

**ORDINANCE NO. 2018-12-084**

**AN ORDINANCE AMENDING THE URBANA ZONING MAP**

**(Rezoning 307 South Busey, 401 South Busey, and 403 South Busey/802 West Illinois from R-4 to R-5 / AGRJ Investments, LLC – Plan Case 2357-M-18)**

**WHEREAS**, AGRJ Investments, LLC, the owner of certain real property, has applied to the City of Urbana (“City”) for a Zoning Map Amendment to rezone the approximately 0.55-acre parcel commonly addressed as 307 South Busey Avenue, 401 South Busey Avenue, and 403 South Busey Avenue, also known as 802 West Illinois Street, in west Urbana from R-4, Medium Density Multiple-Family Residential to R-5, Medium High Multiple-Family Residential; and

**WHEREAS**, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, December 6, 2018, in Plan Case No. 2357-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 (5) 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 R-4, Medium Density Multiple-Family Residential to R-5, Medium High Multiple-Family Residential is more accurately described as follows:

THE NORTH 60 FEET OF THE EAST ONE-HALF OF LOT FIVE OF J. W. SIM'S ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 328, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, ALSO DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF LOT FIVE OF THE J. W. SIM'S ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, RUNNING THENCE WEST ON THE NORTH LINE OF SAID LOT TO CENTER OF SAID LOT FIVE, THENCE SIXTY FEET, THENCE EAST TO THE EAST LINE OF SAID LOT, THENCE NORTH ALONG THE EAST LINE OF SAID LOT TO THE PLACE OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 307 South Busey Avenue.

Permanent Index No.: 92-21-17-103-016

THE SOUTH FIFTY FEET OF THE NORTH ONE HUNDRED TEN FEET OF THE EAST ONE-HALF OF OUT LOT FIVE J. W. SIM'S ADDITION OF OUT LOTS TO URBANA, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 401 South Busey Avenue.

Permanent Index No.: 92-21-17-103-017

THE EAST HALF OF LOT FIVE, EXCEPT THE NORTH ONE HUNDRED AND TEN FEET THEREOF, OF JOSEPH W. SIM'S ADDITION OF OUT LOTS TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 328, IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 403 South Busey Avenue; And 802 West Illinois Street. Permanent Index No.: 92-21-17-103-018

**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.

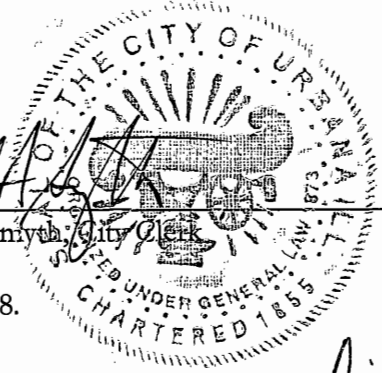
**PASSED BY THE CITY COUNCIL** this 17<sup>th</sup> day of December, 2018

AYES: Brown, Jakobsson, Miller, Roberts, Wu

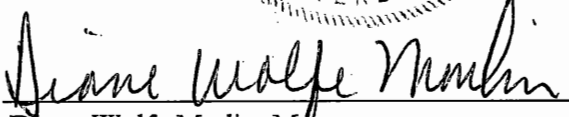
NAYS:

ABSTENTIONS:

