

URBANA CITY COUNCIL MEETING
URBANA CITY COUNCIL CHAMBERS
Monday, June 4, 2001
7:30 P.M.
A G E N D A

A. MINUTES OF PREVIOUS MEETINGS

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

1. Ordinance No. 2000-12-150: An Ordinance Vacating a Portion of Bennett Street and a Portion of Elm Street, and Also a Portion of Grape Alley and Fish Alley [Tabled from Dec. 18, 2000; Removed from May 21, 2001 agenda due to lack of required majority present for vote.]
2. Ordinance No. 2001-05-044: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (Additions to Section IX-3.C, Measurement of Outdoor Advertising Sign Structure Surface Display Area; and Amendments to Table IX-5, Standards for Future Outdoor Advertising Sign Structures) [Deferred originally from May 7, 2001 Council; Sent from May 21, 2001 Council]
3. Ordinance No. 2001-05-046: An Ordinance Authorizing the Mayor to Execute a Deed to a Certain Tract (Lot 101, Wabash Railroad Subdivision No. 2 [Removed from May 21, 2001 due to lack of required majority present for vote.]
4. Ordinance No. 2001-05-047: An Ordinance Approving an Annexation Agreement With The Calvary Baptist Church (To annex 5.0± Acres at 2106 East Windsor Road – Plan Case No. 1780-A-01) [Removed from May 21, 2001 due to lack of required majority present for vote.]
5. Capital Improvement Plan 10-Year Project List Update [Originally forwarded from April 23, 2001 Committee]

E. REPORTS OF STANDING COMMITTEE

1. Committee Of The Whole
 - a. Ordinance No. 2001-05-049: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Guardian Drive)
 - b. Ordinance No. 2001-05-050: An Ordinance Amending Schedule L of Section 23-187 of the Urbana Local Traffic Code Prohibiting Parking in Specified Places (Cardinal Court, Federal Drive, and Anderson Street)

- c. Route 150 (University Avenue) Street Improvements:
 - 1. Resolution No. 2001-05-018R: A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (University Avenue from Guardian Drive to High Cross Road)
 - 2. Resolution No. 2001-05-016R: Resolution for Improvement by Municipality Under the Illinois Highway Code (University Avenue from Guardian Drive to High Cross Road)
 - 3. Ordinance No. 2001-05-052: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (University Avenue from Guardian Drive to High Cross Road)
 - 4. Ordinance No. 2001-05-053: An Ordinance Regulating Encroachment on Public Right-Of-Way in the City of Urbana, Champaign County, Illinois (University Avenue from Guardian Drive to High Cross Road)
 - d. Resolution No. 2001-05-017R: Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code (FY 2001 MFT Street Resurfacing Contract)
 - e. Budget Discussion
 - f. Social Service Recommendations
- 2. Rules Committee
 - a. Review of Closed Session Minutes

G. REPORTS OF OFFICERS

H. NEW BUSINESS

- 1. Ordinance No. 2001-06-054: An Amendment to an Annexation Agreement With Rudy Frasca (To Annex Four Tracts of Property Totaling 116.69 Acres With a Zoning Designation of IN, Industrial – Plan Case No. 1773-A-01)
- 2. Ordinance No. 2001-06-055: An Ordinance Approving a Major Variance (Increase in the Allowed Height of a Freestanding Sign from 75 Feet to 100 Feet at 2012 North Lincoln Avenue – Case No. ZBA-01-MAJ-4)

3. Ordinance No. 2001-06-056: An Ordinance Approving a Major Variance (Reduction of the Front Yard Setback in the City's R-3, Single- and Two-Family Residential, Zoning District from 25 Feet to 15.5 Feet at 501 E. Oakland Street – Case No. ZBA-01-MAJ-5)
4. Resolution No. 2001-06-019R: A Resolution to Request Plan Commission Review of Outdoor Advertising Sign Structure (OASS) Placement and to Impose a Temporary Moratorium on Permitting OASS's Until an Interim Development Ordinance can be Adopted to Impose a Moratorium on OASS Permit Issuance While Such Review is Completed
5. Ordinance No. 2001-06-057: An Ordinance Approving the Annual Budget (FY 2001-2002)
6. Ordinance No. 2001-06-058: An Ordinance Approving the Champaign-Urbana Solid Waste Disposal System Annual Budget (FY 2001-2002)
7. Annual Staff Appointments

I. ADJOURNMENT



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: June 1, 2001
TO: Bruce Walden
FROM: Jack Waaler
RE: The Ordinance Vacating the Bennett Street Right of Way

Background: Section 2-160 of the Urbana City Code requires that if a street right-of-way is to be vacated, the City Council must consider the ordinance to vacate within 365 days of the date of the required public hearing. The public hearing on the proposed vacation of Bennett Street was held on December 20, 1999. However, as of December 18, 2000, the agreement between the City and the County regarding the Courthouse expansion project was still not completed, so the Council commenced their consideration of the ordinance to vacate Bennett Street on December 18, 2000, but tabled further consideration until after the agreement on the Courthouse expansion project was approved. The agreement concerning the Courthouse expansion project was approved by the County and then by the City on April 2, 2001. The Courthouse expansion agreement itself provides that the City shall vacate the Bennett Street right-of-way.

You will note that the ordinance details how the various parts came together to create the Bennett Street right-of-way. The attached ordinance is tailored to memorialize that history and not only vacate the Bennett Street right-of-way, but to insure good title, convey any interest that the City may still have left over to the County.

ORDINANCE NO. 2000-12-150

AN ORDINANCE VACATING A PORTION OF BENNETT STREET
AND A PORTION OF ELM STREET AND ALSO PORTIONS OF
GRAPE ALLEY AND FISH ALLEY

WHEREAS, in an agreement with the County of Champaign, Illinois, relating to the remodeling and expansion of the County Courthouse, which agreement was approved by the Urbana City Council in Ordinance No. 2000-11-129, the City of Urbana agreed that the vacation of those portions of Bennett Street and Elm Street and those portions of Grape Alley and Fish Alley as described in this Ordinance was in the best interests of the public by facilitating the expansion and remodeling of the County Courthouse; and

WHEREAS, although the said agreement was subsequently amended as approved in Ordinance No. 2001-03-031, such amendment had no effect on the provisions respecting vacation of Bennett Street; and

WHEREAS, that the paved portion of Bennett Street, including sidewalks, have been in open use by the public for in excess of twenty (20) years and therefore, a prescriptive right-of-way has been created for the area depicted on the Exhibit A between the east right-of-way line of "Grape Alley" and the west right-of-way line of the north/south portion of what is labeled as Parcel 4 in Exhibit A; and

WHEREAS, in addition to the prescriptive right-of-way, and miscellaneous dedications of portions of Bennett Street, the City has acquired various legal rights to various parcels which now comprise the Bennett Street right-of-way, all as more fully described in Exhibit A which is a copy of a Boundary Survey Plat recorded as Document No. 2001R06202; and

WHEREAS, the County of Champaign owns all of the real property which abuts on both sides of that portion of Bennett Street herein vacated and the County owns the land abutting on the north of that portion of Elm Street herein vacated; and

WHEREAS, that portion of Elm Street herein vacated is minor and does not eliminate the Elm Street right-of-way and has no effect on the property abutting Elm Street to the south of such area and thus no public hearing is required by Section 2-160 of the Urbana City Code; and

WHEREAS, the vacation of the portion of Bennett Street and the portion of Elm Street herein vacated will not impair access to any property other than the property owned by the County of Champaign; and

WHEREAS, the Urbana City Council finds that there is no further need for the right-of-way herein vacated; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing respecting Bennett Street was held on the 20th day of December, 1999, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 20th day of November, 1999, and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250 feet in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 1st day of December, 1999; and

WHEREAS, the Urbana City Council did begin its consideration of this ordinance on the 18th day of December, 2000, in accordance with Section 2-160 of the Urbana City Code; and

WHEREAS, the purpose of this Ordinance is to vacate Bennett Street as public right-of-way and to insure that all legal rights thereto accrue to the County, and to authorize all the right, title and interest of the City be conveyed to the County of Champaign and additionally, the purpose of this Ordinance is to vacate that portion of Elm Street herein described and insure all legal rights thereto accrued to the County and to authorize all of the right, title and interest of the City of Urbana be conveyed to the County of Champaign.

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

Section 1. The following-described portions of Bennett Street, Elm Street, Grape Alley and Fish Alley are hereby vacated, such being determined to be no longer required by the City of Urbana for street or alley right-of-way purposes and, the City being relieved of the further burden of maintaining such rights-of-way, the public interest shall be subserved by vacating the same: Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, all as shown on the recorded Boundary Survey (2001R06202) a copy of which is attached hereto as Exhibit A.

Section 2. That the various elements of consideration set forth in the agreement between the City and the County is adequate compensation for the benefits accruing to the County by virtue of the vacation of streets and alleys herein.

Section 3. That title to the vacated rights-of-way shall vest in the County of Champaign as abutting owner subject to the following easements in favor of the City, or public utilities, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now existing on, over or under that part of the rights-of-way herein vacated, unless and until the County of Champaign, Illinois shall cause the rearrangement and removal or relocation of said facilities and shall pay and be responsible for all the reasonable costs and expenses as shall be incurred in association therewith:

- A. An easement for the existing Federal Courthouse natural gas service line and the Elite Diner natural gas service line at Fish Alley across Parcel 3.
- B. An easement for the existing Elite Diner natural gas service line across Parcel 1.
- C. An easement for the existing underground electric main and transformer across Parcel 1, Parcel 3, Parcel 7, Parcel 6 and that portion of Parcel 9 south of Parcel 6 to the new north right-of-way line of Elm Street.

Section 4. Furthermore, to insure against any defects in transferring to the County of Champaign any and all incidents of legal ownership in the Bennett Street right-of-way herein vacated, the Mayor of the City of Urbana is authorized to execute and deliver to the County of Champaign, Illinois, a Quit Claim Deed conveying to the County of Champaign, Illinois all of the right, title and interest of the City of Urbana in the following parcels as shown on the recorded Boundary Survey Plat: Parcels 1, 2, 3, 4, 8 and 9.

Section 5. The City Clerk is directed to record a certified copy of this Ordinance with the Recorder of Champaign County.

This Ordinance is approved by a three-fourth's (3/4th's) vote of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the Urbana City Council this _____ day of _____, 20__.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 20__.

Tod Satterthwaite, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth Tyler, AICP, Planning Manager

DATE: May 31, 2001

SUBJECT: Plan Case No. 1777-T-01: Request by the Zoning Administrator to amend Section IX-3.C. and Table IX-5 of the Zoning Ordinance with respect to Outdoor Advertising Sign Structures (OASS's)

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to include design guidelines for Outdoor Advertising Sign Structures (OASS), commonly known as "billboards". Following Plan Commission recommendation for approval, , the City Council held discussion on the proposed amendment on May 7, 2001, and May 21, 2001, and voted to defer the case pending further review. Since the May 21 Council meeting, one change has been made to the proposed text amendment regarding the definition of an OASS and is presented below.

Update

Upon continued review of the proposed text amendment, a minor addition to the definition of an OASS was recommended by the City Attorney, in order to clarify the Zoning Administrator's interpretation of the term "approximately" as it relates to the standardized dimensions of an OASS. This suggested language is also proposed to be included in Table IX-5, Standards for Future Outdoor Advertising Sign Structures. The language has been further clarified in response to discussion at the May 21 Council meeting.

Proposed Text Amendment

The change to the proposed text amendment relates to Section II-3. Definitions of Sign, Outdoor Advertising Sign Structure and Table IX-5. Standards for Future Outdoor Advertising Sign Structures. Proposed amended language is shown below with strikeouts and underlining; relevant discussion follows each portion.

Amendments to Table IX-5. Standards for Future Outdoor Advertising Sign Structure and Section II-3. Definition of an OASS and

11. Clarify use of “approximately” in definition of an OASS

Upon the suggestion of a Plan Commission member, staff proposes the addition of portions of the definition of an OASS which limit dimensions as an additional footnote in Table IX-5. The intent of the definition of an OASS is to ensure that only certain standardized structures be approved within these regulations. The definition prohibits, for instance, a structure six feet by fifty feet being approved under this Section of the Zoning Ordinance. The term “approximately” was included in the definition so as not to prohibit OASS whose dimensions vary by some small degree from the standardized dimensions. The proposed language has been added to clarify this aspect of the definition while allowing limited flexibility in the configuration of an OASS.

In response to concerns raised at the May 21 City Council meeting, further language was added to clarify that only lineal dimensions are to be allowed to deviate by up to twenty percent under the proposed language.

Outdoor advertising sign structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two (2) standardized structures.

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing ~~approximately~~ three hundred (300) square feet of total display area;*
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing ~~approximately~~ seventy-two (72) square feet of total display area.*
- c. For the purpose of defining the height and width of an OASS, the term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimensions by no more than 20%.*

The addition of footnote c. to in the Definition of an OASS shall also be reflected in Table IX-5.,

Footnote 13.c.

Footnote 13. *OASS are limited to two (2) standardized structures, as indicated in the definition*

a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;

b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.

d. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimensions by no more than 20%.

Issues and Discussion

The proposed amendment seeks to accomplish the goals of the Interim Development Ordinance by establishing design criteria for future OASS's. Provisions are proposed to soften the impact around the base of the OASS, to minimize the incompatible visual impact of the upper portion in terms of the surrounding area, and to address issues regarding the placement of billboards. The amendment does not aim to require the perfect billboard; rather, it aims to restrict several of the least compatible aspects of OASS's that are currently permitted. The proposed changes reflect the intent of the Zoning Ordinance to protect and enhance the physical appearance of the community and the scenic value of the surrounding area.

Summary of Findings

1. The proposed amendments are pursuant to the objectives of the Interim Development Ordinance (IDO), as set forth in the discussion in the memorandum.
2. The proposed amendment reflect the findings and recommendations of a Task Force which was formed in order to develop guidelines for OASS's and is composed of representatives of the City as well as the outdoor advertising industry.
3. The proposed amendment would increase design compatibility requirements for OASS's to protect and enhance the physical appearance of the community and the scenic value of the surrounding area, consistent with the intent of the Comprehensive Sign Regulations in the Zoning Ordinance, as further amended herein.

4. The proposed amendment would soften the visual impact of billboards on the ground level by requiring landscaping or other structural component below the display area.
5. The proposed amendment would improve the design compatibility of OASS's by increasing the standards for the structural elements of OASS's.
6. The proposed amendment would clarify certain interpretations of the Zoning Administrator in order to assure that the intent of the sign regulations is met.
7. The proposed amendment would reduce the side yard setback for OASS on permitted B-3 properties adjacent to other B-3 properties.
8. The proposed amendment would increase the spacing requirement feet between OASS's from 250 feet to 300 feet for consistency with the spacing requirements of the Illinois Department of Transportation.

Options

The City Council has the following options for action in Plan Case No. 1777-T-01:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein.
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny approval of the proposed text amendment to the Zoning Ordinance.

Recommendation

At the meeting on April 19, 2001, the Plan Commission voted 8 to 0 to recommend **APPROVAL** of the proposed text amendment as presented herein based on the findings summarized above, with the additional recommendation to consider the related issues presented herein. Staff concurs with this recommendation.

Prepared by:

Tim Ross
Planner

Attachments: Proposed Ordinance to Approve Text Amendments
Table IX-5, Standards for Future Outdoor Advertising Sign Structures, with
proposed additions underlined

Cc: Kip Pope, President, C & U Poster Advertising Co.
Jennifer Sloane, General Counsel, Bressler Outdoor Advertising

ORDINANCE NO. 2001-05-044

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(Amendments to Article IX, Comprehensive Sign Regulations, as it relates to Future Outdoor Advertising Sign Structures)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IX of the Urbana Zoning Ordinance, Comprehensive Sign Regulations, includes as an intent of regulating signs, to protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and

WHEREAS, a number of Outdoor Advertising Sign Structures (OASS) have been constructed recently in the Champaign-Urbana area that call into question their compliance with the above stated intent of the Zoning Ordinance; and

WHEREAS, on December 18, 2000, the Urbana City Council approved Ordinance No. 2000-11-136 to add Section IX-10, Interim Development Ordinance, Moratorium on Outdoor Advertising Structures, to the Urbana Zoning Ordinance which significantly limited the issuance of OASS permits for a period of 180 days; and

WHEREAS, the City of Urbana created an OASS Task Force composed of representatives of the City as well as the outdoor advertising industry to conduct a comprehensive review of the OASS regulations and to develop additional guidelines for OASS's while considering input from the outdoor advertising industry; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Section IX-3.C., Measurement of Outdoor Advertising Sign Structure Surface Display Area, and Table IX-5, Standards for Future Outdoor Advertising Sign Structures, as presented herein; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1777-T-01; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on April 19, 2001; and

WHEREAS, the Urbana Plan Commission voted 8 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1777-T-01 to the Urbana City Council with a recommendation for approval with the condition to continue the review of certain aspects of the OASS regulations; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to

be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

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

Section 1. Section II-3, Definitions, of the Zoning Ordinance is hereby amended as follows:

Outdoor advertising sign structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two (2) standardized structures.

