

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

**(Request by Capstone Development Corporation to Establish
a Residential Planned Unit Development (PUD) in the R-4,
Medium Density Multiple-Family Residential Zoning
District / 1801 North Lincoln Avenue - Plan Case No. 1938-SU-05)**

WHEREAS, Capstone Development Corporation has submitted a request to consider a Special Use Permit for a Residential Planned Unit Development at 1801 North Lincoln Avenue; and

WHEREAS, the application submitted by Capstone Development Corporation under Plan Case No. 1938-SU-05 identifies the intended development of a multi-family residential condominium project that includes 208 condominiums situated within three separate buildings to be built along with a clubhouse with pool and leasing office and developed under a unified development plan attached hereto; and

WHEREAS, all applicable development regulations are to be met by the petitioner, including those involving setbacks, drainage, and vehicular access considerations; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on June 16, 2005 concerning the petition filed by the petitioner in Plan Case No. 1938-SU-05; and

WHEREAS, on June 16, 2005, the Urbana Plan Commission voted 5 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit along with conditions; and

WHEREAS, in order to minimize the impact of the proposed development on surrounding properties specific conditions of approval are hereby imposed as permitted under the requirements of the Urbana Zoning Ordinance and identified in Section 1 below; and

WHEREAS, the approval of the Special Use Permit, with the conditions 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.

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 *Residential, Planned Unit Development* on the subject 9.57-acre parcel at 1801 North Lincoln Avenue with the following conditions upon approval:

1. The development shall be constructed in substantial conformance to the site plan layout submitted as part of the application and attached hereto. Any substantial changes to the layout (with the exception of those resulting from compliance with other conditions set forth herein) shall require additional review and approval from the Urbana Plan Commission and Urbana City Council.

2. The design and appearance of the buildings shall be in substantial conformance to the photographs and illustrations submitted for the project and attached hereto. This includes the use of brick material on the exterior of the buildings as depicted in the attached photographs and the absence of a gate.

3. Should the developer elect to utilize the provisions of the Planned Unit Development Ordinance within the Urbana Zoning Ordinance and incorporate commercial uses into the development, a revised site plan may be reviewed and approved by the Zoning Administrator provided the revised site plan generally conforms to the spirit and intent of the original

approval. Should the Zoning Administrator determine that the proposed changes substantially change the overall site plan, the case may be referred back the Urbana Plan Commission and Urbana City Council for reconsideration of the original Special Use Permit approval.

4. The required stormwater detention for development of the site shall be accommodated within the Kenyon Road / I-74 Regional Detention Basin. Prior to development of the site, the regional detention drainage fee, as stipulated in the 1998 Berns, Clancy and Associates report, must be paid. The drainage fee is a special assessment which runs with the land and will not be waived. This payment shall be in the amount of \$147,290. This figure is derived from the amount established in the 1998 Berns, Clancy and Associates report plus a calculated 3% annual interest / inflation factor.

5. The developer shall prepare an access detail plan showing alignment of the project driveway with Kettering Park Drive, sufficient queuing length, and turn lane designation (left only and right only exits), subject to the review and approval of the City Engineer.

6. The developer shall prepare a landscape plan for the property consistent with the requirements of the Urbana Zoning Ordinance and subject to the review and approval of the Zoning Administrator and City Arborist.

7. The developer shall remove the abandoned driveway at the south end of the site and replace it with barrier curb.

8. The developer shall modify the site plan as necessary to allow sufficient fire truck access and circulation on the site.

LEGAL DESCRIPTION: Lot 3, Melrose of Urbana First
Subdivision, Urbana, Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-06-476-010

LOCATED AT: 1801 North Lincoln Avenue

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 20th day of June,
2005.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by *Delbert D. Ross* Deputy Clerk

APPROVED by the Mayor this 28th day of June,
2005.

