

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(To Allow the Establishment of a Shopping Center/Planned Unit Development in the B-3, General Business District - Gateway Shops at Five Points, Plan Case 2003-SU-06)**

WHEREAS, Five Points Realty, LLC has petitioned the City for a Special Use Permit to establish a shopping center at the northwest corner of Cunningham Avenue and University Avenue and extending west to Broadway Avenue; and

WHEREAS, the subject property is zoned B-3, General Business District according to the Official Zoning Map for the City of Urbana; and

WHEREAS, the Urbana Zoning Ordinance, Table of Uses V-1, permits Shopping Centers in the B-3 zoning district subject to Special Use Permit procedures; and

WHEREAS, all applicable development regulations will be met, including those involving setbacks, parking, drainage, vehicular access, and signage considerations; and

WHEREAS, redevelopment of this site as the Gateway Shops at Five Points will help fulfill the City of Urbana's Tax Increment Finance District No. Two Plan and Downtown Strategic Plan; and

WHEREAS, the conditions placed on the approval in Section 1 herein are reasonable and intended to insure compliance with City requirements while allowing some flexibility to avoid an overly burdensome process should minor changes to plans be necessary; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on July 6, 2006 concerning the petition filed by the petitioner in Plan Case No. 2003-SU-06; and

WHEREAS, on July 6, 2006, the Urbana Plan Commission voted 7 ayes and 0 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 conditions set forth below, is consistent with the requirements of Section VII-4 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.

WHEREAS, The application demonstrates that the development will be generally conducive to the public convenience at this location; that it will not be injurious to the public or district in which it is located; and that it will meet the applicable standards of the Urbana Zoning Ordinance and enhance the character of the zoning district in which this is located.

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 shopping center in the B-3, General Business District with the following conditions upon approval:

1. The development shall be constructed in general conformance to the site plan layout submitted as part of the application and attached hereto. Any substantial change to the layout other than for outlots shall require additional review and approval from the Urbana Plan Commission and Urbana City Council. The Zoning Administrator shall have the power to approve minor plan changes in order for the project to comply with City regulations including Building, Fire, and Site Development Codes.

2. The design and appearance of Retail Buildings A & B shall be in substantial conformance with the illustrations submitted as part of the application and attached hereto.

3. Site amenities to be installed by the developer, such as benches, light poles, pavers, trash receptacles, and planters, shall be in substantial conformity with the location, quality, and design of those submitted with the application and attached hereto. The Zoning Administrator shall have the power to approve changes which are essentially equivalent in quality.

4. The prospective layout of development for Outlots 1-4 is illustrative only and may be varied provided that their development meets the general standards of the Urbana Zoning Ordinance.

LEGAL DESCRIPTION:

PART OF THE N ½ OF THE SE ¼ OF SECTION 8, T. 19 N., R. 9 E. OF THE 3<sup>RD</sup> P.M., CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REPLAT LOT 1 OF SHELBY'S REPLAT OF PART OF LOTS 1, 2, 3, 4, 5 AND 6 OF THE BELLE BARR SURVEY, URBANA, CHAMPAIGN COUNTY, ILLINOIS,

AND,

OUTLOT A OF REPLAT LOT 2 OF SHELBY'S REPLAT OF PART OF LOTS 1, 2, 3, 4, 5 AND 6 OF THE BELLE BARR SURVEY, URBANA AND PART OF LOT 6 OF BELLE BARR SURVEY, CHAMPAIGN COUNTY, ILLINOIS,

AND,

PART OF LOT 32 OF HIRAM SHEPHERD'S ADDITION TO URBANA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF LOT 32 OF HIRAM SHEPHERD'S ADDITION TO THE CITY OF URBANA, AND 169.2 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WEST A DISTANCE OF 100 FEET, THENCE SOUTH TO THE NORTH LINE OF UNIVERSITY AVENUE; THENCE EAST ALONG THE NORTH LINE OF UNIVERSITY AVENUE TO THE WEST LINE OF THE CUNNINGHAM AVENUE (U.S. ROUTE 45) RIGHT-OF-WAY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WEST LINE OF THE CUNNINGHAM AVENUE RIGHT-OF-WAY TO A POINT ON SAID WEST LINE 169.2 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST 1//4 OF THE NORTHEAST 1//4 OF THE SOUTHEAST 1//4 OF SAID SECTION 8; THENCE WEST TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PART OF LOT 32 GRANTED TO THE STATE OF ILLINOIS IN DEDICATION OF RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES RECORDED FEBRUARY 6, 2001, AS DOCUMENT 2001R2553, IN CHAMPAIGN COUNTY, ILLINOIS,

