

**AN ORDINANCE APPROVING
COMBINED PRELIMINARY AND FINAL SUBDIVISION PLATS**

(Brickhouses Road Subdivision - Plan Case No. 2019-S-06)

WHEREAS, The Corporate Authorities of the City of Urbana are empowered by Illinois Municipal Code Article 11 Divisions 12 and 15 (65/ILCS 5/11-12 and 5/11-15) to approve subdivision plats; and

WHEREAS, The City of Urbana has subdivision plat jurisdiction within the Extra Territorial Jurisdiction (ETJ) area contiguous to and within one and one-half miles beyond the corporate limits; and

WHEREAS, Under Section 21-7 of the City's Subdivision and Land Development Code the City Council is empowered to grant waivers from the requirements of the code; and

WHEREAS, Deborah and Michael Insana (acting as trustees of the Michael F. Insana and Deborah J. Insana Trust Dated February 28, 2005), have submitted Combined Preliminary and Final Plats for Brickhouses Road Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and

WHEREAS, in Plan Case 2019-S-06, the Urbana Plan Commission, on February 22, 2007, recommended approval (8-0) of the Combined Preliminary and Final Plats for Brickhouses Road Subdivision along with certain waivers and conditions; and

WHEREAS, The Combined Preliminary and Final Plats for Brickhouses Road Subdivision meet the requirements of the Urbana Subdivision and Land Development Code with the exception of waivers stated herein; and

WHEREAS, The Combined Preliminary and Final Plats for Brickhouses Road Subdivision are generally consistent with the City of Urbana's 2005 Comprehensive Plan; and

WHEREAS, the City Engineer has reviewed the requested waivers and has determined that those which are to be granted will not negatively affect the public benefit or general welfare; and

WHEREAS, The City Engineer has reviewed and approved the Combined Preliminary and Final Plats for Brickhouses Road Subdivision with certain waivers and conditions as set forth herein.

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

Section 1. The Combined Preliminary and Final Plats for Brickhouses Road Subdivision as referenced herein are hereby approved contingent upon satisfying the Conditions specified in Section 3. of this Ordinance.

Section 2. The Combined Preliminary and Final Plats for Brickhouses Road Subdivision comply with the requirements of the Urbana Subdivision and Land Development Code with the exception of the following construction standard waivers and time deferrals which are hereby granted:

1. Waiver of the pavement width requirements of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow Brickhouses Road, a local residential street, to be constructed with pavement width of 25 feet, rather than the minimum required 31 feet.

2. Waiver of Section 21-37.A.1 to allow construction of no sidewalks on the west side of Brickhouses Road in front of Lots 8-11 only, rather than on both sides of the street.

3. Deferral of construction of sidewalks in front of Lots 1-7 until such time as the City Engineer determines that increased development in the area justifies its construction and/or the deferred sidewalk on the north side of Airport Road is constructed.

4. Deferral of construction of sidewalks on the north side of Airport Road until such time as the City Engineer determines that increased development in the area justifies it and/or improvements to Airport Road occur.

5. The developer/owner or subsequent owner(s) shall be required to construct sidewalks on the subject lots at the developer's/owner's or subsequent owner's expense within six (6) months of written notice by the City Engineer that they are required to do so. The governing authority (i.e the City, Somer Township, or Urbana Township) shall have the authority to construct the sidewalk and charge the then owner(s) for the construction if the owner(s) does not install the sidewalks as requested. It is agreed by the developer that this obligation shall be a covenant running with the land.

Said waivers from strict compliance with the provisions of the Urbana Subdivision and Land Development Code are appropriate due to unusual and abnormal development conditions, and furthermore are justified by conditions of topography and other site specific reasons, by the waivers granted herein not harming nearby properties, and by not negatively impacting the public

health, safety and welfare, so long as the conditions required by Section 3 of this Ordinance are met.

Section 3. In granting the waivers specified in Section 2 of this Ordinance, the following conditions for subdivision plat approval are deemed essential to protect the public health, safety and welfare and are hereby imposed and required for approval:

1. The condition (in the interests of public safety to maintain access by emergency vehicles) that no parking be allowed on either side of Brickhouses Road and that no parking area signs shall be installed at the developer's/owner's cost by the City or other governing authority such as Somer Township.

2. The condition that necessary improvements be made upon initial construction to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.

3. The condition that the owner/developer shall apply for an Illinois Environmental Protection Agency (IEPA) sanitary sewer construction permit. If the IEPA issues a construction permit the owner/developer is required to install the sanitary sewer. If the IEPA rejects an application for a technical reason (wrong diameter sewer, need another manhole, etc.) the owner/developer's engineer shall amend and resubmit the application. If the IEPA does not issue a construction permit for a non-technical reason, then the owner/developer will not be required

to install the public sanitary sewer at this time but the necessary subdivision covenant language, a note on the face of the plat and language in the owner's certificate as approved by the City Attorney shall be in place which provides for the consent to establish a Special Service Area to pay for the construction of sanitary sewers in the subdivision at such time as a Special Service is required by a governing authority (i.e. UCSD, City of Urbana, IEPA) or such time as a public sanitary sewer is located within 350 feet of the boundary of any portion of this subdivision. The City Engineer will be the sole judge of whether an application was rejected by the IEPA for a technical or non-technical reason.

4. The condition that the recorded Owners Certificate, and the subdivision Covenants and Restrictions will create a permanent conservation easement on the 10.43-acre Lot 12 and 2.72-acre Outlot 13 detention basin, which will ensure the continued preservation of these areas with forest restoration on the southern four acres of Lot 12 and prairie grass and a natural habitat pond on Outlot 13, and furthermore that these requirements be reviewed and approved by the City of Urbana's Administrative Review Committee based on these principles.

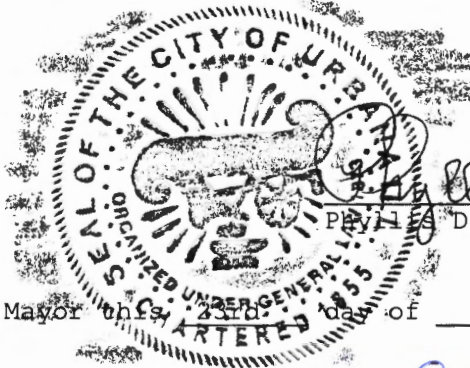
Section 4. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this 16th day of April,
2007.

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

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of April,
2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor