

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(Request To Establish a Grocery Store in the B-1, Neighborhood Business Zoning District - Plan Case No. 1909-SU-04)**

WHEREAS, the subject property is a 5.8-acre parcel located at the northwest corner of U.S. Route 150 and IL Route 130 and identified as Lot 456 of Beringer Commons Subdivision No. 4; and

WHEREAS, the subject property is zoned B-1, Neighborhood Business according to the Official Zoning Map for the City of Urbana; and

WHEREAS, Aldi, Inc. has requested a Special Use Permit to establish a grocery store on southern 3.654 acres of the subject parcel with the intention of subdividing the parcel into two separate tracts; and

WHEREAS, the Urbana Zoning Ordinance identifies a *Grocery Store or Supermarket* greater than 3,500-square feet in area as being permitted in the B-1, Neighborhood Business Zoning District with the granting of a Special Use Permit; and

WHEREAS, Aldi, Inc. has petitioned the Urbana Plan Commission in Case No. 1909-SU-04 to consider a request for a special use permit to allow a grocery store on the southern 3.654 acres of Lot 456 of Beringer Commons Subdivision No. 4; and

WHEREAS, all applicable development regulations will be met or permitted to be varied under separate action and adoption, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on October 7, 2004 concerning the petition filed by the petitioner in Plan Case No. 1909-SU-04; and

WHEREAS, on October 7, 2004, the Urbana Plan Commission voted 5 ayes and 2 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public, and

WHEREAS, the original developer of the Beringer Commons Subdivision has agreed to install at developer's expense a sidewalk along the north side of U.S. Route 150 from Beringer Circle to Lot 456 of Beringer Commons Subdivision Section 4 (Aldi Site) in cooperation with the City of Urbana and the Illinois Department of Transportation to determine the appropriate location and construction method for the sidewalk; and has agreed to install the sidewalk within two years of adoption of this ordinance, and

WHEREAS, the lack of a continuous sidewalk along U.S. Route 150 to access the proposed site is detrimental to public safety and welfare.

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

Section 1. A Special Use Permit is hereby approved to allow the establishment of a grocery store on the southern 3.654 acres of Lot 456 of Beringer Commons Subdivision No. 4 with the following conditions upon approval:

1. That the layout and architectural design of the grocery store shall closely resemble the attached Site Development Plan and elevation renderings. Any significant deviation from these plans will require an amendment to the

Special Use Permit, including further review by the Plan Commission and approval by City Council.

2. That construction plans for the development adequately demonstrate compliance with all previous approvals for drainage as part of the Beringer Commons Subdivision development and that the construction and drainage plans receive approval from the City Engineer.

3. Prior to the issuance of a Certificate of Occupancy for the use, a final subdivision plat shall be recorded dividing the existing Lot 456 of Beringer Commons Subdivision No. 4 as indicated on the Site Development Plan.

4. The developer agrees to install a five-foot wide sidewalk as depicted on the site plan constructed to City of Urbana standards as identified in the Urbana Subdivision and Land Development Code. The developer further agrees to identify this sidewalk shown along U.S. Route 150 and IL Route 130 as a public access easement upon final recording of the subdivision plat.

5. The developer agrees to construct a wall beginning at the current terminus of the Beringer Commons wall near the U.S. Route 150 access curb-cut as shown on the attached site plan. The wall shall continue north from its current terminus along the west property line and along Rutherford Drive for the distance of the entire 5.871-acre parcel. The wall shall terminate where the property line meets the right-of-way line for IL Route 130 at the northeast corner of the parcel.

6. The hours of operation for the grocery store shall be limited to 7:00 AM to 8:00 PM daily.

7. The grocery store shall utilize a secure collection and return system for shopping carts for the purposes of avoiding the problem of shopping carts being removed from the site by customers.

8. There shall be lids installed on all dumpsters.
9. There shall be no vehicular or pedestrian access from Rutherford Drive.
10. There shall be no delivery traffic between the hours of midnight and 6 AM.
11. The Developer agrees to install roof top screen panels as specified on the site plan to shield the roof top HVAC units. Further, the developer agrees to comply with all state requirements for sound emissions as specified in the Illinois Administrative Code Title 35, Subtitle H, Chapter I.

LEGAL DESCRIPTION:

The southern 3.654 acres of Lot 456 of Beringer Commons Subdivision No. 4 situated in the City of Urbana, Champaign County, Illinois.

Section 2. 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).

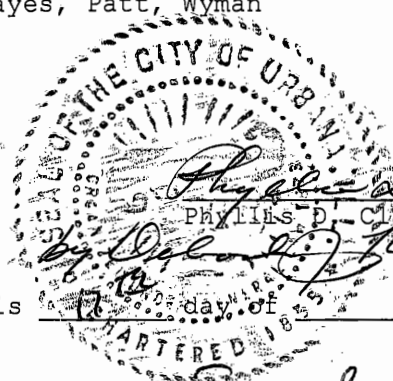
PASSED by the City Council this 6th day of December, 2004.

AYES: Chynoweth, Hayes, Patt, Wyman

NAYS: Whelan

ABSTAINS:

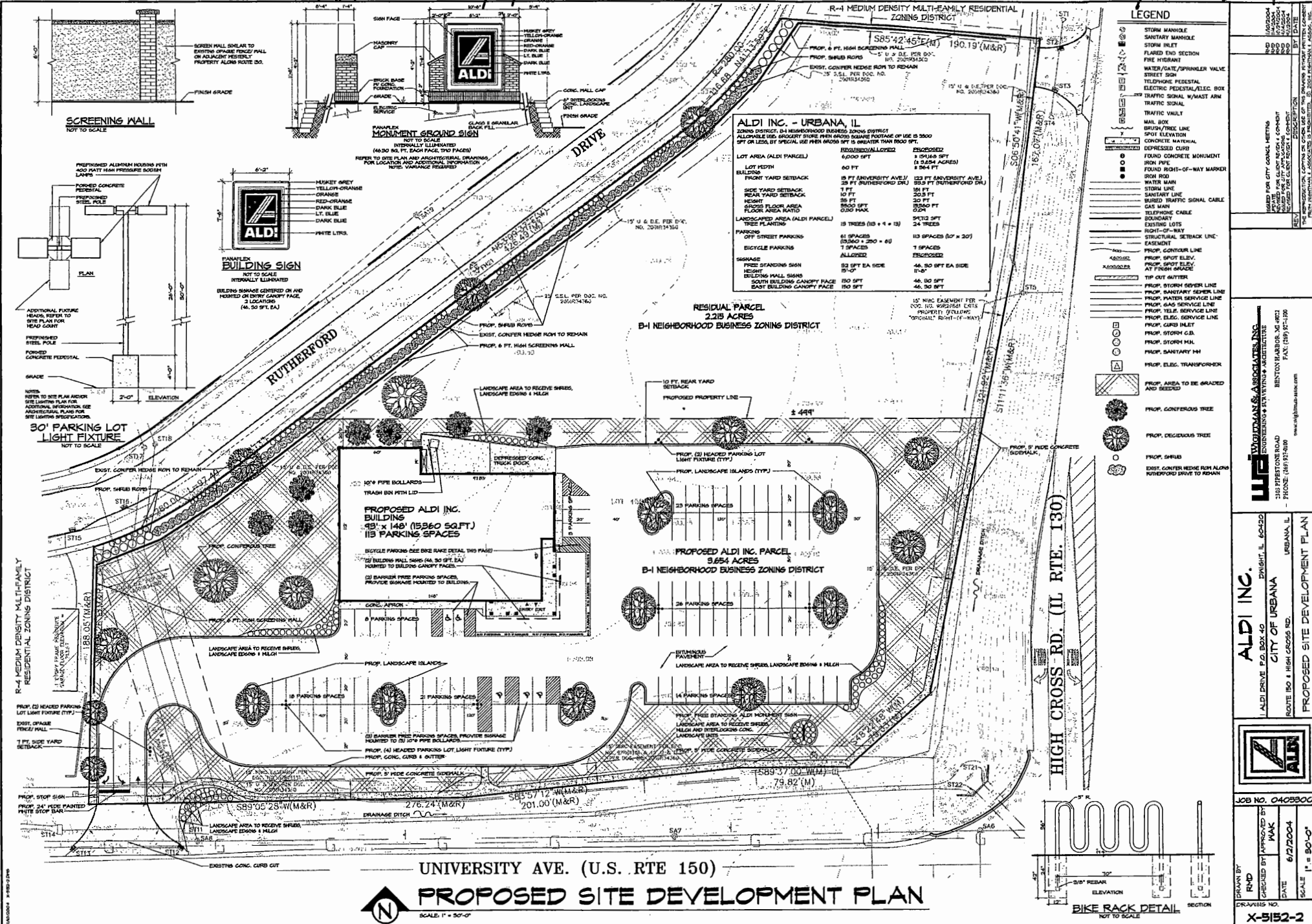
APPROVED by the Mayor this 12 day of December, 2004.