AND,

THAT PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8,  
TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF  
LOT 32 IN HIRAM SHEPHERD'S ADDITION TO THE CITY OF URBANA WITH A  
LINE WHICH IS 169.20 FEET NORTH OF AND PARALLEL WITH THE SOUTH  
LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 8;  
THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 32 AND  
THE EASTERLY LINE OF LOTS 31, 28 AND 27 IN SAID HIRAM SHEPHERD'S  
ADDITION, TO THE POINT OF INTERSECTION WITH A LINE WHICH IS  
MIDWAY BETWEEN THE NORTH BOUNDARY AND THE SOUTH BOUNDARY OF SAID  
LOT 27; THENCE WESTERLY ALONG SAID CENTERLINE OF LOT 27 TO A  
POINT IN THE WEST LINE OF SAID LOT, SAID POINT BEING IN THE WEST  
LINE OF HIRAM SHEPHERD'S ADDITION AFORESAID; THENCE NORTH ALONG  
SAID WEST LINE TO A POINT IN THE SOUTH LINE OF CRYSTAL LAKE PARK  
ADDITION TO URBANA; THENCE WEST ALONG SAID SOUTH LINE TO A POINT  
OF INTERSECTION WITH A LINE WHICH IS 183 FEET WEST OF AND  
PARALLEL WITH THE SAID WEST LINE OF HIRAM SHEPHERD'S ADDITION;  
THENCE SOUTH ALONG SAID PARALLEL LINE TO A POINT WHICH IS 169.20  
FEET NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST  
1/4 OF SAID SECTION 8; THENCE EAST ALONG A LINE PARALLEL WITH  
SAID SOUTH LINE TO THE POINT OF BEGINNING, EXCEPTING FROM SAID  
DESCRIBED PREMISES SUCH PARTS, IF ANY, LYING SOUTH OF THE NORTH  
LINE OF LOT 5 AND ITS EASTERLY AND WESTERLY EXTENSION THEREOF OF  
BELLE BARR'S SURVEY OF PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST  
1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8,

ALSO EXCEPTING THEREFROM THAT PART OF LOT 32 HERETOFORE GRANTED  
TO THE PEOPLE OF THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES, AS  
SHOWN IN DEDICATION OF RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES,  
DATED JUNE 20, 1933 AND RECORDED JUNE 22, 1933, IN BOOK 229, PAGE  
208 AS DOCUMENT 263138;

ALSO EXCEPTING THEREFROM THOSE PARTS OF SAID LOTS 28, 31 AND 27  
AS HAVE BEEN CONVEYED TO THE STATE OF ILLINOIS FOR HIGHWAY  
PURPOSES, AS SHOWN IN RIGHT-OF-WAY DEED, DATED APRIL 4, 1935 AND  
RECORDED SEPTEMBER 18, 1935 IN BOOK 234, PAGE 278 AS DOCUMENT  
278838;

ALSO EXCEPTING THEREFROM THAT PORTION TAKEN BY THE STATE OF  
ILLINOIS FOR HIGHWAY PURPOSES IN COMMON LAW CASE 68 L 832 IN THE  
CIRCUIT COURT OF CHAMPAIGN COUNTY, ILLINOIS;

AND ALSO EXCEPTING THEREFROM THOSE PARTS OF LOTS 27, 28, 31 AND  
32 GRANTED TO THE STATE OF ILLINOIS IN DEDICATION OF RIGHT-OF-WAY  
FOR PUBLIC ROAD PURPOSES RECORDED FEBRUARY 6, 2001, AS DOCUMENT  
2001R2553, IN CHAMPAIGN COUNTY, ILLINOIS,

AND, ALSO EXCEPTING THEREFROM OUTLOT B OF REPLAT OF LOT 2 OF  
SHELBY'S REPLAT OF PART OF LOTS 1, 2, 3, 4, 5 AND 6 OF THE BELLE  
BARR SURVEY, URBANA AND PART OF LOT 6 OF BELLE BARR SURVEY,  
CHAMPAIGN COUNTY, ILLINOIS,

AND,

LOT 29 OF CRYSTAL LAKE PARK ADDITION TO THE CITY OF URBANA,  
ILLINOIS, AS PER PLAT RECORDED IN PLAT BOOK "H," ON PAGE 76, IN  
THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, EXCEPTING THEREFROM

A STRIP OF GROUND 5 FEET IN WIDTH OFF OF THE NORTH END OF SAID LOT, IN CHAMPAIGN COUNTY, ILLINOIS,

AND,

A PORTION OF THE UNIVERSITY AVENUE RIGHT-OF-WAY BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, URBANA, CHAMPAIGN COUNTY, ILLINOIS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 32 AS DESCRIBED IN PETITION FOR CONDEMNATION NO 68-L-832 IN THE CIRCUIT COURT OF CHAMPAIGN COUNTY, ILLINOIS; THENCE N89°46'00"E, AN ASSUMED BEARING, ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE, 599.22 FEET; THENCE S24°46'00'W, 44.14 FEET; THENCE S89°46'00"W, ALONG A LINE PARALLEL WITH, AND 40.00 FEET SOUTHERLY OF, THE SAID EXISTING NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE, 502.07 FEET; THENCE N63°14'00"W, 88.11 FEET, TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 0.5056 ACRES (22,025.804 S.F.), MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

Permanent Parcel Numbers 91-21-08-405-016, 91-21-08-405-024, 91-21-08-405-025, 91-21-08-405-029, and part of 91-21-08-405-028

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 17th day of July, 2006.

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

NAYS:

ABSTAINS:

*Phillip D. Clark*  
Phillip D. Clark, City Clerk  
*Robert J. Robert*  
Deputy Clerk

APPROVED by the Mayor this 25th day of July, 2006.

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor