

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow an Increase in the Maximum Permitted Floor Area Ratio (FAR) from 0.70 to 1.19 at 608 W. Green Street in the MOR, Mixed-Office-Residential Zoning District / Case No. ZBA-04-MAJ-15)

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 related to the parcel of land or the structure; and

WHEREAS, the petitioner, First Presbyterian Church of Urbana, has submitted a petition requesting a major variance to allow a 70% increase in the maximum allowable floor area ratio, from 0.70 to 1.19, in Urbana's MOR - Mixed Office Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 04-MAJ-15; 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 January 12, 2005 and by a unanimous vote (5-0) of its members recommended 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 as requested:

1. The special circumstance is that the church is surrounded by a historic lot to the West (Ricker) and a potentially historic structure to the North (607 W. Elm). The specific lot for the expansion is geographically located directly adjacent to the church on a main thoroughfare and serves as the most functional option for expansion of the church.

2. The proposed variance is not a special privilege because most lots are not surrounded by historically designated and potentially historic properties.

3. The need for the variance is the result of the change in zoning regulations caused by the creation of the MOR district. The petitioners are aware of the changed requirements of the Zoning Ordinance and have applied for a variance. The variance will not alter the essential character of the neighborhood.

4. The FAR of the church annex as proposed will not alter the character of the neighborhood because it will not require additional parking. In addition, the visual mass of the proposed structure is similar to other structures in the MOR district. Furthermore, the design of the new addition will be reviewed with established guidelines to ensure aesthetic compatibility.

5. The proposed addition should not cause a nuisance to adjacent properties. All setbacks and open space requirements will be maintained. The existing driveway at 608 W. Green will be removed and so will add green space directly on Green Street. The tree line to the west adjacent to the Ricker House will also be maintained per the conditions of the ZBA approval of the appeal in DRB case # 2004-01.

6. The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request. Because the petitioner is requesting only the amount of variance needed to accommodate the proposal as designed.

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

The major variance request by First Presbyterian Church of Urbana, in Case #ZBA 04-MAJ-15 is hereby approved to allow a 70% increase in the maximum allowable floor area ratio, from 0.70 to 1.19, in Urbana's MOR - Mixed Office Residential Zoning District, as approved by the Zoning Board of Appeals, with the following conditions:

1. Prior to any building or demolition activity, including the request of any permits or demolition permits, the church shall engage in joint planning with the City of Urbana concerning future expansion in the interests of: regulating the intensity of use of this single structure in the neighborhood, preserving the residential character and look of the neighborhood, and exploring historic designation of 607 W. Elm.

2. The church shall establish a privacy barrier between their north parking lot and Buena Vista Court to reduce the intrusion of headlights and other commotion into their homes while the newly installed landscaping reaches maturity.

The major variance described above shall only apply to the property located at 608 West Green Street Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: The South 8 feet of Lot 1, and all of Lot 5, of N. Clifford Ricker's Subdivision of Lot 1, Block 6 of J.W. Sim's addition to Urbana, as per plat recorded in Plat Book "B" at page 45, situated in Champaign County Illinois.

PERMANENT PARCEL #: 91-21-17-111-009

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 7th day of March, 2005.

PASSED by the City Council this 7th day of March, 2005.

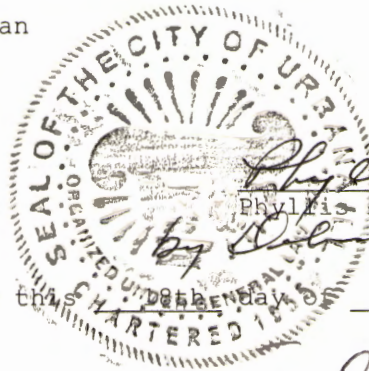
AYES: Alix, Chynoweth, Hayes, Roberts, Whelan

NAYS: Patt, Wyman

ABSTAINS:

APPROVED by the Mayor this 7th day of March,

2005.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Robert J. Polonsky
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor