

ORDINANCE NO. 2018-03-018

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(Rezoning 601, 701, 703, 705, and 707 North Lincoln Avenue, 906, 908, and 910 West Church Street, and 903, 905, 907, and 909 West Hill Street from R-2, B-2, and IN-1 to R-4 / Plan Case 2338-M-18)

WHEREAS, the owners of certain real properties located at 601, 701, 703, 705, and 707 North Lincoln Avenue, 906, 908, and 910 West Church Street, and 903, 905, 907, and 909 West Hill Street, have applied to the City of Urbana (“City”) for a Zoning Map amendment to rezone a 9.89 acre portion of such real properties from R-2, Single-Family Residential, B-2, Neighborhood Business-Arterial, and IN-1, Light Industrial/Office to R-4, Medium Density Multiple-Family Residential; and

WHEREAS, the Urbana Plan Commission held a public hearing on such application at 7:00 p.m. on Thursday, February 22, 2018, in Plan Case No. 2338-M-18; and

WHEREAS, the 2005 Urbana Comprehensive Plan future land use map, as amended, designates the future land use of these properties as “Mixed-Residential (Urban Pattern)”, and the proposed rezoning is consistent with this future land use type; 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 5 ayes and 1 nay 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

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 property from IN-1, Light Industrial/Office to R-4, Medium Density Multiple-Family Residential:

THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LYING NORTH OF THE I.B. AND M. RAILROAD IN SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS,

EXCEPT THAT PART THEREOF DEDICATED FOR CHURCH STREET; ALSO EXCEPT THAT PARCEL DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 89°49.8' EAST, 33.00 FEET; THENCE SOUTH 0°11.8' EAST, 47.00 FEET FOR A TRUE POINT OF BEGINNING; THENCE SOUTH 0°11.8' EAST, 69.82 FEET TO THE INTERSECTION OF THE EAST LINE OF GOODWIN AVENUE AND THE NORTHERLY LINE OF THE NEW YORK CENTRAL RAILROAD RIGHT OF WAY; THENCE SOUTH 70°23.8' EAST, ALONG SAID RIGHT OF WAY, 150.00 FEET; THENCE NORTH 0°11.8' WEST, 119.55 FEET; THENCE NORTH 89°49.8' WEST, 30.00 FEET; THENCE NORTH 0°11.8' WEST, 30.00 FEET; THENCE NORTH 89°49.8' WEST, 80.93 FEET; THENCE SOUTH 0°11.8' EAST, 30.00 FEET; THENCE NORTH 89°49.8' WEST, 30.00 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

ALSO EXCEPT THAT PARCEL DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF A TRACT SURVEYED BY CHARLES S. DANNER, ILLINOIS REGISTERED LAND SURVEYOR #1470 (IRLS #1470), DATED FEBRUARY 18, 1963 SAID CORNER ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE NEW YORK CENTRAL RAILROAD; PROCEED NORTH 0°11.8' WEST ALONG THE EAST LINE OF SAID SURVEY BY CHARLES S. DANNER, 119.6 FEET; THENCE SOUTH 89°49.8' EAST PARALLEL WITH THE SOUTH LINE OF A TRACT OF LAND DEDICATED TO THE CITY OF URBANA FOR STREET PURPOSES, AS ESTABLISHED ON SAID SURVEY BY CHARLES S. DANNER, 18.00 FEET; THENCE NORTH 0°11.8' WEST, 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT DEDICATED TO THE CITY OF URBANA FOR STREET PURPOSES AS ESTABLISHED ON SAID SURVEY BY CHARLES S. DANNER; THENCE SOUTH 89°49.8' EAST ALONG THE SOUTH LINE OF SAID TRACT DEDICATED TO THE CITY OF URBANA FOR STREET PURPOSES 64.00 FEET; THENCE SOUTH 0°11.8' EAST, 30.00 FEET; THENCE SOUTH 89°49.8' EAST, 3.00 FEET; THENCE SOUTH 0°11.8' EAST, 119.55 FEET; THENCE NORTH 89°49.8' WEST, 85.00 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

ALSO EXCEPT THAT PARCEL DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 89°49.8' EAST 33.00 FEET; THENCE SOUTH 0°11.8' EAST 17 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 0°11.8' EAST 30 FEET TO A POINT; THENCE SOUTH 89°49.8' EAST 30 FEET TO A POINT; THENCE NORTH 0°11.8' WEST 30 FEET TO A POINT; THENCE NORTH 89°49.8' WEST 30 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

ALSO EXCEPT THAT PARCEL DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN;

THENCE SOUTH 89°49.8' EAST 33 FEET; THENCE SOUTH 0°11.8' EAST 17 FEET;
THENCE SOUTH 89°49.8' EAST 110.93 FEET FOR A TRUE POINT OF BEGINNING;
THENCE SOUTH 0°11.8' EAST 30 FEET TO A POINT; THENCE SOUTH 89°49.8'
EAST 48 FEET TO A POINT; THENCE NORTH 0°11.8' WEST 30 FEET TO A POINT;
THENCE NORTH 89°49.8' WEST TO THE POINT OF BEGINNING, IN
CHAMPAIGN COUNTY, ILLINOIS;

ALSO EXCEPT THAT PARCEL DESCRIBED AS:

COMMENCING AT AN IRON MONUMENT FOUND AT THE INTERSECTION OF
THE EAST RIGHT OF WAY LINE OF GOODWIN AVENUE AND THE SOUTH
RIGHT OF WAY LINE OF CHURCH STREET LOCATED IN A PART OF THE
SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST
OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 89°45'45" EAST AS
REFERENCED FROM A SURVEY BY CHARLES S. DANNER, ILLINOIS
PROFESSIONAL LAND SURVEYOR NUMBER 1470, DATED APRIL 26, 1961, AS
FILED IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER AS
DOCUMENT NO. 662789, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID
CHURCH STREET, A DISTANCE OF 222.93 FEET TO AN IRON PIPE SURVEY
MONUMENT SET FOR THE POINT OF BEGINNING, SAID PIPE BEING THE
NORTHEAST CORNER OF A PARCEL SOLD TO ILLINOIS POWER COMPANY ON
JUNE 15, 1970 AS FILED FOR RECORD IN DEED BOOK 927 AT PAGE 276 IN THE
OFFICE OF THE RECORDER OF CHAMPAIGN COUNTY, ILLINOIS; THENCE
CONTINUING SOUTH 89°45'45" EAST ALONG THE SOUTH RIGHT OF WAY LINE
OF CHURCH STREET, A DISTANCE OF 103.07 FEET TO AN IRON PIPE SURVEY
MONUMENT SET; THENCE SOUTH 00°11'48" EAST, ALONG A LINE WHICH IS
PARALLEL WITH AND 100.00 FEET EAST OF THE EAST LINE OF SAID PARCEL
SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970, A DISTANCE OF 214.76
FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE
CONRAIL RAILROAD, SAID POINT BEING WITNESSED BY AN IRON PIPE
SURVEY MONUMENT SET 1.00 FOOT SOUTH OF SAID POINT; THENCE NORTH
70°21'31" WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID
CONRAIL, A DISTANCE OF 196.67 FEET TO AN IRON PIPE SURVEY
MONUMENT SET, AT THE SOUTHWEST CORNER OF SAID PARCEL SOLD TO
ILLINOIS POWER COMPANY ON JUNE 15, 1970; THENCE SOUTH 89°39'39" EAST

ALONG THE SOUTH LINE OF SAID PARCEL SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970, A DISTANCE OF 85.00 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND, AT THE SOUTHEAST CORNER OF SAID PARCEL SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970; THENCE NORTH $00^{\circ}11'48''$ WEST ALONG THE EAST LINE OF SAID PARCEL SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970, A DISTANCE OF 119.53 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND; THENCE NORTH $88^{\circ}46'54''$ WEST ALONG A JOG IN THE EASTERLY LINE OF SAID PARCEL SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970, A DISTANCE OF 3.00 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH $00^{\circ}19'37''$ WEST ALONG THE EAST LINE OF SAID PARCEL SOLD TO ILLINOIS POWER COMPANY ON JUNE 15, 1970 A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS;

AND ALSO EXCEPT THAT PARCEL DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND SHOWN ON THE PLAT OF SURVEY BY CHARLES S. DANNER, RECORDED APRIL 26, 1961 AS DOCUMENT NO. 662789 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, SAID POINT ALSO BEING THE INTERSECTION OF THE EXISTING SOUTH RIGHT OF WAY LINE OF CHURCH STREET AND THE EXISTING WEST RIGHT OF WAY LINE OF LINCOLN AVENUE; THENCE SOUTH $00^{\circ}32'33''$ EAST, ALONG THE EAST LINE OF SAID TRACT AND SAID EXISTING WEST RIGHT OF WAY LINE OF LINCOLN AVENUE, 550.82 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH $70^{\circ}56'03''$ WEST, ALONG THE SOUTH LINE OF SAID TRACT, 7.43 FEET TO A POINT LYING 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT OF WAY LINE OF LINCOLN AVENUE; THENCE NORTH $00^{\circ}32'33''$ WEST, ALONG A LINE 7.00 FEET NORMAL DISTANCE WEST OF SAID EXISTING WEST RIGHT OF WAY LINE OF LINCOLN AVENUE, 498.39 FEET; THENCE NORTH $45^{\circ}15'15''$ WEST, 71.07 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT AND ALSO ON THE AFORESAID EXISTING SOUTH RIGHT OF WAY LINE OF CHURCH STREET; THENCE SOUTH $89^{\circ}58'09''$ EAST, ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE, 57.00 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 601 North Lincoln Avenue

