

DEFEATED

November 16, 2020

ORDINANCE NO. 2020-11-065

AN ORDINANCE AMENDING THE URBANA ZONING MAP

**(702, 704, 706, & 708 West High Street and 309 South Coler Avenue /
Plan Case No. 2410-M-20)**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, James and Spencer Dobrovolny have requested a rezoning from the R-3, Single and Two-Family Residential zoning district to R-5, Medium High Density Multiple Family Residential zoning district at 702, 704, 706 and 708 West High Street and 309 South Coler Avenue; and

WHEREAS, the Plan Commission held a public hearing on such petition at 7:00 p.m. on November 5, 2020, in Plan Case No. 2410-M-20; 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 Plan Commission voted seven (7) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to deny the requested rezoning; 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-3, Single and Two-Family Residential to R-5, Medium High Density Multiple-Family Residential, located at 702, 704, 706 and 708 West High Street and 309 South Coler Avenue, more particularly described as follows:

702 West High Street

The East 42 Feet 3 ½ Inches of the South 67.5 Feet of Lot 6 and the South 67.5 Feet of Lot 7 in Block 3 of J.W. Sim, Jr's Addition to the City of Urbana, in Champaign County, Illinois.

704 West High Street

The East 17 feet 8 ½ Inches of Lot 5 and the West 15 Feet of Lot 6 all in Block 3 of Joseph W. Sim's Addition to Urbana, as per plat recorded in Deed Record "O" at page 125, in Champaign County, Illinois.

AND ALSO East 26 Feet and 11 Inches of the West 42 Feet and 4 Inches of Lot 6, except the South 107 ½ feet thereof, in Block 3 Joseph W. Sim's Addition to Urbana, as per plat recorded in Deed Record "O" at page 125, in Champaign County, Illinois

706 West High Street

The East 2.5 Feet of Lot 4 and the West 40 Feet of Lot 5 all in Block 3 of Joseph W. Sim, Jr's Addition to Urbana, as per Plat recorded in Deed Record "O" at Page 125, situated in Champaign County, Illinois.

708 West High Street

Commencing 2 ½ Feet West of the Southeast corner of Lot 4 in Block 3 in Joseph W. Sim, Jr.'s (also known as J.W. Sim's) Addition to the City of Urbana, as per Plat recorded in Deed Record "O" at Page 125; and running thence West 59 feet; thence North 121 ½ feet; thence East 59 feet; thence South 121 ½ feet to the place of beginning, in Champaign County, Illinois.

309 South Coler Avenue

A part of Lots 6 and 7 of Block 3 of Joseph W. Sim's Addition to Urbana as per Plat recorded in Deed Record "O" at page 125, in Champaign County, Illinois, described as follows:

Commencing 67 feet and 6 inches North of the Southeast corner of Block 3 in Joseph W. Sim's Addition to Urbana, and running thence North 40 feet, thence West 100 feet, thence South 40 feet, thence East 100 feet to the place of beginning.

Commonly known as 702, 704, 706 & 708 West High Street and 309 South Coler Avenue, Urbana, Illinois 61801

P.I.N.: 92-21-17-107-016 (702 W. High St.), 92-21-17-107-014 (704 W. High St.), 92-21-17-107-013 (706 W. High St.), 92-21-17-107-012 (708 W. High St.), and 92-21-17-107-015 (309 S. Coler Ave.)

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. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy with the Champaign County Office of the Recorder of Deeds and transmit one copy of the recorded Ordinance to the petitioner.

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 ____ day of _____, 2020.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2020.

Diane Wolfe Marlin, Mayor