

ORDINANCE NO. 2018-02-014

**AN ORDINANCE APPROVING AND DENYING REQUESTS FOR WAIVERS OF
SUBDIVISION REGULATIONS**

(500 Art Bartell Rd. / Plan Case No. 2335-S-18)

WHEREAS, Urbana City Code Chapter 21 establishes requirements for subdivisions and other land developments in the City of Urbana (“City”); and

WHEREAS, Urbana City Code Section 21-7 authorizes the City Council to approve waivers from strict compliance with such requirements pursuant to the criteria specified therein; and

WHEREAS, Champaign County owns land in the City located at 500 Art Bartell Road, upon which it operates the Champaign County Nursing Home; and

WHEREAS, Champaign County has proposed a new subdivision on such land, to be known as the Champaign County Nursing Home Subdivision; and

WHEREAS, for such subdivision, the Champaign County Board has requested waivers from certain requirements of the following sections of Urbana City Code Chapter 21: Section 21-36, “Design of Streets,” Section 21-37, “Design and Arrangement of Sidewalks, Mid-Block Walks, Lots and Blocks,” and Section 21-38, “Right-of-Way and Easement Dedications”; and

WHEREAS, the Urbana Plan Commission considered the requested waivers on February 22, 2018, and voted with six (6) ayes and zero (0) nays to forward Plan Case No. 2335-S-18 to the City Council with a recommendation to **APPROVE** the requests for subdivision waivers of Sections 21-36 and 21-38., subject to the conditions specified in Section 1 herein; and

WHEREAS, at the same meeting, the Urbana Plan Commission voted with six (6) ayes and zero (0) nays to forward Plan Case No. 2335-S-18 to the City Council with a recommendation to **DENY** the request for a subdivision waiver of Section 21-37 but to **grant** a sidewalk deferral under Section 21-17(B)(3), subject to the conditions specified in Section 2 herein; and

WHEREAS, the City Council finds that the proposed waivers for Sections 21-36 and 21-38, as requested, would allow Art Bartell Road to remain a private street on a public access easement without negatively impacting current or anticipated levels of automotive or cycling traffic, would not be harmful to other properties, would not negatively impact the public health, safety and welfare of the community, would not impede the attainment of the goals and objectives contained in the Comprehensive Plan, and would meet the waiver criteria contained in Section 21-7; and

WHEREAS, the City Council finds that the proposed waiver for Section 21-37, as requested, would allow the continued lack of sidewalks on both sides of Art Bartell Road and the associated lack of public infrastructure for pedestrian traffic to the Champaign County Nursing Home and other campus facilities and may negatively impact public health and welfare, but otherwise meets the waiver criteria contained in Section 21-7; and

WHEREAS, the City Council further finds that approval of the subdivision waivers and sidewalk deferral, with the conditions set forth below, is consistent with the requirements and general intent of Section 21-7.

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

Section 1.

The requested waiver of Urbana City Code Section 21-36, which requires all new streets to comply with the minimum standards set forth in Urbana City Code Chapter 21, Table A “Minimum Street and Alley Design Standards” and Article V, “Minimum Materials and Construction Standards for Required and Recommended Improvements,” and the requested waiver of Urbana City Code Section 21-38(a), which requires the entire right-of-way for the street to be dedicated by the developer, are hereby **granted**, with the following condition: At the time of any future request for a subdivision of the parent or subject parcel, the owner must reconstruct Art Bartell Road to the public street standards in effect at the time of that future subdivision and dedicate the public right-of-way.

Section 2.

The requested waiver of Urbana City Code Section 21-37, which requires installation of sidewalks on both sides of Art Bartell Road from East Main Street to Lierman Avenue is hereby **denied**. The City Council hereby **grants a deferral** of the requirement to install a sidewalk on one side of Art Bartell Road, effectively requiring construction of a sidewalk on the other side of Art Bartell Road within two years of the date of recording of the Plat of Champaign County Nursing Home Subdivision, with the following condition: The owner must install a sidewalk along the other side of Art Bartell Road at the time of any future request to subdivide the parent or the subject parcel.

Section 3.

The legal description of the proposed Champaign County Nursing Home Subdivision is as follows:

Part of the Northeast Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, described as follows:

Beginning at the northeast corner of Section 16, a point on the centerline of East Main Street, proceed South $00^{\circ}37'27''$ East 1000.29 feet along the east line of said Section 16 to the True Point of Beginning, thence continue along the said east line of Section 16 South $00^{\circ}37'27''$ East 767.98 feet to the north of Tract "B" as depicted by a plat of survey by Charles S. Danner dated November 3, 1966, thence South $89^{\circ}36'12''$ West 814.84 feet along the said north line of Tract "B" and the north line of Tract "A" as depicted by the said plat of survey by Charles S. Danner to the proposed east right-of-way line of Art Bartell Road, thence North $00^{\circ}11'25''$ East 575.20 feet along the said east right-of-way line of Art Bartell Road, thence North $90^{\circ}00'00''$ East 235.96 feet, thence North $44^{\circ}59'42''$ East 81.81 feet, thence North $90^{\circ}00'00''$ East 216.10 feet, thence North $00^{\circ}03'18''$ East 137.32 feet, thence North $89^{\circ}22'23''$ East 294.53 feet to the True Point of Beginning on the said east line of Section 16. Said tract containing 12.315 acres, more or less.

PIN: 92-21-16-200-005

Section 4.

This Ordinance shall be in full force and effect from and after its passage.


This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of two-thirds of all the alderpersons then holding office (5 of 7 votes) of the City of Urbana, Illinois, at a meeting of the City Council.

PASSED BY THE CITY COUNCIL this 21st day of May, 2018.

AYES: Brown, Hazen, Jakobsson, Roberts, Wu

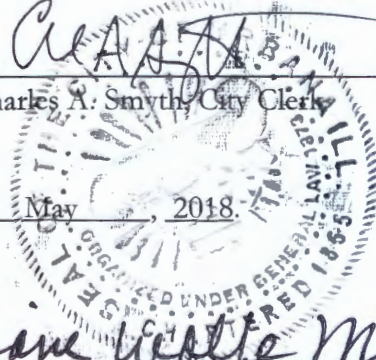
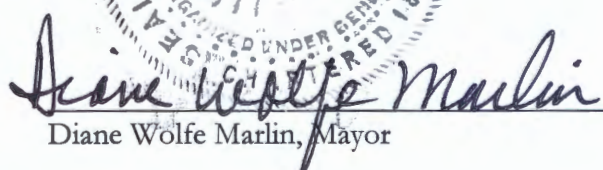
NAYS: Ammons, Miller

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 23rd day of May, 2018.

Diane Wolfe Marlin, Mayor