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing ~~approximately~~ three hundred (300) square feet of total display area;
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing ~~approximately~~ seventy-two (72) square feet of total display area.
- c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

Section 2. Section IX-1., Legislative Intent and Findings, is hereby amended as follows:

The purpose of this Article is to establish regulations and controls which promote the goals, objectives and policies of the City of Urbana Comprehensive Plan and to permit and regulate signs in such a manner as to support and complement the land use policies set forth in Article I, Section I-1. To these ends, this Article regulates the size, number and spacing of signs which is intended to: aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow; reduce congestion of land, air and space; preserve and protect property values; establish reasonable standards for the use of signs in order to maintain and encourage business activity and development; protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and regulate signs located near or visible from public property such as streets, highways, parks and schools where such signs could jeopardize the public's investment in these facilities.

The sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of signs for announcements of both a commercial and noncommercial nature, utilizing nationally standardized signs or painted panels. At the same time, the regulations recognize that a limitation upon the size, number and spacing of such structures is consistent with and will further the goals expressed herein.

Recognizing that OASS's and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS's. Further recognizing that the zoning districts in and routes along which OASS's may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural compatibility between OASS's and their surroundings with respect to structural color, landscaping, and architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance.

These sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise signs.

Section 3. Section IX-3.C., Measurement of outdoor advertising sign structure surface display area, is hereby amended to read as follows:

The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display, or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the

necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than 6 inches above the lowest portion of any horizontal structural element of the OASS.

Section 4. Table IX-5, Standards for Future Outdoor Advertising Sign Structures, is hereby amended to read as shown in the attachment.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

*I, Phyllis D. Clark, certify that I am the duly elected and acting
Municipal Clerk of the City of Urbana, Champaign County, Illinois.*

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA (Additions to Section IX-3.C., Measurement of Outdoor Advertising Sign Structure Surface Display Area, and amendments to Table IX-5, Standards for Future Outdoor Advertising Sign Structures)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, 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 _____ day of _____, 2001.

TABLE IX-3. STANDARDS FOR FUTURE OUTDOOR ADVERTISING SIGN STRUCTURES

Districts Permitted	Type	Maximum Number Permitted	Maximum Area of OASS	Maximum Height of OASS	Location of OASS and Separation	Design Criteria
Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue ^{2,4,5}	Wall	One per wall provided no other exterior wall signs are on display.	300 sq. ft.	Not to project above roofline or edges of wall upon which OASS is mounted.	OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts ¹² . No OASS shall be permitted within 50 feet of any Residential, CRE or AG Zoning District. Further, such OASS's shall not be located within 250 300 feet of any free-standing or wall mounted OASS. ³	See footnote 8, 9, 13
	Free-standing	2 per OASS	300 sq.ft. (back-to-back displays shall be deemed to be a single structure) ¹	IN - 40 feet ² B-3, B-4 - 35 feet, B-4E - 35 feet ¹¹	Same as wall OASS's.	See footnote 7, 8, 9, 10, 13

Notes: No outdoor advertising sign structures shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana.

- 1 "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three (3) feet, or faces erected at no greater than a forty-five (45) degree angle to each other.
- 2 If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within two thousand (2,000) feet of the center line of such highway, and (3) more than five hundred (500) feet from any residential district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half (1/2) mile on the highway or a maximum height of seventy-five (75) feet, whichever is less, and the sign may have an area not greater than three hundred (300) square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid-Primary Highways.
- 3 For purposes of determining separation measurements, the following shall apply:
 - a. Separation measurements between OASS's shall be measured along same side of a street.
 - b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.
 - c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.
- 4 Said FAI and FAP areas include Routes 45, 150 and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OAS: erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.
- 5 OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred (100) feet of the center line of Vine Street.
- 6 This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.
- 7 Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.G.2.h.i.j.k.l. and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1.. Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed.
- 8 All visible structural elements (excluding the changeable portion of the display) shall be white, gray, tan or other light-shaded tone. OASS's may be also be approved if they are compatible with the surrounding area in terms of architectural design and/or color, as determined by the Zoning Administrator based on the intent of the Comprehensive Sign Regulations.
- 9 OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).
- 10 OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).
- 11 No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located.
- 12 In the B-3 Zoning District, OASS may encroach five (5) feet into the ten (10) side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3

13

OASS are limited to two (2) standardized structures, as indicated in the definition

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.
- c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: June 1, 2001
TO: Bruce Walden
FROM: Jack Waaler
RE: Sale of Lot 101 Wabash Subdivision Number Two

BACKGROUND: In the late 1970's, the Norfolk & Western Railroad abandoned its tracks between Washington and Main Street. The City undertook the project of dividing and parceling out all of the former railroad right-of-way to adjacent owners. Then in the 1990's, the railroad abandoned the remaining portion of its right-of-way south of Washington to the City limits. When the railroad abandoned the railroad tracks in this area, however, they left the elevated embankment which became a nuisance for those homes abutting on the former railroad right-of-way. To cure the problem, the City undertook the task of reducing the embankment to grade. The project was financed by Special Service Area No. 3, which resulted in all abutting owners being assessed a proportionate share of the costs. The City assessed itself for what is now known as Lot 101 of Wabash Subdivision No. 2.

The City was not interested in retaining any of the former railroad right-of-way; the Council directed that it be deeded to adjacent property owners such as was done in the earlier section between Washington and Main. To accomplish this, the City again platted all of the former railroad right-of-way and deeded it to the abutting property owners, excepting only Lot 101. Lot 101 was retained until conflicting claims to it could be resolved as the City did not want to get in the middle of the dispute. The conflicting claims are now resolved. It is much to the City's benefit to convey this property so we no longer have to mow the weeds, and it will again be put on the tax rolls.

The attached ordinance conveys it to Edward A. Salfelder, Jr. and Edward A. Salfelder, Sr. who are the owners of the abutting property, on the condition that they reimburse the City for the amount that the City paid under the Special Service Area No. 3 assessment, plus interest to date. Staff recommends the ordinance be approved.

ORDINANCE NO. 2001-05-046

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED TO A CERTAIN TRACT

{Lot 101, Wabash Railroad Subdivision No. 2}

WHEREAS, after abandoning the railroad right-of-way, Norfolk & Western Railway Company did, on the 20th day of August, 1995, execute a deed conveying to the City of Urbana most of the abandoned right-of-way between Florida Avenue and Washington Street, excepting out of such deed only a stretch adjacent to the Scottswood Manor Apartments. This deed was recorded May 6, 1996 as Document No. 96R10761; and

WHEREAS, subsequent thereto, the City of Urbana created and recorded a subdivision plat in which the land which was subject to the deed referenced above was divided into lots adjacent to existing lots which plat was entitled "Wabash Railroad Subdivision" and recorded as Document No. 1997R08254; and

WHEREAS, subsequent thereto, in Ordinance No. 9697-110, the property which was subdivided in Wabash Railroad Subdivision was authorized to be conveyed to adjacent owners; and

WHEREAS, thereafter the City acquired a further deed from Norfolk & Southern Railroad which conveyed to the City that portion of the Urbana Railroad property which was excluded in the prior deed. This deed was recorded on June 14, 2000, as Document No. 2000R12916 and the portion of the property therein conveyed was platted in a subdivision plat recorded as Document No. 2000R08810 entitled "Wabash Railroad Subdivision No. 2"; and

WHEREAS, in Wabash Railroad Subdivision No. 2, what had been called Outlot No. 1 in the original subdivision was replatted, together with new area acquired in the subsequent deed which was then labeled as Lot 101 of Wabash Railroad Subdivision No. 2; and

WHEREAS, in Ordinance No. 2000-11-134, deeds to Lots 102 through and including Lot 112 of Wabash Railroad Subdivision No. 2 were authorized to be executed by the Mayor and recorded, however, due to conflicting claims regarding legal rights to Lot 101 of the Wabash Railroad Subdivision No. 2, the decision concerning the ultimate disposition of that lot was reserved; and

WHEREAS, a public hearing was held on the 23rd day of April, 2001, after Notice of Publication in the News Gazette on the 1st day of April, 2001, which date was at least fifteen (15) days prior to such public hearing on the question of the transfer or sale of such property.

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

Section 1. The Mayor of the City of Urbana is authorized to execute a deed quit claiming to Edward A. Salfelder, Jr. and Edward A. Salfelder, Sr. p Lot 101 of Wabash Railroad Subdivision No. 2 upon receipt by the City of the sum of Seven Thousand, Twenty-Eight Dollars (\$7,028.00), said sum being the amount of money that the City paid to improve Lot 101 by lowering the abandoned railroad right-of-way embankment that formerly transversed Lot 101.

Section 2. Provided, however, that Lot 101 of Wabash Railroad Subdivision No. 2 may be developed only in combination with Tract "C" of Modern Research Plat, as shown on a plat prepared by M. H. Kinch, ILS#358, and recorded June 25, 1958, in Plat Book "M" at page 33, in the Office of the Recorder of Deeds, Champaign County, Illinois, or other adjacent buildable lot.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP/ASLA, Planning Manager

DATE: May 17, 2001

SUBJECT: An Ordinance Approving an Annexation Agreement with the Calvary Baptist Church to annex 5.0 acres at 2106 East Windsor Road to the City of Urbana with a zoning designation of R-4, Medium Density Multiple Family Residential (Plan Case No. 1780-A-01)

Introduction

The purpose of this memorandum is to forward a proposed Annexation Agreement between the City of Urbana and the Calvary Baptist Church. Michael Gewirtz, on behalf of the Calvary Baptist Church, has petitioned the City of Urbana to annex the subject 5.0 ± acre property, located at 2106 East Windsor Road, with a zoning designation of R-4, Medium Density Multiple Family Residential, to allow continued and expanded church/parochial school use. The current Champaign County zoning designation for the site is AG-2, Agriculture. A copy of the proposed Annexation Agreement is attached to this memorandum.

The City Council opened a public hearing on this annexation agreement at 7:20 p.m. on May 7, 2001. This hearing was continued to the same time on May 21, 2001.

Background

The subject property is located on the north side of Windsor Road, just east of Susan Stone Drive. It is currently in use for the Calvary Baptist Church and associated K-12 school. The Church is requesting annexation to the City so that it may obtain sanitary sewer service from the Urbana-Champaign Sanitary District. Under the terms of an intergovernmental agreement, properties requesting Sanitary District service that are adjacent to the City must file a petition for annexation. The Church will be proposing a gymnasium addition to the site in the near future.

Surrounding the site are vacant lands proposed for commercial use to the east and west, vacant land proposed for multiple-family residential use to the north, agricultural land to the south, and single-family residential use to the southwest. Zoning designations in the vicinity of the site include B-3,

General Business, to the east and west; R-4, Medium Density Multiple Family Residential, to the north; R-2, Single Family Residential, to the southwest; and County AG-2, Agriculture, to the south.

The 1993 Extra-Territorial Jurisdiction Plan Land Use Guide shows the site as being part of a “Recreation – Public/Private” trail, with residential uses surrounding. However, this trail is not consistent with actual development patterns occurring since adoption of the ETJA Plan nor with more recent transportation planning documents, which show an off-street bike trail extending along Windsor Road and connecting south to Southridge Park. The future land use designation for the site can be appropriately modified as a part of the City’s ongoing Comprehensive Plan Update process.

Additional background information on the Annexation Agreement is provided in the Plan Commission Memorandum, dated April 12, 2001.

Issues and Discussion

The petitioner is requesting to be annexed into the City of Urbana under the terms of the attached proposed Annexation Agreement. Among the provisions of the Annexation Agreement is the designation of the site as R-4, Medium Density Multiple Family Residential.

In considering the proposed zoning designation, the Plan Commission must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration. Relevant Comprehensive Plan goals, objectives and policies are outlined in the Plan Commission Memorandum. The Plan Commission Memorandum also addresses the factors for evaluating the legal validity of a zoning classification, as identified in the case of *La Salle National Bank v. County of Cook*. These are summarized as follows:

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to R-4 would be consistent with existing R-4 zoning designations to the north of the site and with planned and existing residential uses to the north and southeast of the site. The proposed rezoning and continued use of the site as a church/parochial school would be compatible with existing and planned residential uses to the north and south and would not be inconsistent with areas zoned B-3 and planned for commercial uses to the east and west.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

While City Planning and Economic Development Division staff are not qualified as professional appraisers, it can generally be noted that the value of the petitioner’s property is diminished by its existing County agricultural zoning and inability to obtain sanitary sewer service without annexation to the City. The site is not used for agricultural purposes and adjoins urban land uses and/or zoning designations. The value of the property would be enhanced by its rezoning to a designation that permits its existing use as a church and parochial school by right.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

As the subject property is not currently in use for agriculture and is adjoined by commercial and residential zoning designations on three sides, it is difficult to argue that the present zoning of the subject parcel particularly promotes the health, safety, morals or general welfare of the public. Under the current zoning, the petitioner experiences a hardship and uncertainty associated with agricultural zoning on a site that is adjacent to urban zoning and land uses and which is not used for agricultural purposes. This hardship and uncertainty would seem to outweigh any detriment to the public they may result from the proposed rezoning.

5. *The suitability of the subject property for the zoned purposes.*

The subject parcel is adjacent to other developed and developing uses and is adequately served by public streets and utilities (as noted above, provision of sanitary sewer service to the site is proposed). The subject parcel is well suited to continued use as a church/parochial school under the proposed zoning designation. It has good access from Windsor Road and is nearby several residential neighborhoods which can take advantage of their close proximity to the church/ school.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The subject parcel has been in use as a church/parochial school for several years. Prior to construction of the church in the mid-1970's, the site was used for agricultural purposes.

At the Plan Commission meeting of May 10, 2001, one Commissioner questioned why the church did not propose a rezoning to the B-3 designation, since B-3 zoning exists along Windsor Road both to the east and west of the site, and would provide a potentially higher property value to the church. City Planning staff recommended that the church request R-4 zoning because this zoning designation is consistent with existing R-4 zoning to the north and is the lowest intensity zoning designation for which both "Church/Temple" and "School" are permitted by right. A "School" use is not permitted by right in the B-3 zone. While the "School" use listed in the Table of Uses is specified as "public" school, it was planning staff's interpretation that this listing in the table of use most closely coincides with the parochial school portion of the Calvary Baptist Church.

No testimony or communications have yet been received from neighboring property owners or residents regarding the proposed Annexation Agreement.

Summary of Findings

1. The current Comprehensive Plan designation of the site as a Public/Private Recreation Trail is not consistent with subsequent development patterns and transportation planning documents.

2. Annexation of the site with a zoning designation of R-4, Medium Density Multiple Family Residential, is consistent with the overall Comprehensive Plan designation nearby the site of Residential.
3. Annexation of the site with a zoning designation of R-4, Medium Density Multiple Family Residential, is consistent with the proposed use of the site for continued and expanded church and parochial school uses.
4. Annexation of the site would allow the Calvary Baptist Church to obtain sanitary sewer service and would help to facilitate its expansion plans.
5. Annexation of the site with a zoning designation of R-4 and continued use as a church/parochial school would help meet a number of the goals, objectives, and policies of the Urbana Comprehensive Plan.
6. The proposed R-4 zoning for the site would be consistent with existing and planned land uses in the vicinity.
7. The proposed zoning designation appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options in this case:

- a. The City Council may approve the proposed Annexation Agreement, including a zoning designation of R-4 for the site.
- b. The City Council may approve the proposed Annexation Agreement, including a zoning designation of R-4 for the site, subject to specific changes to be identified. (Note that because this is an annexation agreement between the City and the Owner, the property owner would have to agree to these changes).
- c. The City Council may deny the proposed Annexation Agreement.

Recommendation

At their May 10, 2001 meeting, the Urbana Plan Commission recommended unanimously (9 – 0) that the City Council approve the proposed Annexation Agreement with Calvary Baptist Church, including a zoning designation of R-4 for the site. Staff concurs with this recommendation.

- c: Michael Gewirtz, Chairman of the Deacons
Tad Butler, Assistant Pastor
Howard Spracklin, Treasurer

Attachments: Draft Ordinance Approving an Annexation Agreement
Proposed Annexation Agreement with Petition for Annexation
Excerpt Draft minutes from May 10, 2001 Plan Commission meeting.