P.I.N.: 91-21-07-430-004

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties from R-2, Single-Family Residential to the R-4, Medium Density Multiple-Family Residential:

LOT 1 OF JUSTUS S. TEMPLETON SUBDIVISION, AS PER PLAT RECORDED IN BOOK "G" AT PAGE 104, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 703 North Lincoln Avenue

P.I.N.: 91-21-07-429-021

LOT 1 IN MARSHALL'S FIRST ADDITION AS PER PLAT RECORDED IN PLAT BOOK "G" AT PAGE 173, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 707 North Lincoln Avenue

P.I.N.: 91-21-07-429-016

LOT 2 OF MARSHALL'S FIRST ADDITION TO THE CITY OF URBANA, ILLINOIS, AS PER PLAT RECORDED IN PLAT BOOK "G" AT PAGE 173, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 903 West Hill Street

P.I.N.: 91-21-07-429-015

LOT 3 IN MARSHALL'S FIRST ADDITION AS PER PLAT RECORDED IN PLAT BOOK "G" AT PAGE 173, SITUATED IN CHAMPAIGN COUNTY ILLINOIS.

Common Address: 905 West Hill Street

P.I.N.: 91-21-07-429-014

LOT 4 IN MARSHALL'S FIRST ADDITION TO THE CITY OF URBANA, ILLINOIS, AS PER PLAT RECORDED IN PLAT BOOK "G" AT PAGE 173, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 907 West Hill Street

P.I.N.: 91-21-07-429-013

LOT 5 IN MARSHALL'S FIRST ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN PLAT BOOK "G" AT PAGE 173, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 909 West Hill Street

P.I.N.: 91-21-07-429-012

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described properties from B-2, Neighborhood Business-Arterial to R-4, Medium Density Multiple-Family Residential:

LOT 2 OF JUSTUS S. TEMPLETON SUBDIVISION, AS PER PLAT RECORDED IN BOOK "G" AT PAGE 104, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 701 North Lincoln Avenue

P.I.N.: 91-21-07-429-022

COMMENCING AT A POINT 140 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE NORTH 86 FEET; THENCE WEST 20 RODS; THENCE SOUTH 66 FEET; THENCE EAST 20 RODS TO THE PLACE OF BEGINNING, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 705 North Lincoln Avenue

P.I.N.: 91-21-07-429-017

LOT 3 OF JUSTUS S. TEMPLETON SUBDIVISION, AS PER PLAT RECORDED IN BOOK "G" AT PAGE 104, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 906 West Church Street

P.I.N.: 91-21-07-429-020

LOT 4 OF JUSTUS S. TEMPLETON SUBDIVISION, AS PER PLAT RECORDED IN BOOK "G" AT PAGE 104, EXCEPT THE SOUTH 26 FEET THEREOF, AND EXCEPT THE COAL, OIL, GAS AND OTHER MINERALS UNDERLYING THE SURFACE OF SAID LAND, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 908 West Church Street

P.I.N.: 91-21-07-429-019

LOT 5 OF JUSTUS S. TEMPLETON SUBDIVISION, AS PER PLAT RECORDED IN BOOK "G" AT PAGE 104, SITUATED IN THE CITY OF URBANA, IN CHAMPAIGN COUNTY, ILLINOIS.

Common Address: 910 West Church Street

P.I.N.: 91-21-07-429-018

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 5th day of March, 2018.

AYES: Hazen, Jakobsson, Roberts, Wu

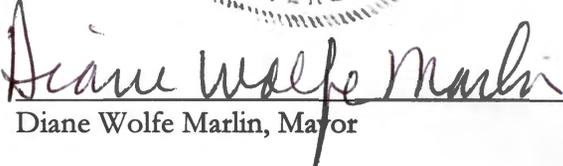
NAYS: Ammons, Miller

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 6th day of March, 2018.



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 5nd day of March 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-03-018, entitled:

AN ORDINANCE AMENDING THE URBANA ZONING MAP (REZONING 601, 701, 703, 705, AND 707 NORTH LINCOLN AVENUE, 906, 908, AND 910 WEST CHURCH STREET, AND 903, 905, 907, AND 909 WEST HILL STREET FROM R-2, B-2, AND IN-1 TO R-4 / PLAN CASE 2338-M-18)

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

The pamphlet form of Ordinance No. 2018-03-018 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7th day of March, 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 7th day of March, 2018.





Charles A. Smyth, City Clerk