

GN



Recording Cover Sheet

ORDINANCE NO. 2016-11-109

AN ORDINANCE APPROVING A MAJOR VARIANCE

To allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District

ZBA Case No. 2016-MAJ-11

2016R24759
REC ON: 12/15/2016 11:26:50 AM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 52.00
PAGES 8
PLAT ACT: OPLAT PAGE:

Prepared for recording by:

Marcus Ricci, City of Urbana Planning Division

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

(G)

ORDINANCE NO. 2016-11-109

AN ORDINANCE APPROVING A MAJOR VARIANCE

(To allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District/ ZBA Case No. 2016-MAJ-11)

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 a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Ivan Richardson has submitted a petition for a major variance to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-Family Residential zoning district; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in ZBA Case No. 2016-MAJ-11; 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 November 16, 2016 and voted 5 ayes to 0 nays in Case No. ZBA-2016-MAJ-11 to recommend that the Corporate Authorities approve the requested variance with conditions; 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-4.B 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 Applicant has requested a Major Variance to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive. This exceeds the maximum access drive width of 45 percent of lot widths.
2. The site is located in eastern Urbana, is zoned R-4 Medium Density Multiple-Family Residential, and is designated as "Residential" in the Urbana Comprehensive Plan.
3. The proposed variance is requested due to special practical difficulties of the site, including the shift in housing markets towards a residential configuration with larger vehicular storage and concomitant access drive widths.
4. The proposed variance will not serve as a special privilege to the petitioner, and the request was not the result of a situation knowingly created by the petitioner.
5. The proposed variance will not cause a nuisance to adjacent property owners and will not alter the essential character of the neighborhood.
6. The proposed variance represents the minimal deviation possible from the Zoning Ordinance requirements to accommodate the request.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1. In ZBA Case Nos. 2016-MAJ-11, the variance requested on behalf of Ivan Richardson to allow access drives that are up to 54 percent of the lot widths at 3002 Rutherford Drive in the R-4, Medium Density Multiple-

Family Residential zoning district is hereby approved in the manner proposed in the application and subject to the following conditions:

1. The associated proposed Replat of Lot 452 is approved.
2. The site is developed in general conformance with the attached proposed site plan (Attachment A), titled Replat of Lot 452 Beringer Commons Subdivision No. 4, with the submitted lot, dwelling and access drive configurations and placement.
3. The impacts caused by the additional pavement are minimized on each subject lot by doing one of the following:
 - a. Tapering the area of added width to the extent possible; or
 - b. Using permeable paving materials wherever possible.

The Major Variance described above shall only apply to the property located at 3002 Rutherford Drive, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 452 of Beringer Commons Subdivision No. 4, City of Urbana, Champaign County, Illinois, recorded as Document No. 2001R34360, dated 11-28-2001, in the Champaign County Recorder's office, containing 2.75 acres more or less, all situated in the City of Urbana, Champaign County, Illinois.

P.I.N. 91-21-10-406-014

Section 2. The Urbana 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 City Council of the

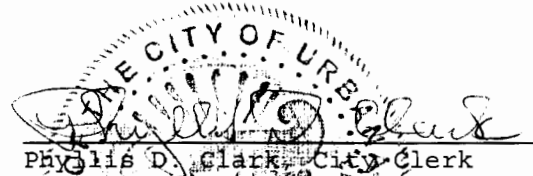
City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of November, 2016

PASSED BY THE CITY COUNCIL this 21st day of November, 2016.

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

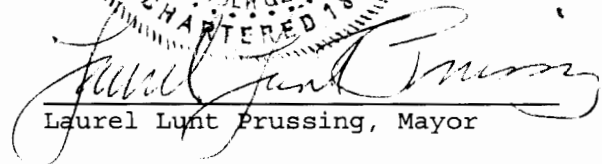
NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

