

ORDINANCE NO. 9697-42

**AN ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT
SUNNYCREST APARTMENTS II SUBDIVISION (PLAN CASE NO. 1628-S-96)**

WHEREAS, the City of Urbana has submitted a Preliminary and Final Plat of Sunnycrest Apartments II 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 and Final Plat of Sunnycrest Apartments II Subdivision; and

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

WHEREAS, in Plan Case No. 1628-S-96, the Urbana Plan Commission, on September 26, 1996, recommended approval of the Preliminary and Final Plats of Sunnycrest Apartments II Subdivision, including the waiver request; and

WHEREAS, the Urbana City Council finds that the conditions set forth in Section 21-07 of the *Urbana Subdivision and Land Development Code*, when applied to the proposed development, justify the granting of the requested waiver in Plan Case 1628-S-96 for the reasons set forth below:

Waiver of requirement to build Colorado Avenue as a full street, Section 21-36 (B) (10) and Table A.

The final alignment of Colorado Avenue will depend in part on how the approximate square mile to the southeast--the Atkins Group property--develops under plans not yet completed. This provision permits the pavement to be completed along the northern half of the proposed collector street, but limits the investment in infrastructure, providing more future flexibility.

The proposed 20.5-foot width is sufficient for the proposed use. Further development to the south and east would trigger construction of the other half of Colorado Avenue extended. This would pose no risk to the public health, safety and welfare.

Because this provides for more flexibility in the future alignment of Colorado Avenue, the public will benefit from this waiver. Additionally, if the city were to now construct the other half of the street to the south, the public cost in time and expense for additional right-of-way acquisition and street construction would outweigh the benefits of following Code requirements.

The 1993 ETJA Plan recommends residential use for this site and extension of Colorado Avenue, and the waiver provides an opportunity for both to occur, while also providing flexibility for future development to the south and southeast.

This is the minimum deviation from requirements, given that the required right-of-way will be dedicated and the developer will be required to build the half-street pavement (20.5 feet) to meet half of the 41-foot width required by Table A of the subdivision code for commercial development.

The potential future unified development of a square mile to the southeast is a peculiar circumstance. The need to plan with this in mind was not created by the petitioner.

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

Section 1. The Preliminary and Final Plats of Sunnycrest Apartments II Subdivision attached hereto are approved as platted.

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

Waiver of requirement to build Colorado Avenue as a full street, Section 21-36 (B) (10) and Table A.

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.

Section 4. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council on this 7th day of October, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

ABSTAINED:



Phyllis D. Clark

Phyllis D. Clark, City Clerk

APPROVED by the Mayor the 14 day of October, 1996.

Tod Satterthwaite

Tod Satterthwaite, Mayor

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