of traffic generated by nine lots does not warrant a full urban cross-section. Right-of-way will be dedicated for future construction as larger tracts develop.

(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. Construction of one-half of a street is problematic and somewhat unsafe. It appears best to waive the requirement at this time.

(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 development of a residentially 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 is an odd parcel which does not lend itself to more intensive development. Its location between a township road and the interstate system appears to make it too costly to develop the property with a full urban street.

WHEREAS, in Plan Case No. 1518-S-93, the Urbana Plan Commission, on December 9, 1993, recommended approval of the Preliminary Plat and Final Plat of the Wildberry Acres 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 Wildberry Acres Subdivision as attached hereto as Exhibit A is approved as platted.

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

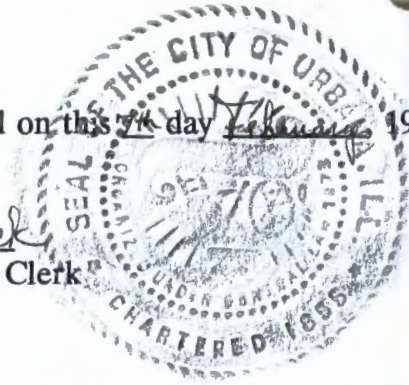
b. Deferral of the requirements of Section 21-37 to construct sidewalks on the south side of Anthony Drive adjacent to the subject subdivision until the City of Urbana City Engineer requests such construction in writing. Said sidewalk construction will take place within ninety (90) days of such request or in conformance with arrangements satisfactory to the Urbana City Council.

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 notification by the Champaign County Zoning Administrator that said plat conforms with the Champaign County Zoning regulations.

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 1<sup>st</sup> day of February, 1994.

PASSED by the City Council on this 7<sup>th</sup> day of February, 1994.

Phyllis D. Clark  
Phyllis D. Clark, City Clerk



APPROVED by the Mayor the 28<sup>th</sup> day of February, 1994.

Tod Satterthwaite  
Tod Satterthwaite, Mayor

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