

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To Allow for the Construction of a Mixed-Use Retail/Office Building with Front Yard Setbacks along University and Lincoln Avenues Ranging from Zero to Ten Feet in the B-3, General Business, and B-3U, General Business-University, Zoning Districts for Properties Located at 901 West University Avenue, 902 West Clark Street, and 904 West Clark Street - Case No. ZBA-2008-MAJ-03)

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for major variances where there are special circumstances or conditions with a parcel of land or the structure; and

WHEREAS, Vermilion Development Corporation has submitted a petition for a major variance to allow for the construction of a mixed-use retail/office building with front yard setbacks along University and Lincoln Avenues ranging from zero to ten feet for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street in the B-3, General Business and the B-3U, General Business - University Zoning Districts; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case No. ZBA-2008-MAJ-03; 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 held a public hearing on the proposed major variance on March 12, 2008 and voted 6 ayes and 0 nays to recommend to the Corporate Authorities approval of the requested variance; and

WHEREAS, after due and proper consideration, the Corporate Authorities of the City of Urbana have determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.2.d of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities have considered the variance criteria established in the Urbana Zoning Ordinance and have determined the following findings:

1. The variance requested will not serve as a special privilege because there are major impediments related to the site that would otherwise make the property unusable for meaningful development.

2. The variance requested is necessary due to special circumstances relating to the property because of its size, site geometry and location of an alley in the middle of the subject property.

3. The reduced front yard setbacks will not cause a nuisance to adjacent properties. Where the subject site is immediately adjacent to other development to the west, every effort has been made to maintain the required setbacks.

4. The proposed project conforms to and will advance the goals of the 2005 Comprehensive Plan.

5. The proposed project will fulfill the agreement between the City and the University for development of the subject property.

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

Section 1. The major variance request by Vermilion Development Corporation, in Case No. ZBA-2008-MAJ-03, is hereby approved to allow for the construction of a mixed-use retail/office building with front yard setbacks along University and Lincoln Avenues ranging from zero to ten feet for property located at 901 W. University Avenue, 902 W. Clark Street and 904 W.

Clark Street in the B-3, General Business and the B-3U, General Business - University Zoning Districts, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 901 W. University Avenue, 902 W. Clark Street and 904 W. Clark Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Tract 1 - the East $\frac{1}{2}$ of Lot 23 of M. W. Busey's Heirs' Addition to Urbana, as per plat recorded in Deed record 8 at Page 444, situated in Champaign County, Illinois, EXCEPT a tract of land described as follows: Beginning at the Southeast corner of said Lot 23; thence North along the East line of said Lot 23 a distance of 132.0 feet to the Northeast corner; thence West along the North line of said Lot 23 a distance of 153.36 feet; thence Southeasterly to a point which is 19.07 feet South of the North line of said Lot 23 and 43.60 feet West of the East line of said Lot 23; thence Southeasterly to a point which is 43.07 feet South of the North line of said Lot 23 and 17.0 feet West of the East line of said Lot 23; thence Southeasterly to the Southeast corner of said Lot 23, to the point of beginning, all situated in the City of Urbana, County of Champaign and State of Illinois; and commonly known as 901 W. University, Urbana, Illinois.

Permanent Index No. 91-21-07-484-003

AND

Tract 2 - the East 106.92 feet of Block 22 in Colonel M. W. Busey's Heirs' Addition to the City of Urbana, as per plat recorded in Deed Record 8 at Page 444, situated in Champaign County, Illinois; and commonly known as 902 and 904 W. Clark Street, Urbana, Illinois.

Permanent Index Nos. 91-21-07-484-008 and 91-21-07-484-007

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).

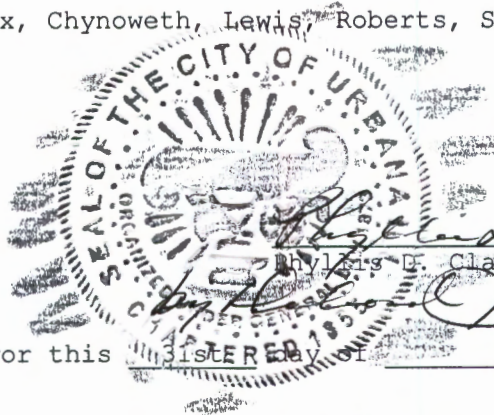
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a special meeting of said Authorities on the 24th day of March, 2008.

PASSED by the City Council this 24th day of March, 2008.

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

NAYS:

ABSTAINS:



APPROVED by the Mayor this 24th day of March, 2008.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]