  
\_\_\_\_\_  
Charles A. Smyth, City Clerk












**APPROVED BY THE MAYOR** this 19<sup>th</sup> day of December, 2018.

  
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Diane Wolfe Marlin, Mayor

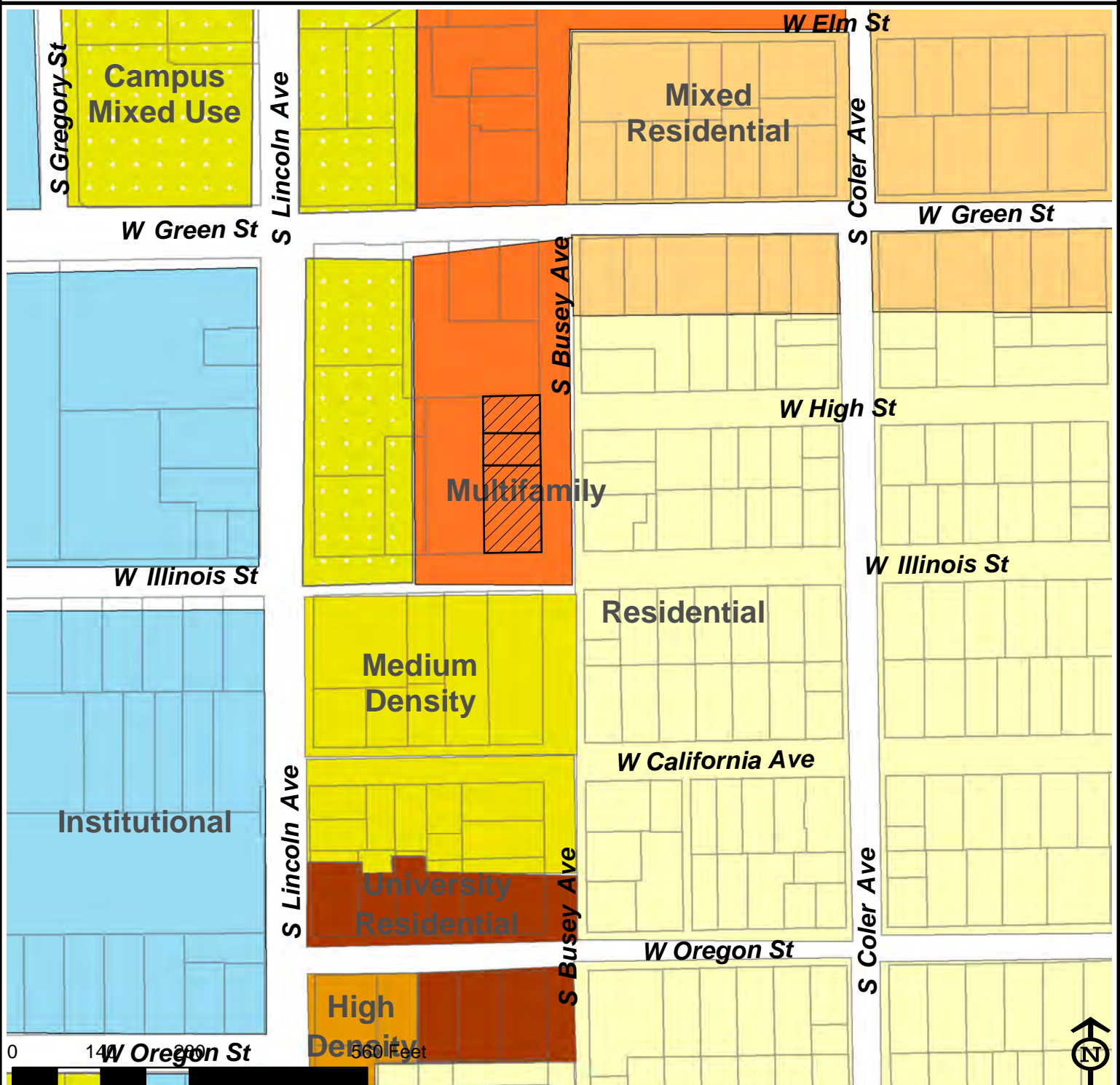
# Exhibit B: Zoning Map












Case: 2357-M-18  
 Subject: Zoning Map Amendment  
 Location: 307-403 S Busey Ave  
 Petitioner: Jonah Weisskopf, AGRJ Investments LLC

	B1		R2		R5
	B3U		R3		R6
	MOR		R4		
	Subject Property				

# Exhibit C: Future Land Use Map



Case: 2357-M-18  
 Subject: A proposal to rezone from R-4 to R-5  
 Location: 307-403 S Busey Ave and 802 W Illinois St  
 Petitioner: AGRJ Investments, LLC

- |  |  |
|--|--|
|  Residential            |  Multi-Family Residential |
|  High Density           |  Campus Mixed Use         |
|  University Residential |  Institutional            |
|  Medium Density         |  Subject Property         |
|  Mixed Residential      |  |



## 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 17<sup>th</sup> day of December, 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-12-084, entitled:

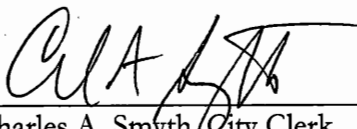
**AN ORDINANCE AMENDING THE URBANA ZONING MAP (Rezoning 307 South Busey, 401 South Busey, and 403 South Busey/802 West Illinois from R-4 to R-5 / AGRJ Investments, LLC – Plan Case 2357-M-18)**

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

The pamphlet form of Ordinance No. 2018-12-084 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 19<sup>th</sup> day of December, 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 19<sup>th</sup> day of December, 2018.



  
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Charles A. Smyth, City Clerk