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE CALVARY BAPTIST CHURCH

(To annex 5.0 acres at 2106 East Windsor Road - Plan Case No. 1780-A-01)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an agreement by and between the City of Urbana and the Calvary Baptist Church, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

ANNEXATION AGREEMENT

THIS Agreement, made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and Calvary Baptist Church (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 6.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Calvary Baptist Church is the Owner of record of a certain 5.00-acre parcel of real estate located at 2106 East Windsor Road, and having permanent index number 30-21-22-300-002, the legal description of which real estate is set forth Exhibit A attached hereto and referenced herein as the "tract".

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the tract to be annexed to the City of Urbana under the provisions of this agreement.

WHEREAS, said Owner finds that in order to best utilize the Owner's property, it is desirous to annex the tract to the City of Urbana pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the tract is currently zoned AG-2, Agriculture in Champaign County and the City and the Owner find it necessary and desirable that the tract be annexed to the City with a zoning classification of R-4, Medium Density Multiple-Family Residential, under the terms and provisions of the Urbana Zoning Ordinance in effect upon the date of annexation, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexing said tract as described herein as City R-4, Medium Density Multiple-Family Residential, reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation and zoning designation will allow the Calvary Baptist Church to continue and to expand their current use of the site as a church and parochial school; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL

PROMISES SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER

The Owner agrees to the following provisions:

Section 1. Annexation: The Owner represents that it is the sole record Owner of the tract described in Exhibit A and the Owner acknowledges that immediately after the City Council's approval of this Agreement, the City shall act on the signed annexation petition, labeled Exhibit C, to cause said tract to be annexed to the City of Urbana.

The Owner further agrees that this Annexation Agreement shall be included in any sales contract for the sale of any portion of the subject tract. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of these provisions regarding annexation shall be included in the subdivision covenants and such will constitute a covenant running with the land.

Section 2. Zoning Classification: The Owner agrees to accept the City of Urbana zoning classification of R-4, Medium Density Multiple Family Residential, as provided for in Article IV of the Urbana Zoning Ordinance.

Section 3. Development and Building Regulations: The Owner agrees to abide by all applicable City of Urbana development and building regulations existing at the time of annexation, except as otherwise provided herein.

Section 4. Disconnection: The Owner agrees and hereby stipulates that the Owner shall not take any action to disconnect the tract from the City once it is annexed during the 20-year term of this agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. Annexation: The Corporate Authorities agree to act immediately to annex said tract subject to the terms and conditions outlined in this Agreement by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning Classification: The Corporate Authorities agree that the tract will be zoned R-4, Medium Density Multiple Family Residential, in accordance with Article IV, Section IV-5 of the Urbana Zoning Ordinance upon annexation and as defined in the City of Urbana Zoning Ordinance as such exists at the time of annexation of tract. According to Table V-1, Table of Uses, of the Urbana Zoning Ordinance, the R-4, Medium Density Multiple Family Residential, zoning classification allows church and parochial school uses as permitted uses.

Section 3. Development and Building Regulations: The Corporate Authorities agree that all applicable development and building regulations will apply to said tract, except as otherwise provided herein.

Section 4. Nonconformity of Existing Development: The existing development of the tract, including, but not limited to, placement of structures, parking lot surfacing, and signage, may contain zoning nonconformities, insofar as such improvements were constructed under the jurisdiction of the Champaign County Zoning Ordinance and may not completely reflect the requirements of the Urbana Zoning Ordinance. Said nonconformities are as defined and regulated by Article X of the Urbana Zoning Ordinance, and may be continued indefinitely under the terms of this Agreement. However, any addition to these uses or further improvement of the tract shall comply with the requirements of the Urbana Zoning Ordinance and other applicable development regulations.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement: This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner, its successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land: The terms of this Agreement constitute a covenant running with the land for the life of this Agreement unless specific terms are expressly made binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owner as to all or any part of the tract, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties: The Corporate Authorities and Owner agree that neither party will take no action or omit to take action during the term of this Agreement which act or omission as applied to the tract would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owner and the city.

Section 4. Enforcement: The Owner and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or the non-defaulting party may declare this Agreement null and void in addition to other remedies available. Upon breach by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

Section 5. Severability: If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect even without the invalid provision.

Section 6. Effective Date: The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

Section 7. Notices: Notices under the terms of this Agreement shall be considered given when deposited in the U.S. Mail, postage prepaid, first class certified, or delivered personally to:

Owner:

Michael Gewirtz, Chairman of the Deacons
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

Tad Butler, Assistant Pastor
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

Howard Spracklin, Treasurer
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

City:

Bruce K. Walden
Chief Administrative Officer

City of Urbana
400 South Vine Street
Urbana, Illinois 61801

Any change of address to which said Notice shall be delivered shall be provided in writing to all parties of this Agreement.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities

City of Urbana:

Owner:

Tod Satterthwaite, Mayor

Michael Gewirtz,
Chairman of the Deacons
Calvary Baptist Church

Date

Date

ATTEST:

ATTEST:

Phyllis D. Clark
City Clerk

Notary Public

Date

Date

Exhibits attached and made a part of this Agreement:

- Exhibit A: Legal Description
- Exhibit B: Location Map
- Exhibit C: Annexation Petition

Exhibit A

Legal Description of Tract

The West Four Hundred Forty and Eight-six Hundredths (440.86) feet of the South Four Hundred Ninety-four and Four Hundredths (494.04) feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois.

As per survey recorded in Plat Book "X" at page 216 as Document No. 73R6917 in the records of Champaign County, Illinois.

Containing 5.00 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Exhibit B

Map of Tract

Exhibit C
Annexation Petition

Petition for Annexation
to
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioner, Michael Gewirtz, Chairman of the Deacons, for Calvary Baptist Church, respectfully states under oath:

1. Calvary Baptist Church is the sole owner of record of the following legally described land (hereinafter sometimes referred to as the Tract), except any public right-of-way property to wit:

The West Four Hundred Forty and Eight-six Hundredths (440.86) feet of the South Four Hundred Ninety-four and Four Hundredths (494.04) feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois.

As per survey recorded in Plat Book "X" at page 216 as Document No. 73R6917 in the records of Champaign County, Illinois.

Containing 5.00 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Commonly known as 2106 E. Windsor Road and also identified as Parcel Index Number 30-21-22-300-002.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.

3. There are no electors residing in said Tract.

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois in accordance with all of the aforesaid conditions herein and pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on _____, 2001 as Ordinance No. _____ and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2001.

PETITIONER:

Michael Gewirtz, Chairman of the Deacons

Calvary Baptist Church

Subscribed and sworn to before me this

____ day of _____, 2001

NOTARY PUBLIC

My commission expires: _____



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ENGINEERING

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, Public Works Director
Joseph L. Smith, Senior Civil Engineer

DATE: May 8, 2001

RE: Ordinances from Traffic Commission

Attached are two ordinances for your approval from action taken by the Traffic Commission.

The ordinance (Schedule L) is for the painting of yellow curbs at several locations. The first location is on the west side of Federal Drive to the north and south of Cardinal Court. This yellow zone is being installed to provide better visibility for approaching traffic on Cardinal Court looking both ways down Federal Drive. At the same location yellow curb is being painted on both sides of Cardinal Court from the west curb line of Federal Drive to a point 63 feet west of the centerline of Federal Drive. This ordinance will bring the intersection into compliance with the visibility triangle ordinance for an uncontrolled tee intersection. The second location is in the 500 block of Anderson Street on the west side of the street. A resident on the east side of the street is having difficulty backing out of their driveway due to the narrow street recently built under the Neighborhood Streets and Walks Program. This yellow curb is 31 feet in length and located at mid-block and will not create any hardships for area residents. Residents were contacted and no negative comments were received.

The ordinance (Schedule J) is for the prohibition of parking at all times on Guardian Drive from University Avenue to Butzow Drive. This recently constructed pavement is four lanes and currently unmarked for parking restrictions. The ordinance will ensure no vehicles park along this stretch and impede vehicle movements.

The Traffic Commission has considered these locations at its May 2001 meeting and recommends that the ordinances be passed by the City Council.

Prepared by: _____

Joseph L. Smith, P.E.
Senior Civil Engineer

William R. Gray, P.E.
Public Works Director

AN ORDINANCE AMENDING SCHEDULE J OF SECTION 23-183 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS

(Guardian Drive)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Schedule J of Section 23-183, entitled "Parking Prohibited At All Times On Certain Streets" of Article XIV of the Urbana Local Traffic Code, is hereby amended by ADDING to that schedule the following portion of a street where no person shall park a vehicle at any time:

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Guardian Drive	from University Avenue to Butzow Drive	Both

Section 2. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. 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.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

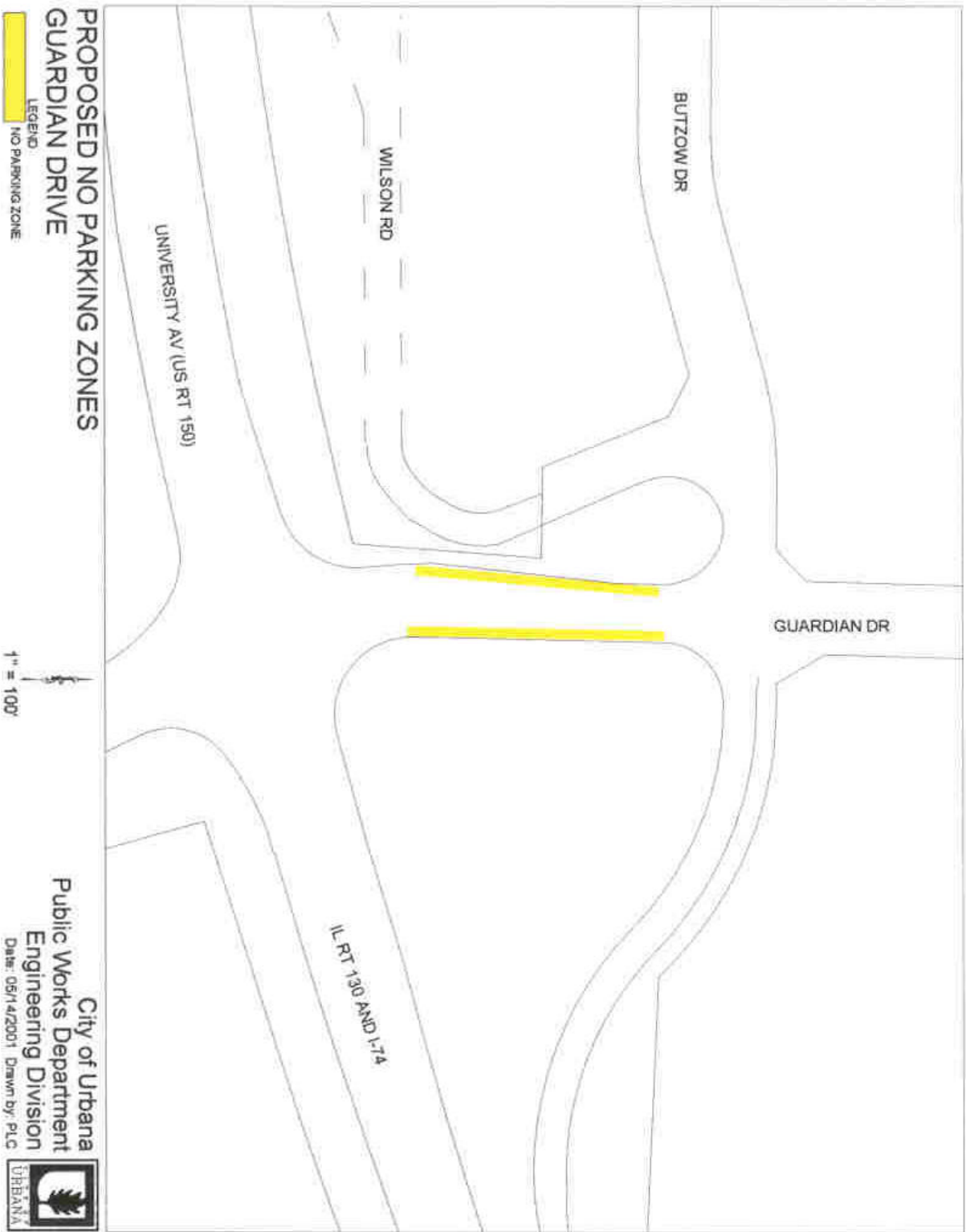
I certify that on the _____ day of _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING SCHEDULE J OF SECTION 23-183 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS (Guardian Drive)," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, 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 _____ day of _____, _____.

SEAL

CITY CLERK





**PROPOSED YELLOW CURB PAINTING
500 BLOCK S. ANDERSON**

SCALE 1" = 50'

City of Urbana
Public Works Department
Engineering Division
Date: 05/14/2011 Drawn by: PLC



ADMINISTRATION · ARBOR · ENGINEERING · ENVIRONMENTAL MANAGEMENT
EQUIPMENT SERVICES · OPERATIONS · PUBLIC FACILITIES

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**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ENGINEERING

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, Public Works Director
Joseph L. Smith, Senior Civil Engineer

DATE: May 8, 2001

RE: Ordinances from Traffic Commission

Attached are two ordinances for your approval from action taken by the Traffic Commission.

The ordinance (Schedule L) is for the painting of yellow curbs at several locations. The first location is on the west side of Federal Drive to the north and south of Cardinal Court. This yellow zone is being installed to provide better visibility for approaching traffic on Cardinal Court looking both ways down Federal Drive. At the same location yellow curb is being painted on both sides of Cardinal Court from the west curb line of Federal Drive to a point 63 feet west of the centerline of Federal Drive. This ordinance will bring the intersection into compliance with the visibility triangle ordinance for an uncontrolled tee intersection. The second location is in the 500 block of Anderson Street on the west side of the street. A resident on the east side of the street is having difficulty backing out of their driveway due to the narrow street recently built under the Neighborhood Streets and Walks Program. This yellow curb is 31 feet in length and located at mid-block and will not create any hardships for area residents. Residents were contacted and no negative comments were received.

The ordinance (Schedule J) is for the prohibition of parking at all times on Guardian Drive from University Avenue to Butzow Drive. This recently constructed pavement is four lanes and currently unmarked for parking restrictions. The ordinance will ensure no vehicles park along this stretch and impede vehicle movements.

The Traffic Commission has considered these locations at its May 2001 meeting and recommends that the ordinances be passed by the City Council.

Prepared by: _____

Joseph L. Smith, P.E.
Senior Civil Engineer

William R. Gray, P.E.
Public Works Director

AN ORDINANCE AMENDING SCHEDULE L OF SECTION 23-187 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING IN SPECIFIED PLACES

(Cardinal Court, Federal Drive, and Anderson Street)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Schedule L of Section 23-187, entitled "Parking Prohibited in Specified Places," of Article XIV of the Urbana Local Traffic Code, is hereby amended by ADDING to that schedule the following curbing that is to be painted yellow:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Side of Street</u>
Cardinal Court	From the centerline of Federal Drive	Both Sides	
	to 63 feet west of Federal Drive.		
Federal Drive	From 75 feet south of the centerline	West Side	
	of Cardinal Court to 90 feet north		
	of the centerline of Cardinal Court.		
Anderson Street	From 119 feet north of the centerline	West Side	
	of California Avenue to 150 feet north		
	of the centerline of California Avenue		

Section 2. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. 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 regular meeting of said Council

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING SCHEDULE L OF SECTION 23-187 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING IN SPECIFIED PLACES (Cardinal Court, Federal Drive, and Anderson Street)," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, 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 _____ day of _____, _____.

SEAL

CITY CLERK



**PROPOSED YELLOW CURB PAINTING
500 BLOCK S. ANDERSON**

SCALE 1" = 50'

City of Urbana
Public Works Department
Engineering Division
Date: 06/14/2001 Drawn by: PLC



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**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer
FROM: Joseph L. Smith, Senior Civil Engineer
William R. Gray, Director of Public Works
DATE: May 24, 2001
RE: Route 150 (University Avenue) Street Improvement

INTRODUCTION

The Illinois Department of Transportation, the City of Urbana and Urbana Township desire to improve U.S. Route 150 (University Avenue). This project is warranted and necessary due to the increased traffic and safety needs of this stretch of highway from Guardian Drive to High Cross Road.

The work shall primarily consist of widening and resurfacing University Avenue from Guardian Drive to High Cross Road to create a bi-directional left turn lane. The existing traffic signals will be modernized and permanent at Smith Road and University Avenue and High Cross Road and University Avenue. New sidewalks will be installed along the north side of the improvement at the City's request. IDOT will be responsible for preparing plans and specifications, receiving bids and awarding the contract, furnishing engineering inspection during construction and causing the improvement to be built in accordance with the plans, specifications and contract. Funding for the project is being split approximately 66% Federal funds, 30% State of Illinois, 3.7% City of Urbana and 0.3% Urbana Township. Attached is the necessary documentation to complete this project.

