

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow Proposed Parking Spaces to Back Into or Out of a Public Street for a Non-Residential Use / 312 West Oregon Street -- Case No. ZBA-01-MAJ-9)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owner of the subject property, Urbana School District 116, has submitted a petition requesting a major variance to allow the proposed parking spaces to back into or out of a public street for a non-residential use; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-9; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on June 28, 2001, and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special circumstances related to the parcel in that Leal School was developed without off-street parking and the proposed parking spaces and other planned improvements to the overall circulation plan will help to facilitate safe school bus loading/unloading, convenient staff parking, opportunities for short-term visitor parking, and improved handicapped parking.
2. The proposed variance will not serve as a special privilege because the Leal campus and its parking needs are a unique situation and are not applicable elsewhere in Urbana.
3. The need for the variance is an outgrowth of an overall circulation and parking plan that has met the approval of the School District, involved neighbors, school officials, and the City Traffic Commission.
4. The proposed variance would not alter the essential character of the neighborhood in that it would improve the availability of on-street parking and help reduce impacts associated with traffic activity in the Leal vicinity.
5. The proposed variance would not cause a nuisance to adjacent property because the on-street parking available on the east side of Cedar Street will remain, the width of Cedar Street will be increased, and traffic impacts caused by parking activity will be minimal.
6. The proposed variance is the minimum necessary in that a complete variance from the requirement of Section VIII.-3.E. of the Zoning Ordinance is required.

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

The major variance request by the Urbana School District 116, in Case #ZBA-01-MAJ-9 is hereby approved to allow proposed parking spaces to back into or out of a public street for a non-residential use. The variance shall only apply to the proposed parking area along the west side of Cedar Street between California Street and Oregon Street, as illustrated in Exhibit "A".

The major variance described above shall only apply to the property located at 312 West Oregon Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Outlot 3 of James S. Busey's Addition of Outlots as filed for record in Deed Record "E" at Page 161 in the Office of the Recorder of Champaign County, Illinois.

PERMANENT PARCEL #: 93-21-17-183-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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 July, 2001.

PASSED by the City Council this 2nd day of July, 2001.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan

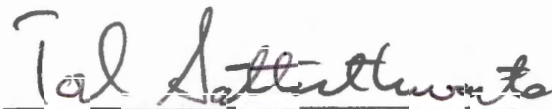
NAYS:

ABSTAINS:


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of July,

2001 .

A handwritten signature in cursive script that reads "Tod Satterthwaite". The signature is written in dark ink and is positioned above a horizontal line.

Tod Satterthwaite, Mayor