*Phyllis D. Clark*  
 Phyllis D. Clark, City Clerk  
*By [Signature]*  
 Deputy Clerk

*Tod Satterthwaite*  
 Tod Satterthwaite, Mayor





**LEGEND**

[Symbol]	STORM MANHOLE
[Symbol]	SANITARY MANHOLE
[Symbol]	STORM INLET
[Symbol]	FLARED END SECTION
[Symbol]	FIRE HYDRANT
[Symbol]	WATER/GATE/SPRINKLER VALVE
[Symbol]	STREET SIGN
[Symbol]	TELEPHONE PEDESTAL
[Symbol]	ELECTRIC PEDESTAL/ELEC. BOX
[Symbol]	TRAFFIC SIGNAL W/STAY ARM
[Symbol]	TRAFFIC SIGNAL
[Symbol]	TRAFFIC VAULT
[Symbol]	MAIL BOX
[Symbol]	BIKEWAY/BIKE LINE
[Symbol]	SPOT ELEVATION
[Symbol]	CONCRETE MATERIAL
[Symbol]	DEPRESSED CURB
[Symbol]	FOUND CONCRETE MONUMENT
[Symbol]	IRON PIPE
[Symbol]	FOUND RIGHT-OF-WAY MARKER
[Symbol]	IRON ROD
[Symbol]	WATER MAIN
[Symbol]	STORM LINE
[Symbol]	SANITARY LINE
[Symbol]	BURIED TRAFFIC SIGNAL CABLE
[Symbol]	GAS MAIN
[Symbol]	TELEPHONE CABLE
[Symbol]	EXISTING LOTS
[Symbol]	BOUNDARY
[Symbol]	STRUCTURAL SETBACK LINE
[Symbol]	EASEMENT
[Symbol]	PROP. CONTOUR LINE
[Symbol]	RIGHT-OF-WAY
[Symbol]	TIP OUT BUTTER
[Symbol]	PROP. STORM SEWER LINE
[Symbol]	PROP. SANITARY SEWER LINE
[Symbol]	PROP. WATER SERVICE LINE
[Symbol]	PROP. GAS SERVICE LINE
[Symbol]	PROP. V.E.L. SERVICE LINE
[Symbol]	PROP. ELEC. SERVICE LINE
[Symbol]	PROP. STORM C.B.
[Symbol]	PROP. STORM M.H.
[Symbol]	PROP. SANITARY M.H.
[Symbol]	PROP. ELEC. TRANSFORMER
[Symbol]	PROP. AREA TO BE GRADED AND SEEDED
[Symbol]	PROP. CONIFEROUS TREE
[Symbol]	PROP. DECIDUOUS TREE
[Symbol]	PROP. SHRUB
[Symbol]	EXIST. CENTER HEDGE ROW ALONG RUTHERFORD DRIVE TO REHMAN

**ALDI INC.**  
 ALDI DRIVE P.O. BOX 40  
 DEMENT, IL 60820  
 CITY OF URBANA  
 ROUTE 150 & HIGH CROSS RD.  
 URBANA, IL  
 PHONE: (309) 971-5000  
 FAX: (309) 971-5000  
 www.aldi-usa.com

**WORLDMAN & ASSOCIATES, INC.**  
 ENGINEERING & ARCHITECTURE  
 BERTON HARBOR, SC 29511  
 PHONE: (803) 971-5000  
 www.worldman.com

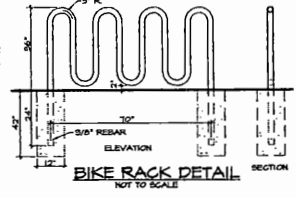
**PROPOSED SITE DEVELOPMENT PLAN**

JOB NO. 040390C

DRAWN BY: RMD  
 CHECKED BY: PMAK  
 DATE: 6/27/2004  
 SCALE: 1" = 80'-0"