ISSUES AND DISCUSSION

This attached City-State Agreement requires two resolutions and two ordinances be passed by the City Council. The third ordinance required by this Agreement is already in existence (Section 24-43 of the Urbana Code of Ordinances) and is included in the Agreement as Exhibit C. They are as follows:

1. A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

This Resolution authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City of Urbana.

2. A RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE.

This resolution appropriates the necessary MFT funds for the project.

3. AN ORDINANCE AMENDING SCHEDULE J OF SECTION 23-183 OF THE URBANA LOCAL TRAFFIC CODE PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS.

This ordinance meets the requirements of the Agreement to prohibit parking within the limits of this improvement.

4. AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

This ordinance meets the requirements of the Agreement to prohibit encroachments on public right-of-way within the limits of this improvement.

FISCAL IMPACTS

This project is being designed and the contract administered by Illinois Department of Transportation (IDOT) personnel. Therefore, there will be no direct City staff managing this project.

As outlined in the attached agreement, the City's share of the estimated \$675,000 cost is \$62,183 or 3.7%. As you will find in the cost breakdown in the agreement, there are several items requested by the City that are 100% our cost or shared partially with IDOT. A contingency of 12% is being added to our share to bring the total share of our portion to \$70,000. It is anticipated that actual costs will be less than this amount. The cost breakdowns and splits have been reviewed and are found satisfactory. These costs are estimates and may increase or decrease depending on actual bids received. All City funds for this project are to be Motor Fuel Tax funds.

RECOMMENDATION

It is recommended that the City Council approve the resolutions and ordinances as outlined herein at its regularly scheduled meeting of June 4, 2001.

Prepared by:

Joseph L. Smith, P.E.
Senior Civil Engineer

William R. Gray, P.E.
Public Works Director

RESOLUTION NO. 2001-05-018R

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
THE ILLINOIS DEPARTMENT OF TRANSPORTATION

(University Avenue)

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

Section 1. That an agreement by and between the City of Urbana, Illinois, and the Illinois Department of Transportation, in the form of the copy of said agreement attached hereto and hereby incorporated, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, 2001

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001

Tod Satterthwaite, Mayor

FAP Route 808 (U.S. Route 150)
Section 201 (W,RS)
Champaign County
Job No. C-95-066-97
Agreement No. JN-501005
Contract No. 90885

AGREEMENT

This agreement entered into this _____ day of _____, A.D., 20____, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the City of Urbana; of the State of Illinois, hereinafter called the CITY; and Urbana Township, of the State of Illinois, hereinafter called the TOWNSHIP.

WITNESSETH

WHEREAS, the STATE in order to facilitate the free flow of traffic and insure safety to the motoring public, is desirous of improving approximately 2.13 kilometers (1.32 mi.) of U.S. Route 150, starting from University Avenue to Illinois Route 130; State Section 201 (W,RS), by widening, resurfacing the existing pavement to provide through traffic lanes in each direction, a bi-directional turn lane, making improvements on High Cross Road; installing traffic signals with combination mast arms for high-way lighting; installing emergency vehicle pre-emption systems; constructing new sidewalk, constructing curb and gutter, and storm sewer system for highway drainage and by performing all other work necessary to complete the improvement in accordance with the approved plans and specifications; and

WHEREAS, the CITY and the TOWNSHIP are desirous of said improvement in that same will be of immediate benefit to the CITY and TOWNSHIP residents and permanent in nature;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to make the surveys, obtain all necessary rights-of-way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.
2. The STATE agrees to pay for all right-of-way, construction and engineering costs, including the cost of railroad adjustments, subject to reimbursement by the CITY, and TOWNSHIP as hereinafter stipulated. The STATE will negotiate and coordinate with the CXS Railroad for the adjustment of their railroad facilities.

3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as follows:

Type of Work	STATE RESPONSIBILITY				LOCAL PARTICIPATION				Total
	FEDERAL REIMBURSIBLE		STATE MATCHING		CITY RESPONSIBILITY		TOWNSHIP RESPONSIBILITY		
	Cost	%	Cost	%	Cost	%	Cost	%	
All constr. Costs excluding the following	\$ 994,400	80	\$248,500	20	NA		NA		\$ 1,243,000
Traffic signals work University/Guardian Drive	\$ 7,200	80	\$900	10	\$900	10	NA		\$ 9,000
Traffic signal work at Smith Road	\$ 48,800	80	\$6,100	10	\$3,050	5	\$3,050	5	\$ 61,000
Traffic signal work at High Cross Road	\$ 57,600	80	\$10,800	15	\$3,600	5	NA		\$ 72,000
Emergency Vehicle Pre-emption Systems - Smith and High Cross Road	NA		NA		\$9,500	100	NA		\$ 9,500
Wiring & luminaires for highway lighting - Smith and High Cross Rd	NA		NA		\$5,500	100	NA		\$ 5,500
City Requested Sidewalks	NA		\$ 25,000	50	\$25,000	50	NA		\$ 50,000
Sub Total	\$ 1,108,000		\$ 291,400		\$47,550		\$3,050		\$ 1,450,000
P&C Engr. 15%	NA		\$ 208,810		\$7,133		\$ 457		\$ 217,500
Right of way	NA		NA		\$7,500		NA		\$ 7,500
TOTAL	\$ 1,108,000		\$ 501,310		\$62,183		\$3,507		\$ 1,675,000

Participation and reimbursement shall be predicated by the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities times contract unit prices plus 15% for construction and preliminary engineering. Participation toward the traffic signals by the CITY excluding the Emergency Vehicle Pre-emption, shall not exceed \$10,854, which represents 125% of their estimated construction and engineering cost shown above.

Participation toward the traffic signals by the TOWNSHIP not exceed \$ 4,384, which represents 125% of their estimated construction and engineering cost shown above.

4. The CITY has passed a resolution appropriating sufficient funds to pay its share of the cost for this improvement, a copy of which is attached hereto as "Exhibit A" and made a part hereof
5. The CITY further agree that upon award of the contract for this improvement, the CITY will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY, an amount equal to 95% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.
6. The CITY, and further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in "Exhibit A" proves to be insufficient, to cover said cost.
7. It is mutually agreed that upon award of the contract for this improvement the TOWNSHIP will pay the STATE in a lump sum, an amount equal to 95% of its obligation incurred under this agreement, and will pay the STATE the remainder of the obligation in a lump sum upon completion of this project base upon final cost
8. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, requiring that parking be prohibited within the limits of this improvement, a copy of which is attached hereto as "Exhibit B", and will in the future prohibit parking at such locations on or immediately adjacent to this improvement as may be determined necessary by the STATE from traffic capacity studies.
9. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, prohibiting the discharge of sanitary sewage and industrial waste water into any storm sewers constructed as a part of this improvement, a copy of which is attached hereto as "Exhibit C".
10. Prior to the STATE advertising for the work proposed hereunder, the disposition of encroachments will be cooperatively resolved with representatives from the CITY and the STATE.

The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, relative to the disposition of encroachments and prohibiting, in the future, any new encroachments within the limits of the improvements, a copy of which is attached as "Exhibit D"

11. The CITY, agrees not to permit driveway entrance openings to be made in the curb, as constructed, or the construction of additional entrances, private or commercial, along University Avenue without the consent of the STATE.

12. The CITY, shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
13. The CITY agrees to cause its utilities installed on right-of-way after said right-of-way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.
14. Upon final field inspection of the improvement and so long as University Avenue is used as a State Highway, the STATE agrees to maintain or cause to be maintained the median, the two through traffic lanes, the bi-directional lane lying 1.8 meters (6 feet) on either side of the centerline and the left-turn and right-turn lanes, each lane being 3.6 meters (12 feet) and variable in width, and the curb and gutter or stabilized shoulders and ditches adjacent to those traffic lanes and turn lanes to be maintained by the STATE.
15. Upon final field inspection of the improvement, the CITY, agrees to maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE, including the, sidewalks, parkways, guardrails, crosswalk and stopline markings, CITY, owned utilities including appurtenances thereto, highway lighting including furnishing the electrical energy therefore and shall maintain the storm sewers and appurtenances by performing those functions necessary to keep the sewer in a serviceable condition including cleaning sewer lines, inlets, manholes, and catch basins along with the repair or replacement of inlet, manhole and catch basins' frames, grates or lids, plus structural failures to a maximum length of 3.66 meters (12 feet) between adjacent manholes. The maintenance, repair and/or reconstruction of storm sewers constructed as part of this improvement beyond the aforescribed responsibilities shall be that of the STATE.
16. Upon final field inspection of the improvement, the TOWNSHIP, agrees to maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE, including the improvements made at the intersection of High Cross Road.

It is further agreed that the entire cost of operation and maintenance of the Fire Preemptor System shall continue as outlined in the existing Joint Agreement between the STATE, CITY, and TOWNSHIP, executed on December 23, 1997.

17. Upon acceptance by the STATE of the traffic signal work included herein, the financial responsibility for the maintenance and electrical energy charges for the operation of the traffic signal(s) shall be proportioned as follows:

<u>Intersection</u>	<u>Level of Maint.</u>	<u>Maintenance</u>	<u>Elect. Energy</u>
US Route 150 @ Guardian Drive	I		
STATE Share		100%	NA
CITY Share			100%
US Route 150 @ Smith Road Drive	I		
STATE Share		50%	NA
CITY Share		25%	100%
TOWNSHIP Share		25%	NA
US Route 150 @ High Cross Road	I		
STATE Share		100%	NA
CITY Share		NA	100%

It is mutually agreed that the actual traffic signal maintenance will be performed by the CITY, either with its own forces or through an ongoing contractual agreement.

It is further agreed that the traffic signals shall be maintained to at least the Level of Maintenance shown above and specified in the attached "Exhibit E" made a part hereof.

It is understood that the Level of Maintenance I meets the minimum requirements of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.

It is also understood that if, in the judgement of the STATE, the CITY has not provided adequate maintenance for those traffic signals which it has been assigned to maintain, the STATE will, upon giving 30 days written notice, arrange for the appropriate maintenance efforts and bill the CITY for its share of the costs.

The CITY agrees to bill the STATE for its proportionate share of the traffic signal maintenance costs on a three-month basis. The amount billed shall be the actual costs incurred less any third party damage claims received during the billing period for repair of traffic signals that are the responsibility of the billed party. Any proposed expenditures in excess of \$5,000 for repair of damage to any single traffic signal installation must be approved by the billed party before the expenditure is made. The STATE reserves the right to examine the records of the CITY to determine that costs billed are fully documented.

The STATE agrees to make arrangements with the local power company to furnish the electrical energy for the operation of the traffic signals. The CITY agrees to pay their proportionate share of this cost as billed by the local power company.

The STATE retains the right to control the sequence and timing of the traffic signals. Payment by the STATE of any or all of its share of maintenance and energy costs is contingent upon the STATE receiving adequate funds in its annual appropriation.

The parties hereto agree that the traffic signal maintenance and energy provisions of this Agreement shall remain in effect for a period of twenty (20) years from the date of its execution or so long as the traffic signals covered by the terms of this Agreement or any amendment hereto remain in place either in their current or some modified configuration, whichever is the shorter period of time. Such an effective term shall apply unless otherwise agreed in writing by the parties hereto.

18. The STATE agrees to make arrangements with the local power company to furnish the electrical energy for the operation of the traffic signals. The CITY agrees to pay their proportionate share of this cost as billed by the local power company.
19. The CITY and TOWNSHIP agrees to provide written approval of that portion of the plans and specifications relative to the CITY's and TOWNSHIP's financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.
20. Obligations of the STATE and CITY, and TOWNSHIP will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.
20. This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

CITY OF URBANA

Attest:

Clerk

(SEAL)

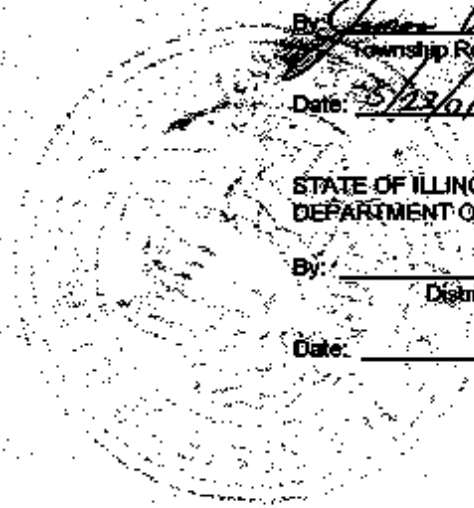
By: _____
TITLE: _____
Date: _____

URBANA TOWNSHIP

By: *James R. Keith*
Township Road Commissioner
Date: 5/23/01

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

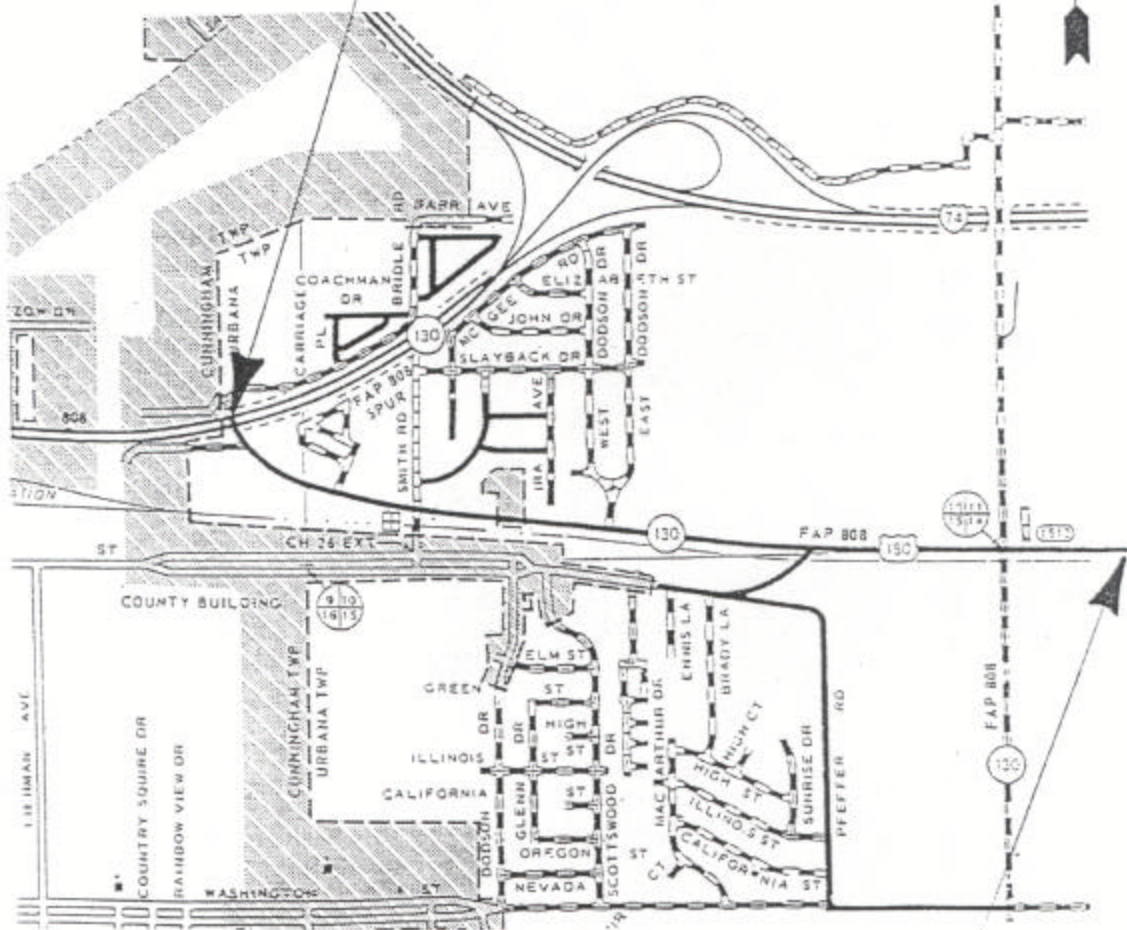
By: _____
District Engineer
Date: _____



sjt34.doc

LOCATION MAP

SECTION BEGINS
STA. 28+962.00



SECTION ENDS
STA. 31+175.00



Resolution for Improvement by Municipality Under the Illinois Highway Code 2001-05-016r

(University Avenue)

BE IT RESOLVED, by the Council of the City of Urbana Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Rows include University Ave(US 150) and High Cross Rd.(Ill130).

