

ORDINANCE NO. 2018-11-074

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(Rezoning Nine Real Estate Parcels at North Race Street and West University Avenue from B-3 to B-4 / James W. Burch III Trust – Plan Case 2353-M-18)

WHEREAS, Sarah M. Burch, Trustee of the James W. Burch, III, Declaration of Trust dated May 17, 1996, has applied to the City of Urbana (“City”) for a Zoning Map Amendment to rezone nine properties in downtown Urbana from B-3, General Business to B-4, Central Business; and

WHEREAS, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, October 18, 2018, in Plan Case No. 2353-M-18; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in The News-Gazette, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Urbana Plan Commission voted six (6) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the rezoning request; and

WHEREAS, the findings of the Plan Commission indicate that approval of the rezoning request will promote the general health, safety, and welfare of the public; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, after due consideration, the City Council further finds that an amendment to the Urbana Zoning Map as herein provided will protect the public health, safety, and welfare.

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

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties:

The subject properties to be rezoned from B-3, General Business to B-4, Central Business are more accurately described as follows:

TRACT 1:

THE EAST 50 FEET OF LOT 1 OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, EXCEPT THE NORTH 33 FEET THEREOF, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF THE LAND DEDICATED TO THE CITY OF URBANA IN DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES RECORDED OCTOBER 25, 2011 AS DOCUMENT NO. 2011R22066.

Commonly known as 413 North Race Street

Permanent Index No.: 91-21-08-451-003

TRACT 2:

LOT 2 OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPTING

THEREFROM THAT PART OF THE LAND DEDICATED TO THE CITY OF URBANA IN DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES RECORDED OCTOBER 25, 2011 AS DOCUMENT NO. 2011R22066.

Commonly known as 411 North Race Street

Permanent Index No.: 91-21-08-451-004

TRACT 3:

THE NORTH 30 FEET OF LOT 3 OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPT THE WEST 89 FEET THEREOF, EXCEPTING THEREFROM THAT PART OF THE LAND DEDICATED TO THE CITY OF URBANA IN DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES RECORDED OCTOBER 25, 2011 AS DOCUMENT NO. 2011R22066.

Commonly known as 409 North Race Street

Permanent Index No.: 91-21-08-451-009

TRACT 4:

THE WEST 89 FEET OF THE NORTH 30 FEET OF LOT 3 OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS; AND
THE WEST 59 FEET OF THE SOUTH 48.46 FEET OF LOT 3 OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 408 North Lake Street

Permanent Index No.: 91-21-08-451-005

TRACT 5:

THE SOUTH 48.46 FEET OF LOT 3 OF SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPT THE WEST 59 FEET THEREOF, EXCEPTING THEREFROM THAT PART OF THE LAND DEDICATED TO THE CITY OF URBANA IN

DEDICATION OF RIGHT OF WAY FOR PUBLIC ROAD PURPOSES RECORDED
OCTOBER 25, 2011 AS DOCUMENT NO. 2011R22066.

Commonly known as 407 North Race Street

Permanent Index No.: 91-21-08-451-010

TRACT 6:

THE NORTH 71 FEET OF THE EAST 102 FEET OF LOT 4 OF A SUBDIVISION OF
OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT
RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN
CHAMPAIGN COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF
THE LAND DEDICATED TO THE CITY OF URBANA IN DEDICATION OF RIGHT
OF WAY FOR PUBLIC ROAD PURPOSES RECORDED OCTOBER 25, 2011 AS
DOCUMENT NO. 2011 R22066.

Commonly known as 405 North Race Street

Permanent Index No.: 91-21-08-451-011

TRACT 7:

THE SOUTH 66 FEET OF THE EAST HALF OF LOT 4 OF A SUBDIVISION OF
OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT
RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN
CHAMPAIGN COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF
THE LAND DEDICATED TO THE CITY OF URBANA IN DEDICATION OF RIGHT
OF WAY FOR PUBLIC ROAD PURPOSES RECORDED OCTOBER 25, 2011 AS
DOCUMENT NO. 2011R22066.