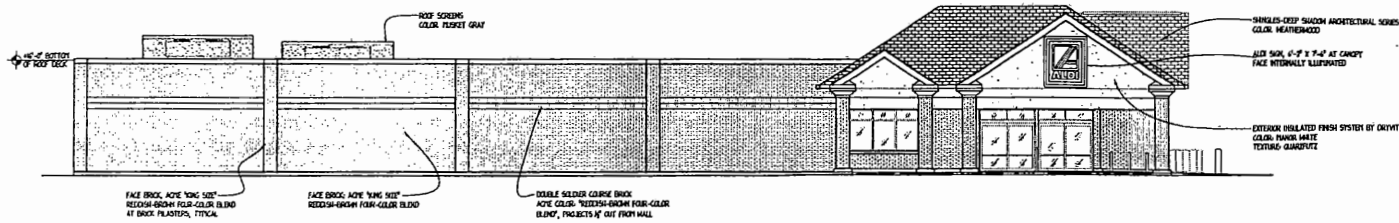
DATE: 6/27/2004  
 SCALE: 1" = 80'-0"

UNIVERSITY AVE. (U.S. RTE 150)  
**PROPOSED SITE DEVELOPMENT PLAN**

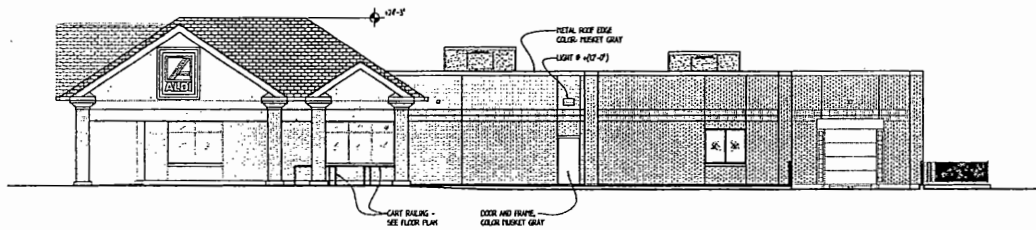


REVISED SITE PLAN  
NOV. 2004

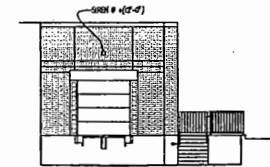
APPROVED 12/6/04  
ORD NO. 2004-12-152



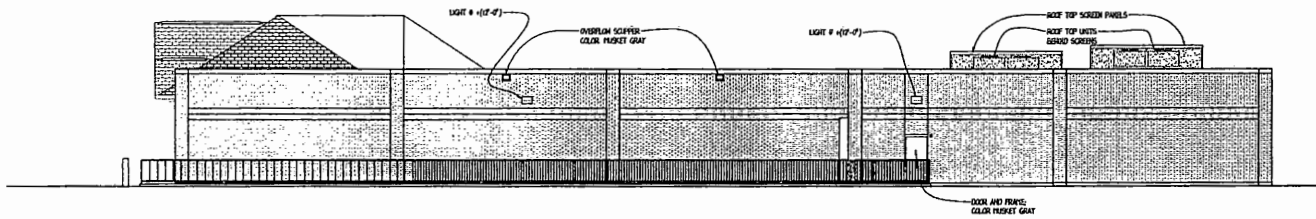
SOUTH ELEVATION SCALE 1/8" = 1'-0"



EAST ELEVATION SCALE 1/8" = 1'-0"

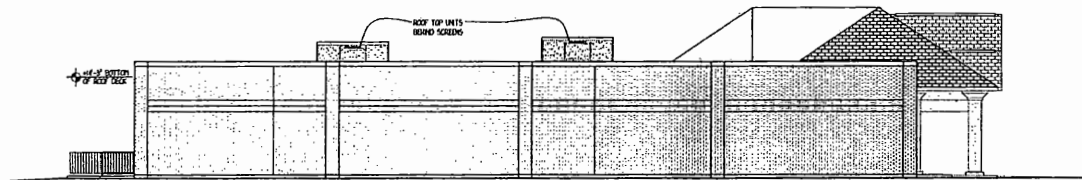
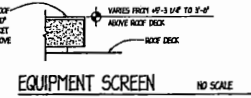


EAST ELEVATION @ TRUCKDOCK SCALE 1/8" = 1'-0"



NORTH ELEVATION SCALE 1/8" = 1'-0"

ADVANCED VISUAL SOLUTION, ROOF TOP UNIT, ADDITIONAL 'METALTOP PANELS SCREENING, COLOR 'PUMPKIN GRAY' (TOP OF SCREEN IS @ ABOVE TOP OF ROOF TOP SCREENS)



WEST ELEVATION SCALE 1/8" = 1'-0"

