

**FILED**

JUL 24 1984

*Alvin C. Gray*  
COUNTY CLERK

RESOLUTION NO. 8485-R9

A RESOLUTION OF PROTEST

WHEREAS, William J. Chidlaw and Tony Dillon, on their own behalf and Kerasotes Rialto Theatre Corporation, owner of the subject site, have petitioned the Champaign County Zoning Board of Appeals to grant a special use permit on the parcel described below for use as an outdoor commercial recreational enterprise commonly known as a "flea market":

The north 10 acres of that part of the SW 1/4 of the SE 1/4 of Section 33, Somer Township, Champaign County, Illinois, that lies east of U.S. Route 45,

and

WHEREAS, the said proposal is being considered by the various governmental authorities concerned under the style and name of "Case CCZBA #509-S-84," and

WHEREAS, the Urbana Plan Commission, having studied the said proposal has forwarded its recommendations to the Urbana City Council that the Urbana City Council should protest the proposed special use requested in the said case unless certain conditions are imposed as part of the granting of said special use, and

WHEREAS, the Urbana City Council, having considered all matters pertaining thereto, finds and determines that the proposed special use would not be in the best interests of the City of Urbana and its citizens unless certain conditions are attached to the granting of the said special use.

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

1. That the City Council finds and determines that the facts contained in the above recitations are true.

2. That the Urbana City Council, on behalf of the said City, hereby resolves that the City of Urbana should and hereby does protest the granting of a special use permit as requested in Case CCZBA #509-S-84, and urges that the special use not be granted unless the following conditions are made a part thereof:

(a) That the proposed special use of the subject site conform to the areas designated in the site plan for vending, parking and vehicle access.

(b) That the following conditions be a part of the private agreement between the petitioners and Kerasotes Rialto Theatre Corporation, and also be expressed conditions of the special use permit granted:

(1) The petitioners provide public liability insurance in the minimum amount of One Million Dollars (\$1,000,000.00) which said coverage must be in effect for all days that the proposed flea market is to be held.

(2) That the existing restroom facilities for the outdoor theatre shall be made available for public use during the operational hours of the flea market.

(3) That not less than three (3) employees of the petitioners herein shall at all times be engaged in security patrol work on the subject premises when the flea market is open to the public.

(4) That the flea market shall be open to the general public only on Saturdays and Sundays and then only between the hours of 8:00 a.m. and 6:00 p.m.

(5) That the petitioners provide to the Champaign County Zoning Administrator, in writing, a certification that the petitioners have given notification to the appropriate police and fire protection authorities having jurisdiction of the subject site at least two (2) weeks prior to each annual business season. For the purposes of this special use permit, a new business season shall be defined as the initiation of trade or business on the site following an absence of business or trading for at least two (2) months or more.

(6) That the Champaign County Zoning Administrator expressly limit the special use permit granted herein, if any, for use only as a site for a "flea market."

3. That if the conditions set forth in paragraph 2 above are adopted as conditions for the issuance of the said special use permit petitioned for then the City of Urbana, Illinois, expressly withdraws its protest.

4. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this Resolution to William J. Chidlaw, at 506 West Louisiana, Champaign, Illinois 61820 and Tony Dillon, at 710 Arlington Court, Champaign, Illinois 61820, and to Kerasotes Rialto Theatre Corporation, at 344 North Hickory, Champaign, Illinois 61820, by certified mail.

PASSED by the City Council this 16th day of July, 1984.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1984.

\_\_\_\_\_  
Jeffrey T. Markland, Mayor

*Not signed by Mayor*  
*JTM*