Commonly known as 403 North Race Street

Permanent Index No.: 91-21-08-451-012

TRACT 8:

THE WEST 94 FEET OF THE EAST 144 FEET OF LOT 1 EXCEPT THE NORTH 33
FEET OF A SUBDIVISION OF LOT 2 OF HOOPER AND PARK'S ADDITION TO
THE CITY OF URBANA, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 203 W. University Avenue

Permanent Index No.: 91-21-08-451-002

Tract 9:

THE WEST 60 FEET OF LOT 1 EXCEPT THE NORTH 33 FEET OF A SUBDIVISION OF OUTLOT 2 OF HOOPER AND PARK'S ADDITION TO URBANA, AS PER PLAT RECORDED IN BOOK "A" AT PAGE 40, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 205 W. University Avenue Permanent Index No.: 91-21-08-451-001

EXCEPTING THEREFROM THE FOLLOWING PARCEL CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS:

Part of Lot 1 of a Subdivision of Outlet 2 of Hooper and Park's Addition to Urbana, as per plat recorded in Book "A" at Page 40, situated in the City of Urbana, in Champaign County, Illinois, described as follows:

Beginning at the intersection of the westerly line of the Subdivision of Outlet 2 of Hooper and Park's Addition to Urbana and the southerly right of way line of University Avenue, said point is located 31.91 feet southerly of and normal to the centerline of FAP Route 808/US 150 (University Avenue); thence, N 89° 19' 12" E [Bearings based on Illinois State Plane Coordinates, East Zone NAD 83(2011) Epoch 2010] along the southerly right of way line of University Avenue a distance of 174.52 feet to a 5/8" Iron Pin w/Cap #3885 (Set); thence continuing along said line, S 46° 03' 27" E a distance of 8.20 feet to a point located 38.00 feet southerly of and normal to the centerline of FAP Route 808/US 150 (University Avenue) a 5/8" Iron Pin w/Cap #3885 (Set); thence along a line that is 38.00 feet southerly of and parallel with said centerline, S 89° 13' 03" W a distance of 93.56 feet to a 5/8" Iron Pin w/Cap #3885 (Set); thence leaving said line, S 00° 46' 57" E a distance of 2.00 feet to a 5/8" Iron Pin w/Cap #3885 (Set); thence along a line that is 40.00 feet southerly of and parallel with said centerline, S 89° 13' 03" W a distance of 4.00 feet to a 5/8" Iron Pin w/Cap #3885 (Set); thence leaving said line, N 00° 46' 57" W a distance of 2.00 feet to a 5/8" Iron Pin w/Cap #3885 (Set); thence along a line that is 38.00 feet southerly of and parallel with said centerline, S 89° 13' 03" W a distance of 82.72 feet to a 5/8" Iron Pin w/Cap #3885 (Set) in the westerly line of aforesaid Subdivision of Outlet 2; thence along said westerly line, N 01° 28' 20" W a distance of 6.09 feet to the Point of Beginning, containing 1,059 square feet (0.024 Ac), more or less.

Section 2.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

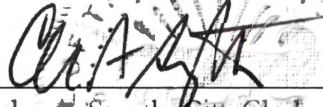
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 5th day of November, 2018.

AYES: Brown, Hazen, Jakobsson, Miller, Roberts, Wu

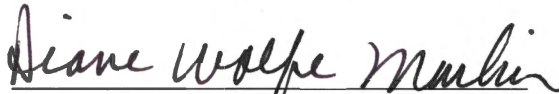
NAYS:

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 7th day of November, 2018.



Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 5th day of November 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-11-074, entitled:

**AN ORDINANCE AMENDING THE URBANA ZONING MAP
(REZONING NINE REAL ESTATE PARCELS AT NORTH RACE STREET AND WEST
UNIVERSITY AVENUE FROM B-3 TO B-4 / JAMES W. BURCH III TRUST – PLAN
CASE 2353-M-18)**

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

The pamphlet form of Ordinance No. 2018-11-074 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7th day of November 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 7th day of November, 2018.





Charles A. Smyth, City Clerk