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of widening and resurfacing University Avenue to provide a bi-directional turn lane and two through lanes; making improvements to High Cross Road; installing traffic signals with combination mast arms for highway lighting at Smith Rd. and University Ave. and at High Cross Rd and University Ave. and other incidental construction

and shall be constructed wide and be designated as Section 01-00369-00-PV

2. That there is hereby appropriated the (additional Yes No) sum of Seventy thousand Dollars (\$70,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract Specify Contract or Day Labor ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

APPROVED Date Department of Transportation District Engineer

I, Phyllis D. Clark Clerk in and for the City of Urbana County of Champaign, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on June 4, 2001 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of (SEAL) Clerk City, Town or Village

ORDINANCE NO. 2001-05-052

**AN ORDINANCE AMENDING SCHEDULE J OF SECTION 23-183 OF THE URBANA LOCAL TRAFFIC CODE
PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS**

(University Avenue)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

SECTION 1: That Schedule J of Section 23-183, entitled "Parking Prohibited at All Times on Certain Streets" of Article XIV of the Urbana Local Traffic Code, is hereby amended by ADDING to that schedule the following portion of a street where no person shall park a vehicle at any time:

<u>Street</u>	<u>Between Street</u>	<u>& Street</u>	<u>Side of Street</u>
University Avenue	Guardian Drive Limits	Eastern City	Both

SECTION 2: All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 3: This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 4: 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 regular meeting of said Council.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

provision shall not be effective for installation or discharges prior to the date of enactment of the ordinance from which this subsection is derived. (Code 1975, § 27.12; Ord. No. 7879-1, § 1, 7-10-78)

Sec. 24-40. Powers and authority of inspectors.

(a) The director of public works and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties during reasonable hours for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division. The director or any representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers of waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a), the director of public works or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

(c) The director of public works and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Code 1975, § 27.14)

Sec. 24-41. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the

sanitary or storm sewerage systems. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Code 1975, § 27.13)

Sec. 24-42. Penalties.

(a) Any person found to be violating any provision of this division except section 24-41 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided in subsection (a) of this section, shall be guilty of an unlawful act, and on conviction thereof shall be fined for each violation as provided in section 1-10.

(c) Any person violating any of the provisions of this division shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation. (Code 1975, § 27.15)

Sec. 24-43. Discharge into storm sewer prohibited.

No person shall discharge or cause to be discharged any substance into any storm sewer or stormwater ditch other than storm surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted process waters. (Ord. No. 9293-114, § 2, 6-7-93)

Secs. 24-44—24-50. Reserved.

ARTICLE III. "9-1-1" EMERGENCY TELEPHONE SYSTEM*

Sec. 24-51. Surcharge imposed.

A surcharge is hereby imposed upon all telecommunication carriers engaged in the business of

*Editor's note—At the request of the city, these provisions have been included in Ch. 24, Ord. No. 8889-12, §§ 1—7, adopted Aug. 15, 1988, have been codified as Art. III, §§ 24-51—24-57 at the discretion of the editor. The provisions of this article became effective upon the passage of a referendum passed by the voters of Champaign County, Illinois on November 8, 1988, which was held pursuant to and in accordance with 50 ILCS 750/1 et seq.

EXHIBIT D

ORDINANCE NO. 2001-05-053

AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY
IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS
(University Avenue)

WHEREAS, the City of Urbana hereinafter known as the City and the State of Illinois, acting by and through its Department of Transportation, have entered into an agreement relative to the improvement of University Avenue (US Route 150) State Section 201 (W,RS) from Guardian Drive to the east Corporate Limits; and

WHEREAS, in order to facilitate said improvement, it is necessary for the City to adopt an ordinance regulating encroachment on the right-of-way for said improvement in accordance with the following definitions:

Roadway Right-of-Way is defined as those areas existing or acquired by dedication or by fee simply for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right-of-Way is defined as those areas within the project right-of-way lines established jointly by the City and the State which will be free of encroachments except as hereinafter defined;

Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway Right-of-way where no project right-of-way line has been established;

Permissible Encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings;

Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which the City, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations; and

WHEREAS, representatives of the City and the State have, by visual inspection, cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as

follows:

SECTION 1: It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), except as provided in Section 3, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

SECTION 2: Project right-of-way lines have been established at the following location:

(a) None established.

SECTION 3: Revocable permits have been issued by the City for the temporary retention of the following permissible encroachments (hereinabove defined):

(a) Location to be determined by visual inspection of representatives of the City and the State.

SECTION 4: This ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

SECTION 5: Any person, firm or corporation violating this ordinance shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

SECTION 6: This ordinance shall be published one time within ten (10) days after its passage in a newspaper having a general circulation in the City of Urbana, Illinois, and shall be in full force and effect after its passage, publication and approval as provided by law.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

EXHIBIT "E"

TRAFFIC SIGNAL MAINTENANCE PROVISIONS

LEVEL 1

The maintaining agency agrees to:

1. Patrol the traffic control signal system on a regular basis and replace burned out lamps or damaged sockets as may be required. All lamps should be replaced as frequently as experience proves necessary to prevent undue failures. The reflector and lens should be cleaned each time a lamp is replaced. All replacement lamps shall equal the wattage and type of the existing lamp.
2. Keep signal heads properly adjusted, controller cabinets, signals posts, and controller pedestals tight on their foundation and in alignment.
3. Keep detector equipment in proper working order.
4. Check the controllers, relays, and detectors at frequent intervals to ascertain that they are functioning properly and make all necessary repairs and replacement.
5. Keep interior of controller cabinet in a neat condition at all times.
6. Remove, clean and overhaul the controllers (except solid-state), relays, special auxiliary control equipment, and time clock once a year or more often if necessary. When solid-state controllers malfunction, they shall be removed, repaired, and bench checked. Solid-state controllers shall not be removed for annual maintenance inspections.
7. Replace burned out fuses.
8. Clean reflectors, lenses, and lamps once every six (6) months.
9. Repaint all signal components exposed to weather on a regular basis.
10. Repair or replace any and all equipment damaged by any cause whatsoever.
11. Be responsible for make recovery for damage to any part of the installation or systems from the party causing the damage.
12. Provide alternate traffic control during a period of failure or when the controller must be disconnected. This may be accomplished through installation of a spare controller, placing the intersection on flash, manually operating the controller, or manually directing traffic through the use of proper authorities.
13. Provide skilled maintenance personnel who will be available to respond without delay to emergency calls. This may be provided by agency forces, contract, or maintenance agreement. Controller failure, lights out, knockdowns, or two (2) red lights out at an intersection are considered emergencies.
14. Provide the DEPARTMENT the names, addresses, and telephone numbers of at least two persons who will be available for emergency repair of the traffic signals and keep the DEPARTMENT informed of any changes of same.



**Resolution for Maintenance of
Streets and Highways by Municipality
Under the Illinois Highway Code**
RESOLUTION 2001-05-017
FY 2001 MFT Street Resurfacing Contract

BE IT RESOLVED, by the _____ City Council _____ of the
(Council or President and Board of Trustees)
 _____ City _____ of _____ Urbana _____, Illinois, that there is hereby
(City, Town or Village) (Name)
 appropriated the sum of _____ \$ 625,000.00 _____ of Motor Fuel Tax funds for the purpose of maintaining
 streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2001
 to December 31, 2001 .

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department , a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at _____ Paris _____, Illinois.

I, _____ Phyllis Clark _____ Clerk in and for the _____ City _____
(City, Town or Village)
 of _____ Urbana _____, County of _____ Champaign _____

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by
 the _____ City Council _____ at a meeting on _____ June 4, 2001 _____
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ 5th _____ day of _____ June, 2001 _____ .

(SEAL) _____ City _____ Clerk
(City, Town or Village)

APPROVED

Date
Department of Transportation

District Engineer



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Rob Kowalski, AICP, Senior Planner

DATE: May 31, 2001

SUBJECT: An amendment to an annexation agreement with Rudy Frasca to annex four tracts of property totaling 116.69 acres with a zoning designation of IN, Industrial. (Plan Case No. 1773-A-01)

Introduction

In July 2000 Rudy Frasca signed a petition to annex four separate parcels of property into the city corporate limits by amending an existing annexation agreement. The petition specified that the annexation amendment must be executed within one year. In response to the petition, the Zoning Administrator has filed a petition for the amendment on behalf of Mr. Frasca to annex the property.

In 1992, the City of Urbana and Rudy Frasca entered into an agreement that annexed much of the Frasca property into the city limits. Typical with any annexation, the agreement placed specific responsibilities on both the Corporate Authority (the City) and the Owner (Frasca). The current petition is to amend the 1992 agreement to add the additional four parcels of property. The amendment proposes to use most of the language from the 1992 agreement with a few exceptions which are discussed in this memorandum.

On April 5, 2001 the Urbana Plan Commission conducted a public hearing on the case. Since a zoning change from County Agricultural and Light Industrial zoning to City Industrial was proposed, consideration from the Plan Commission was required. The Plan Commission recommended approval of the case with recommended changes to some of the language in the agreement pertaining to a general area plan. Subsequently, the annexation hearing at City Council has been continued several times as Mr. Frasca and his attorneys reviewed the recommended language.

Additional background into this agreement is provided in the Plan Commission Memorandum dated March 2, 2001.

Background

The four subject parcels are split into Tracts “A” through “D”. Tract “A” is approximately 28 acres located roughly at the southeast corner of Olympian Drive and Willow Road. Tract “B” is approximately 33 acres and located directly south of Tract “A”. Tract “C” is approximately 40 acres and is located south of Oaks Road at Willow Road. Tract “D” is approximately 15 acres and located generally at the northwest corner of Airport Road and Willow Road. All four parcels are currently used for agricultural purposes.

The four tracts are proposed to be annexed into the city with the zoning classification of IN, Industrial. This zoning classification would be consistent with the existing Frasca Airport property in the vicinity. The Urbana Comprehensive Plan currently identifies this area as being planned for airport related uses. Of the four parcels of property, Tracts A and one-half of B are currently zoned Agricultural in the County. The other half of Tract B and all of Tracts C and D are zoned Light Industrial in the County.

A valid protest from at least 40% of the adjacent landowners was filed on April 16, 2001 with the City Clerk’s Office containing 66 signatures of opposition to the annexation. The protest indicates the neighbors objection to the land being zoned Industrial. According to the Urbana Zoning Ordinance XI-11, Protest Procedures, a super majority vote of Council will be required for this case to be approved.

Issues and Discussion

Plan Commission Hearing; April 5, 2001

After receiving public testimony and discussing the case on April 5, 2001 the Plan Commission had concerns about the proposed elimination of Article II-F of the 1992 agreement from the amended agreement. Article II-F of the 1992 agreement stated that a general area plan would be prepared for the property and that the plan would be funded in part by the owner and the city. The provision obligated the city to pay for any costs of the plan in excess of \$15,000. The Plan Commission discussed the merits of a general area plan and concluded that such a plan should be assembled prior to any development on the four tracts of property. The primary concern focused on what the owner could build on the property and how it would affect neighboring uses.

The Plan Commission recommended approval of the case with the following language:

Section 4: The Owner shall submit a General Area Plan for any proposed development on the site. The content of the General Area Plan shall meet the requirements of Section 21-13(E) in the Urbana Subdivision and Land Development Code. The General Area Plan shall be considered by the Urbana Plan Commission and approved by the Urbana City Council.

Since the case is a voluntary annexation amendment, the owner has to agree to the language of the

agreement. In this case, Mr. Frasca did not agree to the recommended language of the Plan Commission and has worked with staff to recommend acceptable alternative language.

The owner agrees to the following language for the new Section 4 of the amended agreement:

Section 4: The owner shall submit a Development Sketch Plan for any proposed development on the site except where such development is a restaurant, air plane museum, hangars, airport business office or other uses customarily incidental to an airport which uses the parties agree shall be allowable accessory uses to the principal airport use as a matter of right.

The content of the Development Sketch Plan shall meet the requirements of Section 21-13C in the Urbana Subdivision and Land Development Code and shall be considered by the Urbana Plan Commission and approved by the Urbana City Council prior to the issuance of any building permits.

The purpose of the requirement that the Development Sketch Plan be approved by the Urbana City Council shall be to insure that any development proposed by the Owner will be adequately served by necessary utilities.

This requirement shall expire once the Corporate Authority enacts an amendment to the Urbana Zoning Ordinance creating an Airport Zoning District and the subject parcels are re-zoned to said district as outlined in Article I, Section C of the previously approved annexation agreement.

The owner felt that the requirement of a General Area Plan for **any** development on the site was too restrictive and did not meet the intent of the original annexation agreement which essentially allowed any airport related development to be built by right. Mr. Frasca has indicated that he has no immediate development plans for the site and assembling a general area plan at this time would be impossible. Staff further recommended altering the language to specify a development sketch plan instead of a general area plan. A general area plan as described in the Subdivision and Land Development Code pertains primarily to when land is proposed to be subdivided. Therefore, if the owner was proposing a development that did not require a subdivision of the land, a general area plan would not be the proper procedure. A development sketch plan requires the developer to show the general location of proposed structures and to indicate how the existing and proposed utilities and infrastructure in the area would be able to accommodate the development. The language requires the sketch plan to be reviewed by the Plan Commission and City Council.

At the Plan Commission hearings, a number of neighbors spoke in opposition to the case. Their general concerns related to the land being zoned Industrial and the types of uses the owner would be able to establish in that zone. There was also general concern about the expansion of the airport and how that would affect them. It was noted that over half of the parcels are currently zoned Light Industrial in the County and that the City Industrial classification is more restrictive in terms of allowable uses and development review. Under the city's Industrial Zoning District, most intensive uses are allowed only with a special use permit which is reviewed by both the Plan

Commission and City Council. It was also noted that the 1992 annexation agreement requires the city to develop a new zoning district for airport uses and that the property would automatically be converted to the new zone once it is adopted. This zone would be specific as to the types of uses that would be allowed and the development regulations that would be applied.

Summary of Findings

1. Annexation of the site with a zoning designation of IN, Industrial and the provision that the property be converted to a new Airport Zone once it is created is consistent with the Comprehensive Plan designation of the site as Airport.
2. Annexation of the site with a zoning designation of IN, Industrial with the provision that the property be converted to a new Airport Zone once it is created helps meet a number of the goals, objectives, and policies of the Urbana Comprehensive Plan.
3. The proposed IN zoning for the site along with the provision that the property be converted to a new Airport Zone once it is created is consistent with existing and planned land uses in the vicinity.
4. The proposed annexation and zoning designation of IN, Industrial is consistent with the 1992 annexation agreement of neighboring parcels because many of the same provisions of the 1992 agreement will be used for the four tracts of land thus maintaining a consistent pattern of development in the area.
5. The proposed rezoning to IN, Industrial with the provision for the land being zoned to a specific airport zoning district in the future generally meets the criteria of the LaSalle Criteria.
6. The requirement of a development sketch plan for any proposed development on the site with the exception of airport related uses will allow the Plan Commission and City Council to review development on the property to determine the adequacy of site design and infrastructure capacity.

Options

The City Council has the following options for this case. In Plan Case 1773-A-01, the City Council may:

- a. Approve the proposed amendment to the 1992 annexation agreement with the suggested language to Article II, Section 4.
- b. Approve the proposed amendment to the 1992 annexation agreement with alternative language as agreed to by the owner.
- c. Deny the approval of the proposed amendment to the annexation agreement and proposed language.

Staff Recommendation

Based on the evidence presented in the discussion above, and considering testimony and discussion of the Urbana Plan Commission hearing, **staff recommends that the Urbana City Council approve the attached amendment to the 1992 annexation agreement.** Please note that due to the valid protest filed, a supermajority vote of the Urbana City Council will be required for approval.

- c: David Thies, Webber and Thies, 202 Lincoln Square, Urbana, IL 61801
Rudy Frasca, Frasca and Associates, 1402 E. Airport Road, Urbana, IL 61801
Emily Davis, 707 E. Olympian Drive, Urbana, IL 61802
Bill Ziegler, 4704 N. Willow Road, Urbana, IL 61802

Attachments: Proposed Ordinance
Proposed Amended Annexation Agreement
1992 Annexation Agreement (Ord. 9192-64)
Plan Commission Minutes
Petition of Protest from neighbors / Correspondence

Prepared by:

Rob Kowalski, AICP
Senior Planner

ORDINANCE NO. 2001-06-054

**AN ORDINANCE APPROVING AN AMENDMENT TO AN ANNEXATION
AGREEMENT WITH RUDY FRASCA**

(To annex four tracts of property totaling 116.69 acres with a zoning designation of IN, Industrial - Plan Case No. 1773-A-01)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Amended Agreement by and between the City of Urbana and Rudy Frasca, in the form of the copy of said Amended Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Amended Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

An Amendment to An Annexation Agreement between Frasca Associates and the City of Urbana approved by Ordinance No 9192-64 on January 21, 1992

(Between the City of Urbana and Frasca Associates)

THIS Agreement made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and the Frasca Associates, an Illinois General Partnership (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 5.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, Frasca and Associates is the Owner of record of a certain parcels of real estate permanent index numbers 25-15-32-426-005, 25-15-32-476-013, 25-15-33-100-019, 25-15-33-100-013, the legal descriptions of which real estate is set forth in Exhibit A attached hereto and referenced herein as "Tract A, Tract B, Tract C and Tract D " or "the tracts".