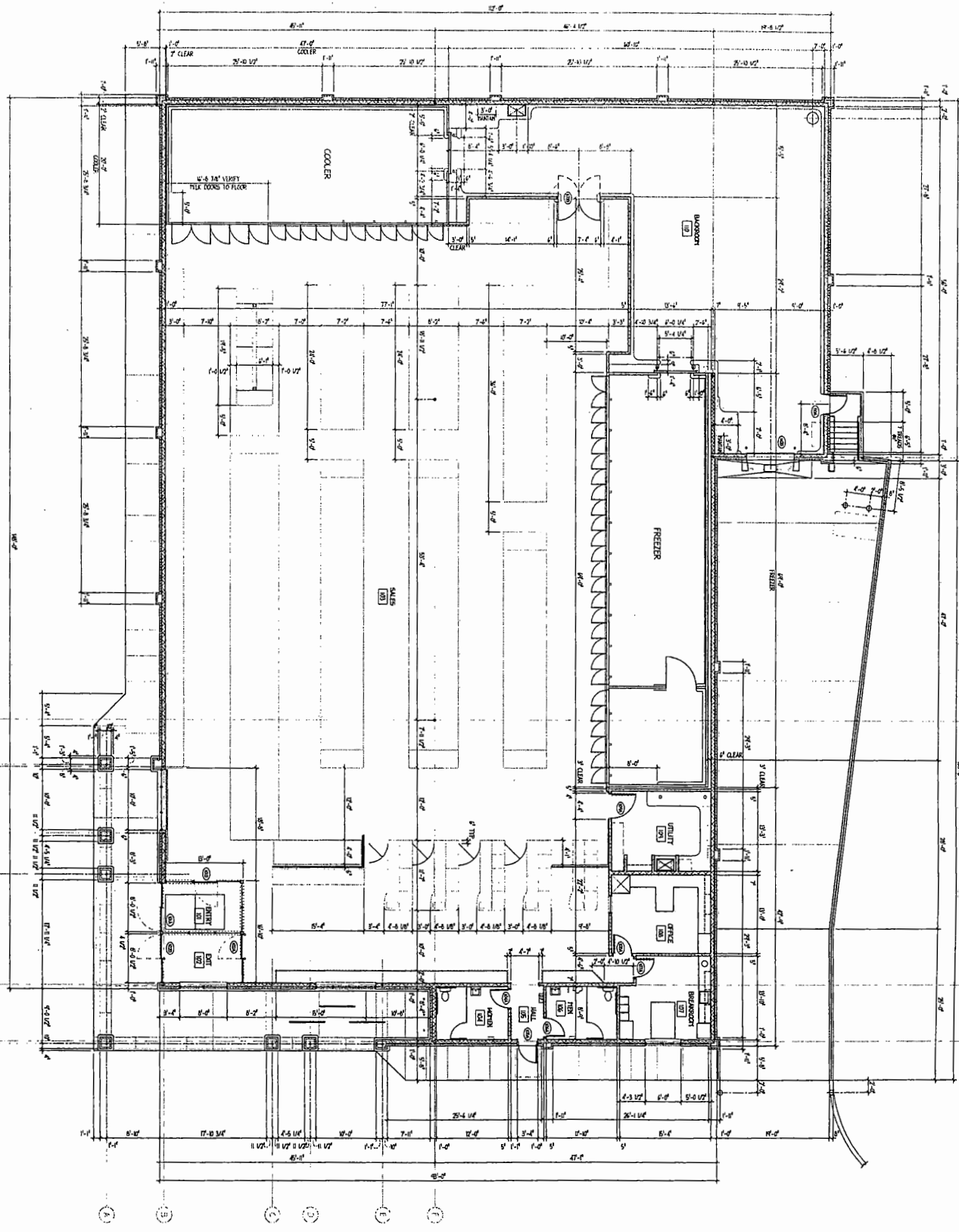


ALDI RETAIL FACILITY

URBANA, ILLINOIS  
NOVEMBER 8, 2004

APPROVED 12/6/04  
 ORD NO. 2004-12-152

REVISED SITE PLAN  
 NOV 2004



FLOOR PLAN SCALE: 1/8" = 1'-0"



NOVEMBER 2004  
 A-1  
 JOB NO. 0404



ALDI, INC. - UNIVERSITY AVENUE  
 URBANA, ILLINOIS  
 FLOOR PLAN

STRUCTURAL, MECHANICAL, AND  
 ELECTRICAL ENGINEERS  
**KW**  
 KENNETH W. KENNEDY CONSULTANTS  
 627 SOUTH AVENUE  
 SUITE 1000  
 CHICAGO, ILLINOIS 60605-1000  
 (312) 786-2175 FAX: 312-786-9467