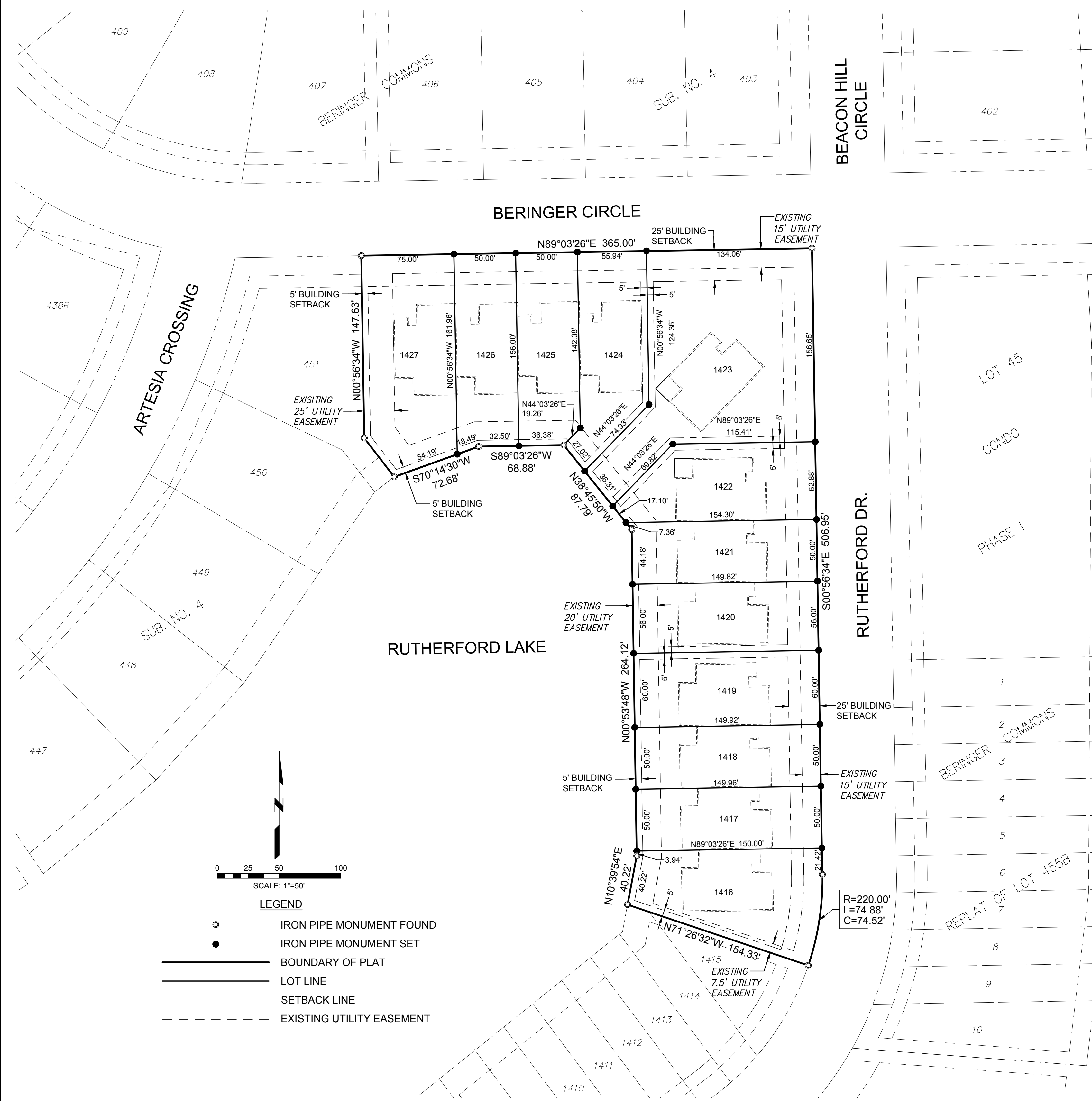
APPROVED BY THE MAYOR this 28th day of November, 2016



Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

REPLAT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

PART OF SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS



SURVEYOR'S CERTIFICATE
I, ??????????, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. ???, DO HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE FOR THE EAST URBANA DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND ORDINANCES OF THE CITY OF URBANA, OF PART OF THE SE 1/4, SEC. 10, T. 19N., R. 9E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 452 OF BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, RECORDED AS DOCUMENT NO. 2001R34360, DATED 11-28-2001 IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE, CONTAINING 2.75 ACRES, MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS,