WHEREAS, the attached map, labeled Exhibit A, is a true and accurate representation of the tracts to be annexed to the City of Urbana under the provisions of this agreement; and

WHEREAS, the Owner previously submitted annexation petitions for said property, said petitions conditioned upon the Owners and the City executing an amendment to an Annexation Agreement between Frasca Associates and the City of Urbana approved by Ordinance No 9192-64 on January 21, 1992 (hereinafter referred to as the "previously approved annexation agreement" and attached hereto as Exhibit C; and

WHEREAS, the tracts are currently zoned I-1 Light Industrial and AG-2 Agriculture in Champaign County and would directly convert to City IN Industrial and AG Agriculture upon annexation under the terms and provisions of the Urbana Zoning Ordinance; and

WHEREAS, the Corporate Authorities find annexing said tracts as described herein entirely as City IN Industrial reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation will ensure that the City of Urbana will receive real estate taxes and other revenues and will enable the City to continue to enhance its tax base; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER (S)

The Owner agrees to the following provisions:

Section 1: The Owner represents that the Owner is the sole record Owner of the tracts described in Exhibit B.

Section 2: The Owner acknowledge that Tract A and the approximate northern 500 feet of Tract B will be rezoned from County AG-2 Agriculture to City IN Industrial upon their annexation to the City; the approximate southern 820 feet of Tract B, Tract C and Tract D will directly convert from County I-1 Light Industrial to City IN Industrial upon their annexation to the City.

Section 3: The Owner agrees that Article I, Section C of the previously approved annexation agreement will apply to the tracts described herein.

Section 4: *The owner shall submit a Development Sketch Plan for any proposed development on the site except where such development is a restaurant, air plane museum, hangars, airport business office or other uses customarily incidental to an airport which uses the parties agree shall be allowable accessory uses to the principal airport use as a matter of right.*

The content of the Development Sketch Plan shall meet the requirements of Section 21-13C in the Urbana Subdivision and Land Development Code and shall be considered by the Urbana Plan Commission and approved by the Urbana City Council prior to the issuance of any building permits.

The purpose of the requirement that the Development Sketch Plan be approved by the Urbana City Council shall be to insure that any development proposed by the Owner will be adequately served by necessary utilities.

This requirement shall expire once the Corporate Authority enacts an amendment to the Urbana Zoning Ordinance creating an Airport Zoning District and the subject parcels are re-zoned to said district as outlined in Article I, Section C of the previously approved annexation agreement.

Section 5: The Owner shall take no action or omit to take action during the term of this Agreement which action or omission, as applied to the tracts, would be a breach of this Agreement, without first procuring a written amendment to this Agreement duly executed by

both the Owner and the City. Said action includes petitioning for a county rezoning of said tracts without a written amendment to this Agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1: The Corporate Authorities agree to annex said tracts subject to the terms and conditions outlined in this Agreement, within thirty (30) days of the effective date of this Agreement per the previously submitted annexation petitions.

Section 2: The Corporate Authorities agree that Tract A and the approximate northern 500 feet of Tract B will be rezoned from County AG-2 Agriculture to City IN Industrial upon their annexation to the City; the approximate southern 820 feet of Tract B, Tract C and Tract D will directly convert from County I-1 Light Industrial to City IN Industrial upon their annexation to the City.

Section 3: The Corporate Authorities agree that Article II, Section B, Section D, Section E, Section G (except there will be no joint general area plan prepared as referenced in Section G), Section K, Section L, Section M, Section N and Section O of the previously approved annexation agreement will apply to the tracts described herein.

ARTICLE III: GENERAL PROVISIONS

Section 1: Term of this Agreement -- This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tracts under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner, their successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land -- The terms of this Agreement constitute a

covenant running with the land for the life of this Agreement unless specific terms are expressly made binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owner as to all or any part of the tracts, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties -- The Corporate Authorities and Owner agree that neither party will take no action or omit to take action during the term of this Agreement which act or omission as applied to the tracts would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owner and the City.

Section 4. Enforcement -- The Owner and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or declare this Agreement null and void in addition to other remedies available. Upon breach by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tracts.

Section 5. Effective Date -- The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities
City of Urbana:

Owner:

Tod Satterthwaite, Mayor

Rudy Frasca, Frasca Associates

Date

Date

ATTEST:

ATTEST:

Phyllis D. Clark
City Clerk

Notary Public

Date

Date

Exhibits attached and made a part of this Agreement:

Exhibit A: Location Map

Exhibit B: Legal Descriptions

Exhibit B

Legal Descriptions

Tract A: PIN: 25-15-33-100-013

The East 30 acres of the Northwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, except the following described tracts, to wit;

Commencing at the Northwest Corner of said 30-acre tract, then East along the North line of said Section 33, a distance of 233.345 feet; thence South at a right angle to the last described line a distance of 233.345 feet, thence West parallel to the North line of said Section 33, 233.345 feet North to the place of beginning; subject to the rights of the public in portions of the premises used for highway purposes.

And;

Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian; thence South on the East line of the Northwest Quarter of the Northwest Quarter, 208.71 feet; thence West parallel with the North line of said Section 33, 208.71 feet; thence North parallel with the East line of said Section 33, 208.71 feet; thence North parallel with the East line of the Northwest Quarter of the Northwest Quarter, 208.71 feet to the North line of said Section 33; thence East on the North line of said Section 33, 208.71 feet, to the Point of Beginning, all situated in Champaign County, Illinois.

Tract B: PIN: 25-15-33-100-019 (1713/780 & 782) (REVISED)

The Southwest Quarter of the Northwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, except the easterly 200.00 feet of even width thereof.

Tract C: PIN: 25-15-32-426-005 {89R24492 (1667/270)}

The South One-Half of the North One-Half of the Southeast Quarter, Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois.

Tract D: PIN: 25-15-32-476-013 {91R2946 (1726/744)}

The South East 1/4 of the South East 1/4 of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, except the North 15 acres thereof and except the South 16 rods of the West 50 rods and except the South 26 and 2/3 rods of the East 30 rods thereof, situated in Champaign County, Illinois



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Rob Kowalski, AICP, Senior Planner

DATE: May 31, 2001

SUBJECT: ZBA-01-MAJ-4: A request by Andrae's Harley Davidson, Inc. for a Major Variance to allow the increase of the required height for a freestanding sign from 75 feet to 100 feet at 2012 N. Lincoln Avenue.

Introduction

Andrae's Harley Davidson is requesting a major variance to increase the height of a freestanding sign from 75 feet to 100 feet. The sign will be located at a new facility at 2012 N. Lincoln Avenue. Because the request is classified as a major variance by the Urbana Zoning Ordinance, City Council approval is required for the request.

On May 17, 2001 the Urbana Zoning Board of Appeals heard two related variance cases for the proposed sign. Andrae's had requested a minor variance to increase the square footage of the sign from the allowable 150 square feet to 172.5 square feet. Because the request was an increase of only 15%, the request was classified as a minor variance by the Urbana Zoning Ordinance and did not require City Council approval. The Zoning Board of Appeals unanimously voted to approve that case. The request to increase the height of the sign is classified as a major variance and requires Council approval. At the May 17, 2001 meeting the Zoning Board of Appeals also voted unanimously to recommend approval of the request to increase the height to 100 feet.

Discussion

Andrae's Harley Davidson, Inc. will be relocating their current facility at 1401 East Main Street in Urbana to 2012 N. Lincoln Avenue. In April 2001 Council approved a development agreement between Andrae's and the City of Urbana which would execute the relocation. In the agreement the City recognized the developer's desire for a larger and taller sign and agreed to have the Zoning Board of Appeals consider the request. Section 3.7 of the approved agreement reads as follows:

Section 3.7 Interstate Sign. *The City recognizes the desire on the part of Developer to have the benefit of an interstate sign of 172.5 square feet which has an elevation similar to the Ramada sign to the north. The City and the Developer recognize that in order to obtain permission for such a sign, it must be reviewed by the Zoning Board of Appeals, approved by the Board, and approved by the City Council. The Developer agrees to obtain further advice from its marketing and construction advisors as to the sign required by this location. The parties recognize that this agreement is contingent upon Developer receiving permission to construct the sign, which, after further consultation with its marketing and construction advisors, in Developer's opinion, is required.*

As part of the new facility, Andrae's will install an freestanding identification sign along Lincoln Avenue which will contain their standard logo. Considering the relative close proximity to Interstate 74, they are requesting the sign be taller in height. The request is to vary the height from the allowable 75 feet to 100 feet. The intent of these requests is to construct a sign that will be partially visible to traffic on the Interstate and at the Interstate 74 and Lincoln Avenue interchange.

Description of the Site

The site is located on the southeast corner of Lincoln Avenue and Killarney Street. The two existing residential structures on the lot will be removed and a new structure will be built. The facility will take access from Lincoln Avenue, Killarney Street and Linview Avenue. At this point, it is unclear as to what other signs will be displayed on the lot or building. A definite site plan has yet to be submitted.

The immediate area can generally be characterized as commercial and industrial in nature. There are a number of commercial uses designed to attract highway travelers. The Ramada Inn, Urbana Gardens and the Holiday Inn are all located close to the interstate and have freestanding signs of a similar size and height. Immediately adjacent to the site are two gas stations which have freestanding signs 25 feet tall or less with less than 50 square feet in area.

May 17, 2001 Zoning Board of Appeals Meeting

The Board considered this case along with the variance case to increase the square footage of the sign. A copy of the minutes from the meeting are attached to this staff report. At the meeting, the petitioner explained that the taller sign was needed because the extensive tree coverage in the area would make it difficult for the sign to be visible from the interstate. The petitioner noted that the main reason they are interested in moving to this site is because of the proximity and exposure from the interstate. The Board asked to what extent the sign would be visible from the interstate. It was explained that the sign would not be visible from the east but would be visible from the west. The Board also asked about the potential impact of the sign on Lincoln Avenue. It was

determined that the sign will not have a detrimental effect to the visibility of the corridor. There was no one from the public to speak in favor or against the case. No written communication has been received as well.

Variance Criteria

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the ZBA to make findings based on variance criteria. The following is a summary of staff findings as they pertain to this case and the criteria outlined in the ordinance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

In this case, the special practical difficulty relates to the location of the site and the general vegetation in the area that limits visibility for the intended sign. The agreed upon use for this site is Andrae's Harley Davidson which is a type of business directed towards a vehicular market. The applicant indicates that the success of the new facility depends upon the ability to advertise to interstate travelers. Further, the Zoning Ordinance allows for signs within a specific proximity to the interstate to be taller and larger so they can be visible to motorists. However, because of the location of the site and the vegetation in the area, a sign of 75 feet in height would not be visible from Interstate 74.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The variance will not serve as a special privilege because the location of the site along with the existing vegetation in the area precludes the developer from having a sign that can be adequately seen from the interstate when constructing a sign within the regulations for freestanding signs intended for display to highway motorists.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The developer has not yet erected the sign and is requesting the variance prior to construction but as agreed upon in a development agreement approved by the Urbana City Council.

4. *The variance will not alter the essential character of the neighborhood.*

The variance will not alter the essential character of the neighborhood which is commercial and industrial in nature and contains uses with signs directed towards attracting highway travelers.

5. *The variance will not cause a nuisance to the adjacent property.*

The variance should not cause a nuisance to the gas stations to the south or west nor to the Urbana Gardens restaurant to the north of the industrial uses to the east. In fact, some of these uses may benefit from the variances with additional customer base.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the amount of variance needed to accommodate the proposed sign with 100 feet in height.

Options

The Urbana City Council has the following options this case:

- a. The Urbana City Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Urbana City Council may grant the variance subject to certain terms and conditions. If Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed; or
- c. The Urbana City Council may deny the variance requests. If Council elects to do so, they should articulate findings supporting its denial.

Staff Recommendation

Based on the findings outlined herein, staff recommends that the Urbana City Council concur with the Zoning Board of Appeals and **GRANT** the variance as requested.

Attachments:	Exhibit A:	Proposed Ordinance
	Exhibit B:	Location Map
	Exhibit C:	Additional Photos
	Exhibit D:	May 17, 2001 ZBA Minutes

c: Carl Webber, Attorney for Applicant

Prepared by:

Rob Kowalski, AICP
Senior Planner

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ORDINANCE NO. 2001-06-055

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Increase in the allowed height of a freestanding sign from 75 feet to 100 feet at 2012 North Lincoln Avenue -- Case No. ZBA-01-MAJ-4)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the petitioner, Andrae's Harley Davidson, has submitted an application requesting a major variance to allow the increase in the allowable height of a freestanding sign from 75 feet to 100 feet at 2012 North Lincoln Avenue; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-4; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed general variance on May 17, 2001, and the

ZBA, by a unanimous vote of its members, recommended to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special practical difficulty related to the location of the site and the general vegetation in the area that limits visibility for the intended sign. The agreed upon use for this site is Andrae's Harley Davidson which is a type of business directed towards a vehicular market. The applicant indicates that the success of the new facility depends upon the ability to advertise to interstate travelers. Further, the Zoning Ordinance allows for signs within a specific proximity to the interstate to be taller and larger so they can be visible to motorists. However, because of the location of the site and the vegetation in

the area, a sign of 75 feet in height would not be visible from Interstate 74.

2. The variance will not serve as a special privilege because the location of the site along with the existing vegetation in the area precludes the developer from having a sign that can be adequately seen from the interstate when constructing a sign within the regulations for freestanding signs intended for display to highway motorists.
3. The developer has not yet erected the sign and is requesting the variance prior to construction but as agreed upon in a development agreement approved by the Urbana City Council.
4. The variance will not alter the essential character of the neighborhood which is commercial and industrial in nature and contains uses with signs directed towards attracting highway travelers.
5. The variance should not cause a nuisance to the gas stations to the south or west nor to the Urbana Gardens restaurant to the north of the industrial uses to the east. In fact, some of these uses may benefit from the variances with additional customer base.

6. The petitioner is only requesting the amount of variance needed to accommodate the proposed sign with 100 feet in height.

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

The major variance request by Andrae's Harley Davidson, in Case #ZBA-01-MAJ-4 is hereby approved to allow the increase in the allowable height of a freestanding sign from 75 feet to 100 feet in the City's B-3, General Business Zoning District, at 2012 North Lincoln Avenue, in the manner proposed in the application for the major variance in that case.

The major variance described above shall only apply to the property located at 2012 North Lincoln Avenue, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Tract I

Commencing at the Southwest corner of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, thence with line between Sections 5 and 8 assumed East as a Meridian, along centerline of proposed Federal Aid Route #39, Section 14,

Champaign County, proceed North 0 degrees 11 ½ minutes East 1655 feet; thence East 40 feet to the East right-of-way of said proposed Federal Aid Route #39 for a true point of beginning; thence along the East Right-of-Way Line North 0 degrees 11 ½ minutes East 35.6 feet and North 5 degrees 27 ½ minutes East 68.7 feet; thence East 151.47 feet; thence South 0 degrees 11 ½ minutes West 104 feet; thence West 158 feet to the true point of beginning, in Champaign County, Illinois.

EXCEPT, Commencing at the Southwest corner of the Southwest quarter of said Section 5; thence North 0 degrees 00 minutes 48 seconds West along the West line of said Southwest quarter 1655.00 feet; thence Easterly along a line perpendicular to said West line 34.20 feet to a point on the existing East right of way line of Lincoln Avenue; thence South 89 degrees 30 minutes 27 seconds East along a South property line 5.80 feet to the Place of Beginning; thence North 0 degrees 00 minutes 48 seconds West along said existing right of way line 35.38 feet; thence North 5 degrees 15 minutes 53 seconds East along said existing right of way line 68.70 feet; thence South 89 degrees 34 minutes 05 seconds East along a North property line 13.68 feet; thence South 5 degrees 29 minutes 29 seconds West 104.25 feet to a point on the South property line and 50.00 feet East of the West line of said Southwest quarter; thence North 89 degrees 30 minutes 27

seconds West along said South property line 10.00 feet to the Place of Beginning.

Tract II

Commencing at the Southwest corner of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, thence North on the West line of said Section 5, 1,508.66 feet, thence East 36.55 feet to the true point of beginning, thence North 89 degrees 56.5 minutes East 190.80 feet, thence North on a line parallel with the West line of Section 5, 250 feet, thence South 89 degrees 56.5 minutes West 27 feet, thence South on a line parallel with the said West Section line 104 feet, thence West on a line parallel to the South line of said tract 163.80 feet to the East line of Lincoln Avenue, thence South on the East line of Lincoln Avenue 146 feet to the point of beginning, all in Champaign County, Illinois.