NOVEMBER 1, 2004
REVISIONS

OPN ARCHITECTS, INC.  
 625 1ST STREET S.E., SUITE 400  
 CEDAR RAPIDS, IOWA 52401  
 PHONE (319) 363 6206  
 FAX (319) 363 7348  
 © OPN ARCHITECTS, INC. 2004

**OPN**  
 ARCHITECTS  
 INTERIOR DESIGN  
 CEDAR RAPIDS • 328 NORTH

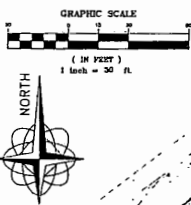


ZONING BULK RESTRICTIONS:

FOR REPLICATION, FEBRUARY 28, 2003
LOT SIZE: MIN. 4,000 SQ.FT.
LOT FRONT: MIN. 50 FT.
HEIGHT: MAX. 35 FT.
FRONT YARD: 10 FT.
SIDE YARD: 5 FT.
REAR YARD: 10 FT.
FAR (REAR) AREA RATIO: MAX. 0.30
GCR (OPEN SPACE RATIO): MIN. NONE
\* THE REAR/FRONT YARD IN R-4 ZONE SHALL BE THE AVERAGE DEPTH OF THE EXISTING BUILDINGS ON THE SAME BLOCK FACE, OR 15 FEET WHICHEVER IS GREATER, BUT NO MORE THAN 20 FEET. ALSO IN A R OR IN DISTRICT, ANY YARD WHICH ADJACES, ALTHOUGH IT IS STRIPED ACROSS A DESIGNATED RIGHT-OF-WAY OF 100 FEET OR LESS IN WIDTH FROM A RESIDENTIAL DISTRICT SHALL BE THE SAME AS THAT REQUIRED IN THAT RESIDENTIAL DISTRICT (ABOVE RESTRICTIONS SHOWN ARE PER R-4 DISTRICT).

LEGEND

- STORM MANHOLE
SANITARY MANHOLE
STORM INLET
FLARED END SECTION
FIRE HYDRANT
WATER VALVE/GATE VALVE/SPRINKLER VALVE
STREET SIGN
TELEPHONE PEDESTAL
ELECTRIC PEDESTAL/ELECTRIC BOX
TRAFFIC SIGNAL W/MAST ARM
TRAFFIC SIGNAL
TRAFFIC VALET
MAIL BOX
BRUSH/TREE LINE
SPOT ELEVATION
CONCRETE MATERIAL
DEPRESSED CURB
FOUND CONCRETE MONUMENT
IRON PNC
FOUND RIGHT-OF-WAY MARKER
IRON ROD



