

ORDINANCE NO. 2019-02-015

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(Rezoning 802, 804, 806, and 808 West Clark Street from R-4 to B-3; and 810, 812, 814, and 816 Clark Street, and 408 North Lincoln Avenue, from B-2 to B-3 / Plan Case No. 2361-M-18)

WHEREAS, Rael Development Corporation, the owner of certain real property, has applied to the City of Urbana (“City”) for a Zoning Map Amendment to rezone approximately 0.55-acres of parcels commonly addressed as 802, 804, 806, and 808 Clark Street, in west Urbana from R-4, Medium Density Multiple-Family Residential to B-3, General Business, and 810, 812, 814, and 816 Clark Street, and 408 North Lincoln Avenue, in west Urbana from B-2, Neighborhood Business-Arterial to B-3, General Business; and

WHEREAS, the Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, January 24, 2019, and Thursday, February 7, 2019, in Plan Case No. 2361-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 five (5) ayes and three (3) 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 B-3, General Business is more accurately described as follows:

THE EAST 1/3 OF LOT 14 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 66.00 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONVEX TO THE NORTH HAVING A RADIUS OF 91.75 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14, SAID POINT BEING 28.17 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 28.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 14 TO THE POINT OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS

Commonly known as 802 West Clark Street. Permanent Index No.: 91-21-08-352-012

THE WEST HALF OF THE EAST TWO-THIRDS OF LOT 14 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 804 West Clark Street. Permanent Index No.: 91-21-08-352-011

THE WEST 1/3 OF LOT 14 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 806 West Clark Street. Permanent Index No.: 91-21-08-352-010

THE EAST 1/3 OF LOT 19 OF M. W. BUSEY'S HEIRS' ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN DEED RECORD AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 808 West Clark Street. Permanent Index No.: 91-21-08-352-009

The subject properties to be rezoned from B-2, Neighborhood Business - Arterial, to B-3, General Business is more accurately described as follows:

THE CENTER ONE-THIRD OF LOT 19 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT ~AGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 810 West Clark Street. Permanent Index No.: 91-21-08-352-008

THE WEST ONE-THIRD OF LOT 19 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 812 West Clark Street. Permanent Index No.: 91-21-08-352-007

THE EAST HALF OF LOT 18 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 814 West Clark Street. Permanent Index No.: 91-21-08-352-006

THE WEST HALF OF LOT 18 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA AS PER PLAT RECORDED IN DEED RECORD A AT PAGE 444, EXCEPT THE NORTH 72 1/2 FEET, AND EXCEPT THE FOLLOWING PART OF SAID LOT 18:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 18, SAID CORNER BEING 33 FEET EAST OF THE CENTERLINE OF LINCOLN AVENUE AND 33 FEET NORTH OF THE CENTERLINE OF CLARK STREET; THENCE IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF LINCOLN AVENUE, A DISTANCE OF 16 FEET; THENCE IN A SOUTHEASTERLY DIRECTION TO A POINT ON THE NORTH LINE OF CLARK STREET, SAID POINT BEING 6 FEET EAST OF THE SAID POINT OF BEGINNING; THENCE IN A WESTERLY DIRECTION, A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 816 West Clark Street. Permanent Index No.: 91-21-08-352-005

THE NORTH 72 1/2 FEET OF THE WEST HALF OF LOT 18 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, AS PER PLAT RECORDED IN DEED RECORD 8 AT PAGE 444, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS; AND

THAT PART OF LOTS 16 AND 17 IN M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 17 OF M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA, THENCE NORTH 30 FEET ON THE WEST LINE OF SAID LOT, THENCE EAST 150 FEET, THENCE SOUTH 30 FEET TO THE SOUTH LINE OF SAID LOT 16, THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS 16 AND 17 TO THE PLACE OF BEGINNING; AND

THAT PART OF LOTS 16 AND 17 IN M. W. BUSEY'S HEIRS' ADDITION TO THE TOWN (NOW CITY) OF URBANA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 178 1/2 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 18 OF SAID SUBDIVISION, THENCE EAST 200 FEET TO A POINT, THENCE NORTH 69_1 FEET TO THE RIGHT OF WAY OF THE WABASH RAILROAD, THENCE NORTHWEST ALONG SAID RAILROAD RIGHT OF WAY 98.3 FEET TO THE SOUTH LINE OF UNIVERSITY AVENUE, THENCE WEST ALONG THE SOUTH LINE OF UNIVERSITY AVENUE 108.1 FEET TO THE EAST LINE OF LINCOLN AVENUE, THENCE SOUTH ALONG THE EAST LINE OF LINCOLN AVENUE 102 FEET TO THE PLACE OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS.

Commonly known as 406 North Lincoln Avenue. Permanent Index No.: 91-21-08-352-013

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.

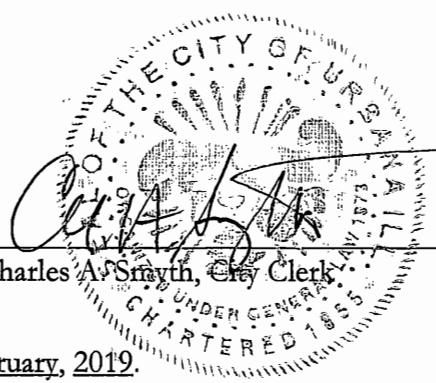
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 25th day of February, 2019.

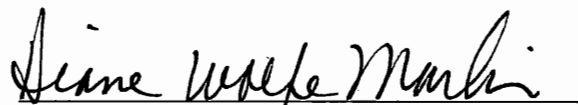
AYES: Brown, Hazen, Hursey, Roberts

NAYS: Jakobsson

ABSTENTIONS: Miller, Wu


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 26th day of February, 2019.


Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



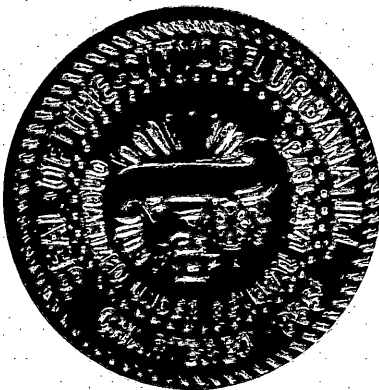
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 25th day of February 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-02-015, entitled:

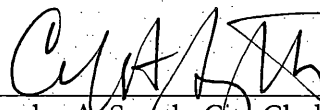
AN ORDINANCE AMENDING THE URBANA ZONING MAP (REZONING 802, 804, 806, AND 808 WEST CLARK STREET FROM R-4 TO B-3; AND 810, 812, 814, AND 816 CLARK STREET, AND 408 NORTH LINCOLN AVENUE, FROM B-2 TO B-3 / PLAN CASE NO. 2361-M-18)

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

The pamphlet form of Ordinance No. 2019-02-015 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 27th day of February, 2019, 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 27th day of February, 2019.




Charles A. Smyth, City Clerk