EXCEPT, Commencing at the Southwest corner of the Southwest Quarter of said Section 5; thence North 0 degrees 00 minutes 48 seconds West along the West line of said Southwest Quarter 1508.66 feet; thence Easterly along a line perpendicular to said West line 33.00 feet to the place of beginning; thence North 0 degrees 00 minutes 48 seconds West along the existing East right of way line by dedication of Lincoln Avenue 146.63 feet to the North property line; thence South 89 degrees 30 minutes 27 seconds East along said North property line 17.00 feet to a point

50.00 feet East of the West line of said Southwest Quarter;
thence South 1 degree 56 minutes 24 seconds West 146.68 feet to a
point on the South property line 45.00 feet East of said West
line; thence North 89 degrees 28 minutes 33 seconds West along
said South property line 12.00 feet to the place of beginning.

Trust Tracts

- 1) Lot 4, Lincoln Centre Subdivision, Champaign County, Illinois
- 2) Outlot "A", Lincoln Centre Subdivision, Champaign County,
Illinois

PERMANENT PARCEL #: 91-21-05-301-005; 91-21-05-301-006; 91-21-05-
301-002; 91-21-05-301-003

The City Clerk is directed to publish this Ordinance in pamphlet
form by authority of the corporate authorities. This Ordinance
shall be in full force and effect from and after its passage and
publication in accordance with the terms of Chapter 65, Section
1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the
"ayes" and "nays" being called of a majority of the members of
the City Council of the City of Urbana, Illinois, at a regular
meeting of said Council on the _____ day of _____,
2000.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE APPROVING A MAJOR VARIANCE "(Increase in the allowed height of a freestanding sign from 75 feet to 100 feet at 2012 North Lincoln Avenue -- Case No. ZBA-01-MAJ-4)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, 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 _____ day of _____, 2001.

Exhibit “C” Additional Photos



Sign at Urbana Gardens



**Sppedway Sign
SW Quadrant I-74 & Lincoln Ave**



Super 8 Sign



Ramada Sign

From I-74 Eastbound



From I-74 between Neil and Lincoln Ave. looking east



From I-74 near Lincoln Avenue exit looking east

From I-74 Westbound



From I-74 at Lincoln Ave. exit looking west



From I-74 at Lincoln Ave. exit looking west showing existing vegetation

Estimated Result





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, CAO

FROM: Elizabeth Tyler, AICP, Planning Manager

DATE: May 31, 2001

SUBJECT: ZBA-01-MAJ-5: A request by James W. and Sheryll Rauch for a Major Variance to allow the reduction of a front yard setback from the minimum of 25-feet to 15.5-feet to allow for the construction of a room addition.

Introduction

James W. and Sheryll Rauch have submitted a request for a major variance to reduce the northern front yard setback from the minimum of 25-feet to 15.5-feet at 501 East Oakland in Urbana. The petitioners wish to build a 200 square-foot addition to the front of the house, to allow for an expansion of the living room to add a fireplace (see Site Plan). The subject property and surrounding area are zoned R-3, Single and Two-Family Residential. The petitioners are waiting for approval of the variance before any construction work begins.



Description of the Site

The site is located on the southeast corner of the intersection of East Oakland Drive and Geraldine Avenue. The lot is approximately 9,360 square-feet in area and contains a structure of approximately 1,050 square-feet plus a 720 square-foot detached garage. The house is a one-story ranch style with an unenclosed porch facing to the east. The lot currently contains approximately 7,430 square feet of open space. Other single family homes surround the site to the east, south, and west. Cunningham Children's Home is to the north.

The following is a summary of surrounding zoning and land uses for the subject site:

Zoning and Land Use Table

Location	Zoning	Land Use
Subject Property	R-3, Single and Two Family Residential	Single-Family Residential
North	R-5, Medium High Density Multiple Family Residential	Institutional
South	R-3, Single and Two Family Residential	Single-Family Residential
East	R-3, Single and Two Family Residential	Single-Family Residential
West	R-3, Single and Two Family Residential	Single-Family Residential

Blockface Average Setback and Maximum Setback

The average setback along Oakland Avenue is 26.3 feet. The petitioners are proposing a 200-square foot addition, which would encroach approximately ten feet into the front yard. Upon continued review of this case staff discovered an oversight in the memorandum to the Zoning Board of Appeals, as the maximum averaged setback requirement for R-3 is now 25-feet upon approval of City Council Ordinance #2001-03-018. This would reduce the requested major variance from a forty-one percent to a thirty-eight percent reduction in front yard setback.

The open space ratio would remain easily in excess of the requirement with the new addition. Impact on the surrounding neighborhood would be minimal, as the depth of the proposed addition should not significantly affect visibility. The properties adjacent the house to the east, west, and south are also residential; the Cunningham Children’s Home building to the north has a smaller front yard setback on portions of its building frontage. Access and parking would not be affected by the proposed addition. Staff received no communications regarding this case.

Findings

In order to review a potential variance, Section XI-3 of the Urbana Zoning Ordinance requires the ZBA and City Council to make findings based on variance criteria. At the February 13, 2001 meeting, the ZBA cited the following findings for their recommendation for approval of the requested variance:

1. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

In this case, there are special practical difficulties due to the house being built near the setback line, which does not allow the petitioner flexibility to locate the desired addition in an appropriate location in conformance with setback requirements.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The requested variance does serve as a special privilege because the proposed addition would encroach into the maximum averaged setback requirement of 25 feet. The existing house with the proposed addition would be set back a slightly greater distance than the fifteen-foot minimum setback requirement, outside the block face average, for the R-3 district. In addition, the setback is greater than the Cunningham Children's Home building at the northwest corner of this intersection, which is less than a ten-foot setback. The petitioners have determined that extending the room to the north is their only option. A contractor has indicated that extending the living room to the east would require replacing the entire roof.

3. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.

4. *The variance will not alter the essential character of the neighborhood.*

The 10-foot depth of the proposed addition will not significantly disrupt visual continuity of the setbacks along Oakland Avenue. The variance would be generally consistent with other structures in the immediate vicinity. It would not be unreasonably injurious or detrimental to the general public.

5. *The variance will not cause a nuisance to the adjacent property.*

The house is situated on a dead end street with two neighbors to the east. Due to the width of the lot, the house to the east is more than seventy feet from the proposed addition. The petitioners indicate they have spoken to the neighbors and they do not object to the proposed variance. There are no other homes which immediately abut the proposed addition.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the amount of variance needed to accommodate the proposed 200-square foot room addition.

Options

The City Council has the following options this case:

- a. The Council may grant the variance as requested based on the findings outlined in this memo; or
- b. The Council may grant the variance subject to certain terms and conditions. If the Council elects to impose conditions or grant the variance on findings other than those articulated herein, they should articulate its findings in support of the approval and any conditions imposed.
- c. The Council may deny the variance request. If the Council elects to do so, they should articulate findings supporting its denial; or

Recommendation

Based on the findings outlined herein, the Zoning Board of Appeals voted 7-0 to forward the variance request to the City Council with a recommendation for approval. Therefore, staff concurs with the ZBA and recommends that City Council **GRANT** the variance as requested.

Attachments: Exhibit A: Location Map
 Exhibit B: Area Zoning Map
 Exhibit C: Aerial Photo
 Exhibit D: Site Plan
 Exhibit E: Revised Staff Memorandum to Zoning Board of Appeals
 Exhibit F: May 17, 2001 Zoning Board of Appeals Minutes

Prepared by:

Tim Ross, Planner

c: James W. and Sheryll Rauch

ORDINANCE NO. 2001-06-056

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction Of The Front yard Setback In The City's R-3, Single and Two-Family Residential Zoning District, From 25-feet to 15.5-feet / 501 E. Oakland Street -- Case No. ZBA-01-MAJ-5)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions with the parcel of land or the structure; and

WHEREAS, the owners of the subject property, James and Sheryll Rauch, have submitted a petition requesting a major variance to allow the reduction of the required front yard setback on the north side of the subject property; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA-01-MAJ-5; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on May 17, 2001, and the ZBA by a unanimous vote of its members recommend to the City Council approval of the requested variance; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance

procedures in accordance with Article XI, Section XI-3.C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance:

1. There are special practical difficulties due to the house being built near the setback line, which does not allow the petitioner flexibility to locate the desired addition in an appropriate location in conformance with setback requirements.

2. The requested variance does serve as a special privilege because the proposed addition would encroach into the maximum setback requirement of 25 feet. The existing house with the proposed addition would be set back a slightly greater distance than the fifteen-foot minimum setback requirement, outside the block face average, for the R-3 district. In addition, the setback is greater than other structures in the area. The petitioners have determined that extending the room to the north is their only option. A contractor has indicated that extending the living room to the east would require replacing the entire roof.

3. The need for the variance has not yet been created. The

petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.

4. The requested variance will not alter the essential character of the neighborhood. The 10-foot depth of the proposed addition will not significantly disrupt visual continuity of the setbacks along Oakland Avenue. The variance would be generally consistent with other structures in the immediate vicinity. It would not be unreasonably injurious or detrimental to the general public.

5. The requested variance will not cause a nuisance to the adjacent property. The house is situated on a dead end street with two neighbors to the east. Due to the width of the lot, the house to the east is more than seventy feet from the proposed addition. The petitioners indicate they have spoken to the neighbors and they do not object to the proposed variance. There are no other homes which immediately abut the proposed addition.

6. The requested variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

URBANA, ILLINOIS, as follows:

The major variance request by James and Sheryll Rauch, in Case #ZBA-01-MAJ-5 is hereby approved to allow the reduction of the required front yard setback along Oak Street in the R-3, Single and Two-Family Residential Zoning District from 25 feet to 15.5 feet, in the manner proposed in the application.

The major variance described above shall only apply to the property located at 501 E. Oakland Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 7 and the west half of lot six of William F. Tipton replat of lots 17 and 18 of a subdivision of the northeast quarter of Section 8, Township 19 north, range 9 east of the third principal meridian in Champaign County, Illinois.

PERMANENT PARCEL #: 91-21-08-278-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2001.

PASSED by the City Council this _____ day of

_____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of

_____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE

APPROVING A MAJOR VARIANCE

"(Reduction Of The Front yard Setback In The City's R-3, Single and Two-Family Residential Zoning District, From 25-feet to 15.5-feet / 501 E. Oakland Street -- Case No. ZBA-01-MAJ-5)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, 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.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Tim Ross, Planner

DATE: May 10, 2001

SUBJECT: ZBA-01-MAJ-5: A request by James W. and Sheryll Rauch for a Major Variance to allow the reduction of a front yard setback from 26.3-feet to 15.5-feet to allow for the construction of a room addition.

Introduction

James W. and Sheryll Rauch have submitted a request for a major variance to reduce the northern front yard setback from 26.3-feet to 15.5-feet at 501 East Oakland in Urbana. The petitioners wish to build a 200 square-foot addition to the front of the house, to allow for an expansion of the living room to add a fireplace (see Site Plan). The subject property and surrounding area are zoned R-3, Single and Two-Family Residential. The petitioners are waiting for approval of the variance before any construction work begins.



Background

Description of the Site

The site is located on the southeast corner of the intersection of East Oakland Drive and Geraldine Avenue. The lot is approximately 9,360 square-feet in area and contains a structure of approximately 1,050 square-feet plus a 720 square-foot detached garage. The house is a one-story ranch style with an unenclosed porch facing to the east. The lot currently contains approximately

7,430 square feet of open space. Other single family homes surround the site to the east, south, and west. Cunningham Children's Home is to the north.

The following is a summary of surrounding zoning and land uses for the subject site:

Zoning and Land Use Table *

Location	Zoning	Land Use
Subject Property	R-3, Single and Two Family Residential	Single-Family Residential
North	R-5, Medium High Density Multiple Family Residential	Institutional
South	R-3, Single and Two Family Residential	Single-Family Residential
East	R-3, Single and Two Family Residential	Single-Family Residential
West	R-3, Single and Two Family Residential	Single-Family Residential

* Please refer to the attached Comprehensive Plan, Zoning and Land Use maps for more information.

Discussion

The average setback along Oakland Avenue is 26.3 feet. The petitioners are proposing a 200-square foot addition, which would encroach ten feet into the front yard. This would require a major variance for the **forty-one** percent reduction in front yard setback. The open space ratio would remain easily in excess of the requirement with the new addition. Impact on the surrounding neighborhood would be low, as the depth of the proposed addition should not significantly affect visibility. The properties adjacent the house to the east, west, and south are also residential; the institutional use to the north has a smaller front yard setback on portions of its building frontage. Access and parking would not be affected by the proposed addition.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the Zoning Board of Appeals to make findings based on variance criteria. The following is a review of the criteria as they pertain to this case and the criteria outlined in the ordinance:

- 7. *Are there special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance?*

In this case, there are special practical difficulties due to the house being built near the setback line, which does not allow the petitioner flexibility to locate the desired addition in an appropriate location in conformance with setback requirements.

8. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district.*

The requested variance does serve as a special privilege because the proposed addition would encroach into the average setback requirement of 26.3 feet. The existing house **with the proposed addition** would be set back a slightly greater distance than the fifteen-foot minimum setback requirement, outside the block face average, for the R-3 district. In addition, the setback is greater than the Cunningham Children's Home building at the northwest corner of this intersection, which is less than a ten-foot setback. The petitioners have determined that extending the room to the north is their only option. A contractor has indicated that extending the living room to the east would require replacing the entire roof.

9. *The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The need for the variance has not yet been created. The petitioners were aware of the requirements of the Zoning Ordinance and have applied for a variance.

10. *The variance will not alter the essential character of the neighborhood.*

The 10-foot depth of the proposed addition will not significantly disrupt visual continuity of the setbacks along Oakland Avenue. The variance would be generally consistent with other structures in the immediate vicinity. It would not be unreasonably injurious or detrimental to the general public.

11. *The variance will not cause a nuisance to the adjacent property.*

The house is situated on a dead end street with two neighbors to the east. Due to the width of the lot, the house to the east is more than seventy feet from the proposed addition. The petitioners indicate they have spoken to the neighbors and they do not object to the proposed variance. There are no other homes which immediately abut the proposed addition.

12. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

The petitioner is only requesting the amount of variance needed to accommodate the proposed 200-square foot room addition.

Options

The Zoning Board of Appeals has the following options in this case:

- a. The Urbana Zoning Board of Appeals may recommend approval of the variance as requested to the Urbana City Council based on the findings outlined in this memo; or
- b. The Urbana Zoning Board of Appeals may recommend approval of the variance to the Urbana City Council along with certain terms and conditions. If the Urbana Zoning Board of Appeals elects to recommend conditions or recommend approval of the variance on findings other than those articulated herein, they should articulate its findings accordingly.
- c. The Urbana Zoning Board of Appeals may recommend denial of the variance request to the Urbana City Council. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial; or

Staff Recommendation

Based on the findings outlined herein, staff recommends that the Urbana Zoning Board of Appeals recommend **APPROVAL** of the proposed variance, as requested to the Urbana City Council.

Attachments:	Exhibit A:	Location Map
	Exhibit B:	Area Zoning Map
	Exhibit C:	Current Land Use Map
	Exhibit D:	Future Land Use Map
	Exhibit E:	Aerial Photo
	Exhibit F:	Petition for variance w/ site plan

c: James W. and Sheryll Rauch



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: May 30, 2001
TO: Bruce Walden
FROM: Jack Waaler, Libby Tyler
RE: Proposed Limitations on Outdoor Advertising Sign Structures

INTRODUCTION

At the Council meeting on May 21, 2001, Alderperson Wyman requested that the staff study the feasibility of enacting amendments to the sign provisions of the zoning ordinance which would prohibit erecting new OASS's (hereinafter called simply "billboards"). This suggestion was made as part of a motion to defer action on a currently proposed text amendment to the Zoning Ordinance which addresses the appearance of billboards. Ms. Wyman's motion further suggested that staff complete work on a potential "cap and replace" or permanent ban on new billboards prior to completion of a currently imposed moratorium on issuance of building permits for new billboards that is set to expire on June 18, 2001.

DISCUSSION

It is staff's opinion that such a ban does not fit within the purview of the zoning ordinance text amendment regarding billboards that is currently before Council. In fact, the current amendment before the Council stands apart from a possible ban or "cap and replace" policy on billboards in that it addresses the appearance of any new or replacement billboard and so would be necessary even if a ban on new billboards is enacted. Therefore, it is recommended that Council act upon the current amendment regardless of the outcome of the proposed ban.

It should be noted that the task force that was established to develop the current amendments discussed the potential for a ban or "cap and replace" policy, but decided that this issue would best be pursued at a later date, following completion of the current amendments.

Further, the current moratorium on the issuance of building permits for new billboards was enacted specifically to address the appearance issues posed by the design of certain billboards in the community. Therefore, it is recommended that Council consider enacting a new moratorium on the issuance of building permits for new billboards that is targeted toward study of a possible “cap and replace” policy.