FOR THE PURPOSE OF RESUBDIVIDING SAID LOT INTO TWELVE LOTS AS SHOWN ON THE ATTACHED PLAT. THE EASEMENTS DESIGNATED ON THE ATTACHED PLAT ARE DEDICATED AND REDEDICATED FOR PUBLIC USE. MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE ATTACHED PLAT AND THE SUBDIVISION SHALL BE KNOWN AS REPLAT OF LOT 452, BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS,

I FURTHER CERTIFY THAT NO PART OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I DO HEREBY DESIGNATE, IN ACCORDANCE WITH P.A. 87-0705 (THE PLAT ACT), CITY OF URBANA AS THE CORPORATION THAT MAY RECORD THIS FINAL PLAT OF WHICH A TRUE COPY HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE.

DATE _____ XXXX
ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. XXX
CHAMPAIGN, ILLINOIS

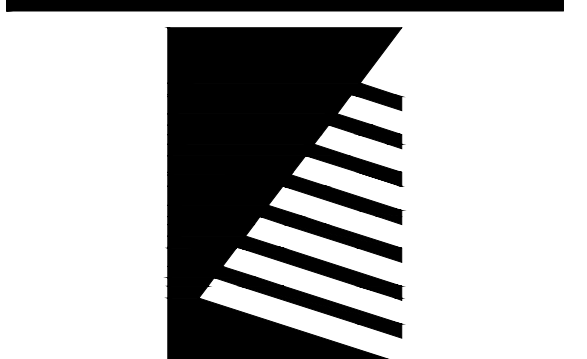
DRAINAGE STATEMENT
WE HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS OF THIS PLAT WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE IMPROVEMENTS OF THIS SUBDIVISION OR ANY PART THEREOF OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATE _____ JOHN A. DABROWSKI ILLINOIS REGISTERED PROFESSIONAL ENGINEER NO. 42530
IVAN RICHARDSON OWNER & SUBDIVIDER PRESIDENT, EAST URBANA DEVELOPMENT CORP.

- GENERAL NOTES:**
1. THE AREA OF THIS PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT WITH THE CITY OF URBANA AS APPROVED BY COUNCIL BILL NO. 9192-20 ON AUGUST 5, 1991 AND AMENDED BY COUNCIL BILL NO. 2001-08-096 ON AUGUST 20, 2001.
 2. LOTS 1416 THROUGH 1427 ARE SUBJECT TO AN OWNER'S CERTIFICATE PROVIDING FOR A FORM OF MAINTENANCE AGREEMENT FOR THE PERPETUAL MAINTENANCE OF THE COMMONS ELEMENTS AND DWELLING UNITS THEREON.
 3. LOTS 1416, 1417, 1418, 1419 AND 1420, 1421, 1422, LOT 1423 AND LOTS 1424, 1425, 1426, 1427 ARE TO BE DEVELOPED UNDER THE COMMON-LOT-LINE PROVISIONS OF THE URBANA ZONING ORDINANCE WITH FOUR (4), THREE (3), ONE (1) AND FOUR (4) DWELLING UNIT STRUCTURES RESPECTIVELY ON THE AFORE MENTIONED "GROUPS OF LOTS".
 4. CITY OF URBANA HORIZONTAL CONTROL FOR THE SOUTH CORNER OF THE REPLAT OF LOT 453 IS N. 1,255,966.09 E. 1,030,763.12 BASED ON A RANDOM FIELD MEASUREMENT WHICH INCLUDED A FIELD ANGLE TO THE URBANA SYSTEM. BEARINGS SHOWN ON THE PLAT ARE REFERENCED TO BEARINGS OF ORIGINAL PLAT FOR BERINGER COMMONS SUBDIVISION NO. 2B. ROTATE 00°05'52" CLOCKWISE TO CITY OF URBANA HORIZONTAL DATUM ABOUT SAID SOUTH CORNER.???????