STRUCTURE INFORMATION

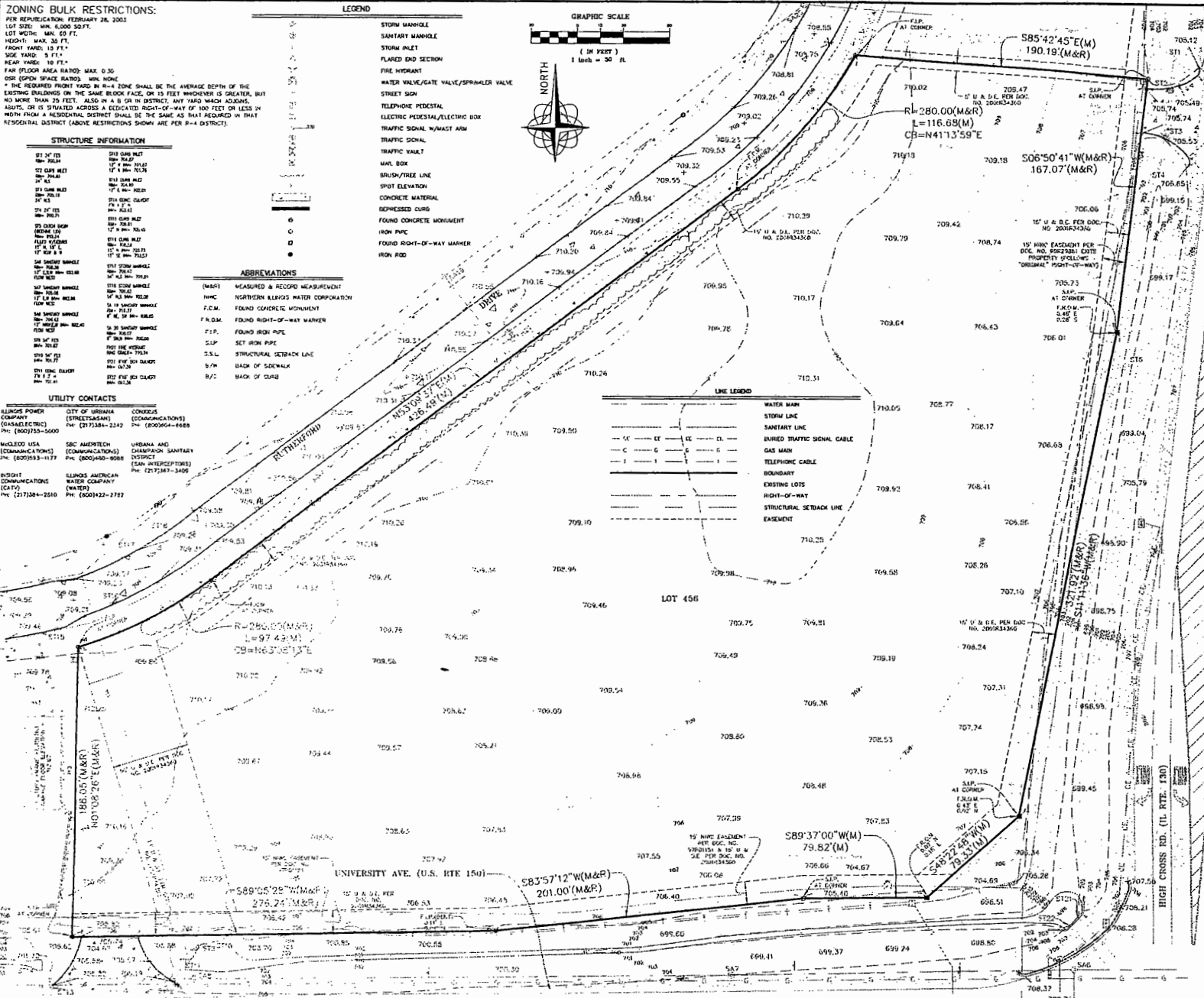
Table with columns for structure type (e.g., 12" DIA. MANHOLE), material (e.g., CONCRETE), and location (e.g., 10' W. OF S.E. CORNER).

ABBREVIATIONS

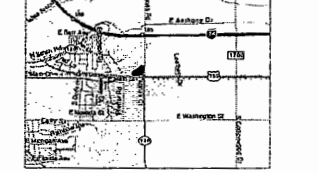
Table mapping abbreviations to full names: (M&R) MEASURED & RECORDED MEASUREMENT, NWC NORTHERN WEGYS WATER CORPORATION, F.C.M. FOUND CONCRETE MONUMENT, etc.

UTILITY CONTACTS

Table listing utility providers: ILLINOIS POWER COMPANY (STREETS&SAN), MCGLOTH USA (COMMUNICATIONS), ILLINOIS AMERICAN COMMUNICATIONS, CITY OF URBANA (CONCRETE), URBANA AND CHAMPAIGN DISTRICT (SANITARY), URBANA AND CHAMPAIGN DISTRICT (SANITARY), ILLINOIS AMERICAN WATER COMPANY (WATER).



"ALTA/ACSM LAND TITLE SURVEY" IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS



SITE LOCATION NOT TO SCALE

LEGAL DESCRIPTION

LOT 456 IN BEHNER COMMONS SUBDIVISION NO. 4, AS PER PLAT RECORDED NOVEMBER 28, 2003 AS DOCUMENT 2003R34360, IN CHAMPAIGN COUNTY, ILLINOIS.

