

NOV 29 1995

RESOLUTION NO. 9596-R16

*Dennis R. Bing*  
COUNTY CLERK

A CONDITIONAL RESOLUTION OF PROTEST AGAINST THE PROPOSED COUNTY ZONING MAP AMENDMENT TO CHANGE THE ZONING OF 2107 N. HIGH CROSS ROAD FROM COUNTY AG-2 AGRICULTURE TO COUNTY B-4 GENERAL BUSINESS - COUNTY ZBA CASE NO. 993-AM-95)

WHEREAS, Jeff Ross and Stephanie Ross, prospective contract purchasers of the former site of the Pyramid Paper Company, commonly known as 2107 N. High Cross Road, Urbana, Illinois, have petitioned the County of Champaign in Champaign County ZBA Case No. 993-AM-95 for a change in the County zoning of said property from AG-2 Agriculture to B-4 General Business; and

WHEREAS, said property is more particularly described as follows:

Lot 3 of Almar First Subdivision situated in Champaign County, Illinois as recorded in Book BB, page 44 in the Office of the Champaign County Recorder of Deeds in the Champaign County Courthouse, Urbana, Illinois; and

WHEREAS, said amendment has been submitted to the City of Urbana for comment and is being considered by the City of Urbana under the name and style of "CCZBA Case No. 993-AM-95, Request to Rezone Former Site of Pyramid Paper at 2107 N. High Cross Road, Urbana from County AG-2 Agriculture to County B-4 General Business"; and

WHEREAS, the Urbana Plan Commission, herein after referred to as the Plan Commission, after considering matters pertaining to said petition at their August 24, 1995 Plan Commission meeting, has recommended passing a conditional resolution of protest against said proposed zoning change which would, by its own terms, automatically withdraw said protest if the request for the zoning change is revised to add a condition that a specific list of land uses otherwise permitted in the B-4 District be prohibited from locating on the subject property; and

WHEREAS, the Urbana City Council, herein after referred to as the City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed County B-4 General Business zoning for the subject property is not consistent with the City's 1982 Comprehensive Plan, as amended by the Extraterritorial Jurisdictional Area Plan, herein after referred to as the ETJA Plan, and that it is not in the best interest of the City of Urbana; and

WHEREAS, the City Council further finds and determines that B-4 zoning for the subject property would be consistent with the City's 1982 Comprehensive Plan and the ETJA Plan amendment thereto and would be in the best interest of the City of Urbana if a condition is added to the B-4 zoning which prohibits the land uses listed in Section 3 below from locating on the subject property.

THIS RESOLUTION CONSISTS OF 2 PAGES.

Initials DR

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

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

Section 2. That the City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does adopt a Conditional Resolution of Protest against the proposed change in zoning as set forth in Champaign County Case No. 993-AM-95.

Section 3 That said Conditional Resolution of Protest will be automatically withdrawn without the need for any further action by the City Council if the proposed Zoning Map Amendment in CCZBA Case No. 993-AM-95 is modified to propose conditional County B-4 Zoning for the subject property that prohibits the following otherwise permitted land uses from locating on the subject property:

- |                               |  |
|-------------------------------|--|
| Truck Terminal                | Night Club                             |
| Motor Bus Station             | Retail Liquor Store                    |
| Meat and Fish Market          | Department Store                       |
| Drive in Restaurant           | Supermarket or Grocery Store           |
| Tavern                        | Automobile or Trailer Sales (Open Lot) |
| Automobile Repair             | Theater                                |
| Fuel Oil, Coal and Wood Sales | Gasoline Service Station               |
|                               | Automobile Washing Facility            |

Section 4. The City Clerk of the City of Urbana is authorized and directed, pursuant to the provisions of 55 ILCS 5/5-12014, to file a certified copy of this Conditional Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this Conditional Resolution to Jeff Ross and Stephanie Ross at 1601 S. Mayfair Rd., Champaign, Illinois.

PASSED by the City Council this 20<sup>th</sup> day of November, 1995.

AYE: Hayes, Kearns, Patf, Ryan, Taylor, Whelan

NAY:

ABSTAIN:

*Phyllis Clark* By  
Phyllis Clark, City Clerk  
*Arboreal J. Roberts*, Deputy Clerk

APPROVED by the Mayor this 27<sup>th</sup> day of November, 1995.

*Todd Sattertnwaite*  
Todd Sattertnwaite, Mayor