LOT	AREA (SF)
1416	10,752.61
1417	7,498.78
1418	7,496.77
1419	8,993.17
1420	8,391.44
1421	7,503.30
1422	9,071.77
1423	23,307.51
1424	8,723.10
1425	7,707.26
1426	7,852.17
1427	12,632.74
TOTAL	119,930.62

APPROVED BY:
THE URBANA PLAN COMMISSION OF THE CITY OF URBANA, ILLINOIS
DATE: _____ CHAIRPERSON: _____
APPROVED BY:
THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS,
IN ACCORDANCE WITH ORDINANCE NO. _____
DATE: _____ BY: _____
MAYOR
ATTEST: _____
CITY CLERK
THIS PLAT IS VALID FOR ONE HUNDRED EIGHTY (180) DAYS FROM _____



Farnsworth GROUP

2211 WEST BRADLEY AVENUE
CHAMPAIGN, ILLINOIS 61821
(217) 352-7408 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	Date:	Description:
1	09/26/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424

PROJECT:
BERINGER CONDOMINIUMS

REPLAT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date: 09/13/2016
Design/Drawn: GLS
Reviewed: MF
Field Book No.: NA

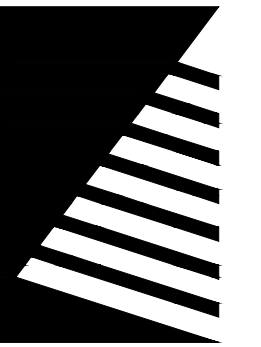
FINAL PLAT

SHEET NUMBER:

V1.0

Project No.: 0161352.00

I:\demith\j_c\2016\0161352.00 - Richardson Beringercom Lot Line Sub\CA_Drawings\DWG\V1.0_Final Plat - 0161352.00 Rev 2 9:29:16.amg | 10/20/2016 5:32 PM |

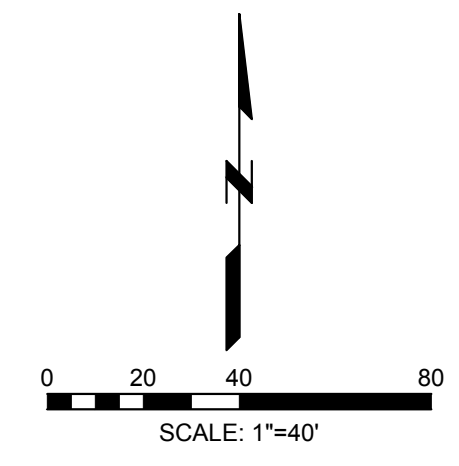
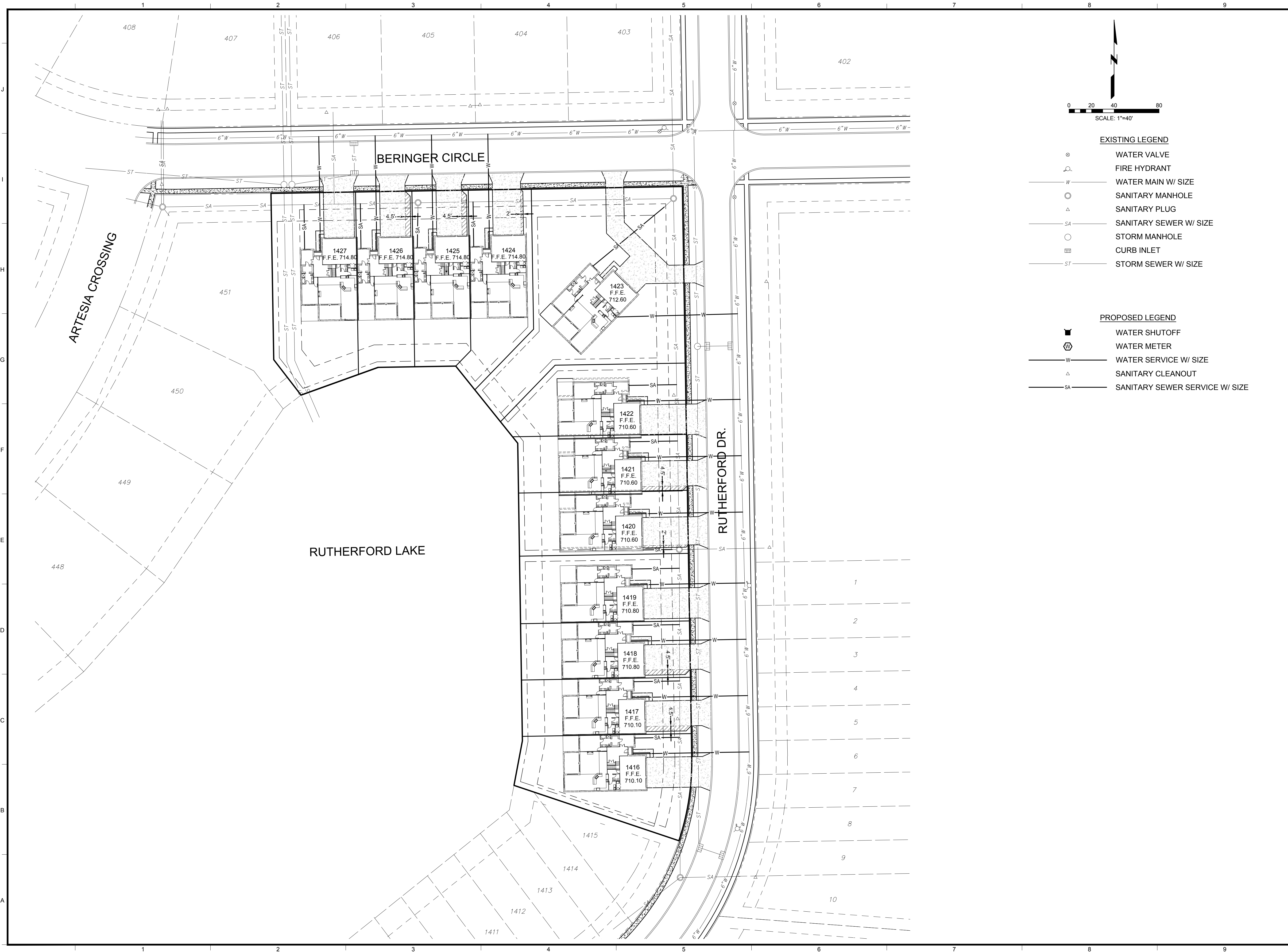