SURVEY NOTES

- 1. THE BEARINGS SHOWN ON THIS PLAN ARE BASED UPON THE BEHNER COMMONS SUBDIVISION NO. 4 AS PLATTED AND RECORDED AS DOC. NO. 2003R34360.
2. ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
3. FOR SETBACK LINES, EASEMENTS AND BUILDING RESTRICTIONS, REFER TO YOUR ABSTRACT, DEED AND GUARANTEE POLICY AND LOCAL ORDINANCES.
4. THE LAND DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION IS IN NO SPECIFIC FLOOD HAZARD AREA (ZONE C AREA OF 500-FEET FLOOD) ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170335 0005 B WITH AN EFFECTIVE DATE OF JANUARY 16, 1981.
5. TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY ORDER NUMBER 1533 000595 DHA AND DATED JULY 26, 2004.
6. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL UNDOSSUED SEAL OF SURVEYOR OF RECORD.
7. ALL AREAS ARE MORE OR LESS.
8. SURVEY IS BASED UPON FIELD OBSERVATIONS MADE ON 07/22/04.
9. SPOT ELEVATIONS SHOWN ON THE CONCRETE CURB AND OTHER WERE TAKEN AT THE BACK OF CURB. SPOT ELEVATIONS SHOWN ON THE CURB WERE TAKEN AT THE BACK OF CURB AND FAN.
10. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE.
11. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
12. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLY FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
13. ALL UNDERGROUND UTILITIES SHOULD BE STAKED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION BY CALLING ILLINOIS AT 312-744-7000.
14. ALL EASEMENTS AND SETBACKS SHOWN HEREON PER BEHNER COMMONS SUBDIVISION NO. 4 AS PLATTED AND RECORDED AS DOCUMENT NUMBER 2003R34360.
15. GAS LOCATION APPROPRIATE ONLY, SCALED FROM US 150 FOOT PLANS PROVIDED BY THE CITY OF URBANA, NO ADJ. MARKINGS FOR GAS VISIBLE.

SURVEYOR'S CERTIFICATE

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 15000.
I, ALDI INC.
DO HEREBY CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS AND THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLY FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
I, MICHAEL D. BYTNER, A ILLINOIS PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY TO ALDI INCORPORATED, A MISSOURI CORPORATION AND TO CHICAGO TITLE INSURANCE CORPORATION THAT THIS IS A TRUE, COMPLETE, AND CORRECT SURVEY OF THE ABOVE DESCRIBED REAL PROPERTY SITUATED IN URBANA, ILLINOIS.

MICHAEL D. BYTNER (3328)
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3326
RENEWED 08/01/2004
ALL PROFESSIONAL LAND SURVEYOR LICENSES EXPIRE NOVEMBER 30, 2004
DESIGN FIRM #184002893

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

TITLE POLICY REPORT

- 1. LETTER "L" OF SCHEDULE B: NORTHERN ILLINOIS WATER CORPORATION EASEMENT PER DEC. NO. 89918801, SHOWN HEREON.
2. LETTER "M" OF SCHEDULE B: SETBACK LINES AND EASEMENTS AS SHOWN ON THE PLAT OF BEHNER COMMONS SUBDIVISION NO. 4 RECORDED AS DOCUMENT NUMBER 2003R34360, SHOWN HEREON.
3. LETTER "M" OF SCHEDULE B: TERMS AND PROVISIONS OF ANNEXATION AGREEMENT AS DOCUMENT NUMBER 2002R28293, SHOWN NOT CONTAIN FLOODABLE ELEMENTS.

BENCHMARKS

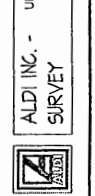
SITE: 1/4 CHISELED SQUARE AT NORTHEAST END OF HEADWALL AT NORTHWEST QUADRANT OF A 1/4 SEC. 130 (HIGH CROSS ROAD) AND U.S. RTE. 150 (UNIVERSITY AVENUE). ELEVATION = 705.35 (DATUM PROVIDED BY THE CITY OF URBANA).
BN: CHISELED SQUARE WITH "X" ON SOUTH END OF HEADWALL AT SOUTHEAST QUADRANT OF U.S. RTE. 150 (UNIVERSITY AVENUE) AND S. WIS. 130 (HIGH CROSS ROAD). ELEVATION = 705.16.

IRON TAP

IRON TAP: NORTHEASTERLY BOMMET BOLT OF A FIRE HYDRANT 250' NORTHEASTERLY OF THE NORTHEAST CORNER OF LOT 456 IN BEHNER COMMONS SUBDIVISION NO. 4. ELEVATION = 712.57.
IRON TAP: NORTHEASTERLY BOMMET BOLT OF A FIRE HYDRANT 500' WEST OF THE NORTHEAST CORNER OF LOT 456 IN BEHNER COMMONS SUBDIVISION NO. 4. ELEVATION = 711.33.

Heaver Bass Consultants, Inc.

ALDI INC. - UNIVERSITY AVE. & HIGH CROSS RD. URBANA, ILLINOIS



DATE: 07/27/04

SCALE: 1" = 30'

DRAWING NO. AEG000091

X-5152-1