

AN ORDINANCE APPROVING A PRELIMINARY AND FINAL SUBDIVISION PLAT

(Country Side Second Subdivision - Plan Case 2209-S-13)

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, Marcus Harris has submitted a Preliminary Plat and a Final Plat for an 8.38-acre subdivision called Country Side Second Subdivision, located at the northeast corner of Cottonwood Road and Anthony Drive; and

WHEREAS, the proposed Preliminary and Final Plats would allow for development of the site for Rural Residential use, in conformance with the City of Urbana's 2005 Comprehensive Plan; and

WHEREAS, the existing Country Side Subdivision was approved by Champaign County on June 7, 1962; and

WHEREAS, in Plan Case 2209-S-13, the Urbana Plan Commission, on June 6, 2013, recommended approval (5-0) of the Preliminary and Final Plats for Country Side Second Subdivision along with certain deferrals and waivers; and

WHEREAS, The Preliminary and Final Plats for Country Side Second Subdivision meet the requirements of the Urbana Subdivision and Land Development Code with the exception of waivers stated herein; and

WHEREAS, The Preliminary and Final Plats for Country Side Second 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 Preliminary and Final Plats for Country Side Second Subdivision with certain waivers and conditions as set forth herein; and

WHEREAS, the proposed Preliminary and Final Plat would be consistent with existing County CR, Conservation Recreation and AG-2, Agriculture zoning designations for the site; and

WHEREAS, the proposed Final Plat meets the technical requirements of the Urbana Subdivision and Land Development Code and is consistent with the proposed Preliminary Plat.

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

Section 1. The Preliminary and Final Plats for Country Side Second Subdivision attached hereto are hereby approved, subject to the following condition:

- The developer must submit a stormwater management plan that meets the approval of the City Engineer.

Section 2. The Preliminary and Final Plats for Country Side Second 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 Dolder Court, a local residential street, to be constructed with pavement width of 28 feet, rather than the minimum required 31 feet.
2. Deferral of construction of sidewalks along Cottonwood Road and Anthony Drive until such time as the City Engineer determines that increased development in the area justifies its construction.
3. 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 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.

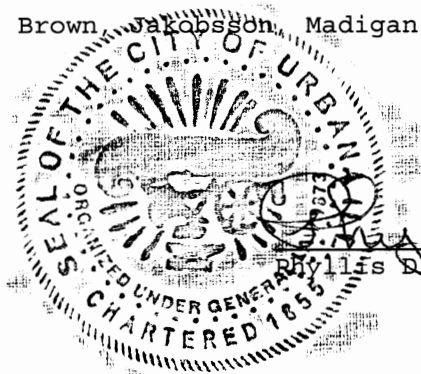
Section 3. This Ordinance is hereby passed by the affirmative vote of a majority of the Urbana Corporate Authorities, the "ayes" and "nays" being called at a regular meeting of the City Council.

PASSED by the City Council this 17th day of June,
2013 .

AYES: Ammons, Brown, ~~Jakobsson~~, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 27th day of June,
2013 .

Charles A. Smyth

Laurel Lunt Prussing, Mayor

By: Charles A. Smyth, Mayor Pro-tem