Farnsworth GROUP

2211 WEST BRADLEY AVENUE
CHAMPAIGN, ILLINOIS 61821
(217) 352-7408 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

#	Date:	Description:
1	09/26/2016	REVISED LOTS 1422 & 1423
2	09/29/2016	REVISED LOTS 1423 & 1424



- EXISTING LEGEND**
- ⊗ WATER VALVE
 - ⊕ FIRE HYDRANT
 - W — WATER MAIN W/ SIZE
 - ⊙ SANITARY MANHOLE
 - △ SANITARY PLUG
 - SA — SANITARY SEWER W/ SIZE
 - STORM MANHOLE
 - ▣ CURB INLET
 - ST — STORM SEWER W/ SIZE
- PROPOSED LEGEND**
- WATER SHUTOFF
 - ⊕ WATER METER
 - W — WATER SERVICE W/ SIZE
 - △ SANITARY CLEANOUT
 - SA — SANITARY SEWER SERVICE W/ SIZE

PROJECT:
BERINGER CONDOMINIUMS

REPLAT OF LOT 452 BERINGER COMMONS SUBDIVISION NO. 4

CITY OF URBANA,
CHAMPAIGN COUNTY, ILLINOIS

Date:	09/13/2016
Design/Drawn:	GLS
Reviewed:	MF
Field Book No.:	NA

UTILITY & GRADING PLAN

SHEET NUMBER:

C1.0

2

Project No.: 0161352.00

I:\demith\j...2016\0161352.00 - Richardson Beringercom Lot Line Sub\CA_Drawings\DWG\C1.0_Grading Plan - 0161352.00 Rev. 2. 9.29.16.dwg | 10/24/2016 10:42 AM |



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 21st day of November, 2016, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2016-11-109, entitled:

**"AN ORDINANCE APPROVING A MAJOR VARIANCE"
(To allow access drives that are up to 54 percent of the lot widths at 3002 E. Rutherford Drive in the R-4, Medium Density Multiple-Family Residential District/ ZBA Case No. 2016-MAJ-111)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2016-11-109 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 28th day of November, 2016, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 28th day of November, 2015





Phyllis D. Clark, City Clerk