Because a ban or “cap and replace” policy for billboards represents a significant action on the part of the City, it is recommended that Council allow sufficient time for proper staff analysis, public notice, and plan commission or other committee review. If the matter could be properly accomplished prior to the expiration of the current moratorium, such would be preferred, however, the notice and public hearings that are required in any zoning amendment when taken together with the myriad of questions to be investigated, make it impossible to enact such provisions prior to the expiration of the existing moratorium.

It is the recommendation of staff that the Council act upon the recommended amendments presently before you prior to the expiration of the existing moratorium and then direct that steps be taken to initiate a new moratorium to provide the opportunity to study the feasibility of further amendments banning new billboards. To initiate a new moratorium, it would be very helpful for the Council to pass a resolution, not only calling for a moratorium, but setting forth a statement of the problem to be studied.

As with the previous moratorium, the proposed one could be enacted via voice vote at City Council followed by adoption of a new Interim Development Ordinance by the Plan Commission. In recommending a new moratorium, Council should also consider the question as to whether the task force that had been previously convened to study aesthetic questions might be reconvened (with a replacement representative from the City Council) to address the issue of a ban or “cap and replace” policy.

Inherent in the staff’s study of the feasibility of enacting a ban on billboards, is consideration of how such a ban would interface with the Federal Highway Beautification Act and the State of Illinois Highway Advertising Control Act, each of which preempt the City’s power to regulate to some degree, especially with regard to Interstate highways and federal aid highways. It is possible that the Federal and State Acts, when applied to the City of Urbana, would prohibit a ban on new billboards in exactly those areas where the City Council may feel that such a ban would be in order. The issues of vested rights and property rights, in general, should also be addressed through staff review.

Another consideration that staff must keep in mind is that although billboards are generally regarded as promoting only commercial advertisements, there are also many instances where they carry noncommercial and political messages, so we must consider whether a ban on new billboards would have unintended, but unconstitutional ramifications with respect to First Amendment freedom of speech rights. Finally, although perhaps a minor concern, we should be aware of the ramifications of any moratorium and subsequent amendments on the C&U Poster settlement agreement.

RECOMMENDATION:

1. Complete action on the existing Zoning Ordinance Text Amendment regarding billboard appearance.
2. Adopt a moratorium on issuance of new building permits for billboards via voice vote with further direction to Plan Commission to impose a new moratorium on the issuance of new billboard permits via an Interim Development Ordinance to allow time for proper study and review of such a ban.
3. Provide further direction to staff via voice motion regarding the reasons for pursuit of a “cap and replace” ban on billboards, how it may promote the general welfare of the community, and desired outcomes.

RESOLUTION NO. 2001-06-019R

A RESOLUTION TO REQUEST PLAN COMMISSION REVIEW OF OUTDOOR ADVERTISING SIGN STRUCTURE (OASS) PLACEMENT AND TO IMPOSE A TEMPORARY MORATORIUM ON PERMITTING OASS'S UNTIL AN INTERIM DEVELOPMENT ORDINANCE CAN BE ADOPTED TO IMPOSE A MORATORIUM ON OASS PERMIT ISSUANCE WHILE SUCH REVIEW IS COMPLETED

WHEREAS, members of the City Council are concerned about the continued placement of outdoor advertising sign structures (OASS, commonly referred to as billboards) in the City of Urbana and it's effect upon the general welfare of the community and are desirous of investigating the feasibility of a possible permanent ban or "cap and replace" restriction on OASS; and

WHEREAS, it is desirable to thoroughly study the details and effects of any further restriction of OASS placement in the City of Urbana through proper public notice, technical review by staff and other interested parties, public input, and review and recommendation by the Plan Commission with respect to any potential revisions to the Sign Regulations of the Urbana Zoning Ordinance; and

WHEREAS, an Interim Development Ordinance (Ordinance No. 2000-11-136) is currently in place which places a moratorium on the issuance of permits for OASS pending adoption of amendments to the Zoning Ordinance with respect to the appearance of OASS; and

WHEREAS, the current Interim Development Ordinance is set to expire on June 18, 2001 and does not address the potential for further restricting the placement of OASS and so would not be a suitable vehicle for the current request.

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

Section 1. The City Council does hereby place a moratorium on the issuance of permits for OASS, as defined by the Zoning Ordinance, until adoption or rejection of an Interim Development Ordinance designed to study this issue.

Section 2. The City Council does hereby further direct that City staff and Plan Commission develop an Interim Development Ordinance regarding new OASS's and commence study and review of the advisability, details, and ramifications of a potential ban or "cap and replace" limitation on OASS, with such study to include consideration of potential benefits and costs to the community, relevant legislation, relevant case law, actions of other communities, effects on previous settlement agreement, and impacts upon vested rights and property rights.

Section 3. City Council does hereby further direct City staff to coordinate study and public input on the issue through continuation of the previously established task force for the study of OASS. Said task force shall include a member of City Council, appropriate City staff, and representatives of the outdoor advertising industry.

PASSED by the City Council this _____ day of _____, _____.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

ORDINANCE NO. 2001-06-057

AN ORDINANCE
APPROVING THE ANNUAL BUDGET

WHEREAS, the City of Urbana, Illinois, is a home rule unit pursuant to the provisions of Section 6, Article VII of the 1970 Constitution of the State of Illinois, and may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

WHEREAS, the proposed Annual Budget for the City of Urbana for the fiscal year beginning July 1, 2001, and ending June 30, 2002, has been prepared by the Budget Director in accordance with the provision of Division 2, entitled "Budget", of Article VI, entitled "Finances and Purchases", of Chapter 2, entitled "Administration", of the Code of Ordinances, City of Urbana, Illinois; and

WHEREAS, the proposed Annual Budget was made conveniently available for public inspection by the Mayor at least fourteen (14) days prior to a public hearing on said proposed Annual Budget duly held at 7:30 p.m. on Monday, May 21, 2001, after due and proper notice of the availability for inspection of the proposed Annual Budget and the said public hearing having been given by publication in the News-Gazette, a newspaper having a general circulation in the City of Urbana on a date at least fourteen (14) days prior to the date of said public hearing; and

WHEREAS, the City Council of the City of Urbana, Illinois, hereby desires to pass, approve and adopt the proposed Annual Budget as heretofore further changed, modified and amended by the City Council.

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

That the City of Urbana Budget 2001-02, a complete copy of which such document including all relevant elements thereof has been presented to and is now before this meeting, be and the same is hereby passed, approved and adopted as the Annual Budget Ordinance of and for the City of Urbana, Champaign County, Illinois, for the fiscal year beginning July 1, 2001, and ending June 30, 2002.

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 regular meeting of said City Council.

AYES:

NAYS:

ABSTAINED:

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

CHANGES TO PROPOSED CITY OF URBANA BUDGET FISCAL YEAR 2001-02:

1. PAGE 134 AND 135, URBANA FREE LIBRARY: INCREASE PERSONNEL COSTS \$6,000 AND INCREASE PROPERTY TAX LEVY FOR LIBRARY \$6,000. PAGE 21, PROPERTY TAX LEVY: INCREASE AMOUNT FOR LIBRARY \$6,000 AND DECREASE AMOUNT FOR GENERAL FUND BY \$6,000.

EXPLANATION: DUE TO ERROR, COST OF ADD'L PERSONNEL SHOULD HAVE BEEN .5 LIBRARIAN AND .5 CATALOGUER PLUS BENEFITS, TOTAL COST OF \$44,800 INSTEAD OF \$38,800 AS ORIGINALLY PROPOSED. PAID BY PROP. TAX LEVY. AMOUNT OF LEVY FOR GENERAL FUND IS CORRESPONDINGLY REDUCED.

2. PAGE 109 OF MAIN BUDGET DOCUMENT AND PAGE 47 OF THE SUPPLEMENTARY EXPENDITURE DOCUMENT, VEHICLE AND EQ. REPLACEMENT FUND: INCREASE EXPENDITURES FOR POLICE EQUIPMENT BY \$6,000. REDUCE FUND BALANCE.

EXPLANATION: TO INCLUDE AMOUNT CONTRIBUTED BY OUTSIDE AGENCIES FOR METRO SQUAD EQUIPMENT. REVENUE IS INCLUDED ON PAGE 109. MATCHING EXPENDITURE WAS OMITTED IN ERROR.

3. SOCIAL SERVICE ALLOCATIONS AS APPROVED BY COUNCIL IN ATTACHED SHEET.
4. PAGE 117, C.D.B.G. FUND: INCREASE AMOUNT FOR REAL ESTATE ACQUISITIONS, HOMEBUILD IV \$10,000, REDUCE AMOUNT FOR PUBLIC FACILITIES ST. CONSTRUCTION \$10,000.
5. PAGE 150, GENERAL RESERVE FUND AND PAGE 144, CAPITAL IMPROVEMENTS FUND: INCREASE TRANSFER TO CAPITAL IMPROVEMENTS FUND FROM GEN. RESERVE FUND \$10,000 FOR CDBG ST. CONSTRUCTION (ABOVE).
6. PAGE 124. HOME PROGRAM FUND. INCREASE FED. GRANT \$3,000, INCREASE URBANA MATCH \$714. INCREASE COMMUNITY HOUSING DEVELOPMENT \$713, INCREASE CITY OF CHAMPAIGN \$1,650, INCREASE CHAMPAIGN COUNTY \$315, INCREASE CITY OF URBANA \$1,036.

EXPLANATION: HUD AWARDED ADD'L \$3,000 HOME GRANT.

7. PAGE 32, GENERAL OPERATING FUNDS SUMMARY. INCREASE UTILITY TAX REVENUE FOR 2000-01 \$196,328. REDUCE UTILITY TAX REVENUE FOR 2001-02 \$147,752 (TO REFLECT REDUCTION OF UTILITY TAX ON NATURAL GAS TO 3.25%). ADD EXPENDITURE TO CUNNINGHAM TOWNSHIP FOR UTILITY ASSISTANCE PROGRAM \$10,000 (DETAILS OF PROGRAM TO BE APPROVED BY COUNCIL).

8. PAGE 63, POLICE DEPT. PERSONNEL SERVICES. ATTACHED LIST OF CONDITIONS ARE ADDED TO THE APPROVAL OF THE ADDITIONAL SCHOOL RESOURCE OFFICER.

CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL MANAGEMENT DIVISION

M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer
FROM: Bill Gray, Director of Public Works
Rod Fletcher, Environmental Manager
DATE: May 30, 2001
RE: Champaign-Urbana Solid Waste Disposal System (CUSWDS) FY 0102
Budget

Action Requested

Approval of an ordinance approving the CUSWDS budget for the 2001-02 fiscal year.

Discussion

The Champaign-Urbana Solid Waste Disposal System was created in 1976, when both cities consolidated solid waste disposal operations by intergovernmental agreement. The initial agreement was extended until 2020. The System is responsible for certain post closure monitoring activities at the closed Urbana landfill complex as required under the terms of the Hoesman Agreement, wherein the Cities agreed with adjacent property owners to perform such activities for a thirty year period, ending in November 2018. The CUSWDS chairpersons are the Champaign City Manager and Urbana Mayor.

The agreement provides that the two cities annually approve the budget. The preliminary budget was approved by the management group at the March 28 CUSWDS meeting. The final budget is to be approved at the June 1 CUSWDS meeting and is identical to the approved preliminary budget. Also attached is an explanatory memorandum, dated May 24, 2001, that describes the \$64,258 budget. Urbana's Environmental Manager administers CUSWDS, and the System reimburses Urbana for a portion of the manager's salary and administrative costs.

Fiscal Impact

The budget requires a contribution of \$32,840 from Urbana and these funds have already been budgeted in the City's budget document.

Recommendation

Approval of the 2001-02 budget as presented.

ORDINANCE NO. 2001-06-058

AN ORDINANCE APPROVING THE CHAMPAIGN-URBANA
SOLID WASTE DISPOSAL SYSTEM ANNUAL BUDGET
(FY 2001-2002)

WHEREAS, the Champaign-Urbana Solid Waste Disposal System Agreement requires that each member approve or disapprove the Annual Budget adopted by the System; and

WHEREAS, the System approved Resolution No. 0001- 02 which adopted the budget for the 2001-02 fiscal year.

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

Section 1. That the attached annual budget for the Champaign-Urbana Solid Waste Disposal System is hereby incorporated as a part of this Ordinance, is hereby approved.

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.

PASSED by the City Council this _____ day of June, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of June, 2001.

Tod Satterthwaite, Mayor

CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL MANAGEMENT DIVISION

M E M O R A N D U M

**TO: Steve Carter, CUSWDS Chairperson
Tod Satterthwaite, CUSWDS Co-Chairperson**

FROM: Rod Fletcher, CUSWDS Co-Director

DATE: May 24, 2001

RE: Proposed CUSWDS Budget for FY 2001-02

Action Requested

Approval of the CUSWDS budget for the 2001-02 fiscal year.

Discussion

Please find attached the proposed annual operating budget for the Champaign-Urbana Solid Waste Disposal System (CUSWDS) for the 2001-02 fiscal year. This budget is identical to the preliminary budget approved by the group at the March 28, 2001 meeting. Pursuant to the CUSWDS Agreement, the budget becomes effective following the approval of the CUSWDS Chair and Co-Chairperson, and submittal to and approval by the Councils of Urbana and Champaign. The CUSWDS fiscal year, as the municipal budgets, begins July 1.

The System provides certain post-closure care activities at the Urbana Landfill Complex for the 24,17 and 10 acre units. This is required under the terms of the Hoesman Agreement, wherein the Cities agreed with adjacent property owners to perform such activities for a thirty year period, ending in November 2018.

Review of FY 0001 activities:

- The Ninth Report of the Landfill Complex was completed by Schneider Geoscience, P.C. Among the most noteworthy conclusions in this report is that there is no indication that there has been a release of leachate or other material from the landfill units from the Wedron geologic formation into the Glasford (aquifer) formation as indicated from the results of groundwater sample analyses.
- Water sampling and analyses were performed pursuant to the monitoring plan and no modifications to the monitoring plan are required.
- Construction of a drainage structure, located on the north slope between the juncture of the 24 and 17 acre sites, was completed.

Proposed activities for FY 0102:

- Continue groundwater sampling and analyses pursuant to monitoring plan.
- Preparation of the Tenth landfill report.
- Abandonment and sealing of well 4G104, and tritium analyses for well 6G101.

Proposed Expenditures

The total proposed budget is \$64,258. Administrative costs are \$13,998 and \$50,260 for operational costs. Administrative costs are similar to previous years and reimburse the City of Urbana for 20% of the environmental manager's salary and benefits and related minor office costs. Proposed operational expenses are as follows:

Water sampling and analysis	\$19,260	
Professional Services	\$20,000	(Engineering and Hydrogeological services)
Contractual Repairs	\$10,000	
Misc. supplies	\$ 1000	

Revenues

Pursuant to the Hoesman agreement, Urbana has certain "Urbana only" costs, which are associated with well 1-G103 that monitors the "72 ac. site" and recently installed wells 6-G101 and 6-G102, that also monitors a portion of the 72 ac site. The cost for sampling/analytical work of these wells is \$3550 and is included in Urbana's total contribution. This \$3350 is deducted from the total proposed budget, leaving a balance of \$60,708. This balance is then funded by the University of Illinois at 20% - which equals \$12,142. The cities then equally share the remaining 80% of costs. Deducting estimated interest earnings, this would require contributions of \$29,283 from Champaign and \$32,840 from Urbana (\$29,283 +\$3550). Included in each city's is a contribution of \$5000, set aside for future contingency needs. In the past, the cities have contributed equal amounts ranging from \$2500 to \$5000 a year into this account for contingency expenditures.

The beginning fund balance for next year is estimated to be \$36,159. This amount together with the contingency contribution will then leave an estimated ending balance for June 30, 2002 of \$46,666. The management group has the ability to allocate the fund balance as may be needed.

Recommendation

Approval of the 2001-02 budget as presented.

cc: Tom Schuh, CUSWDS Co-Director
Bill Gray

Champaign -Urbana Solid Waste Disposal System
2001-02 ANNUAL BUDGET

Budget Detail

Budget Item	1999-00 Budget	1999-00 Actual	2000-01 Budget	2000-01 Est. actual	2001-02 Proposed
Administration:					
Manager (.2)	\$ 9,580.00	\$ 9,580.00	\$ 9,915.00	\$ 9,915.00	\$ 10,620.00
Employee Insurance	\$ 492.00	\$ 492.00	\$ 492.00	\$ 492.00	\$ 620.00
IMRF/Social Security	\$ 2,079.00	\$ 2,079.00	\$ 1,893.00	\$ 1,893.00	\$ 1,896.00
Workers Compensation	\$ 224.00	\$ 224.00	\$ 224.00	\$ 224.00	\$ 112.00
City Insurance	\$ 434.00	\$ 434.00	\$ 434.00	\$ 434.00	\$ 426.00
Telephone	\$ 208.00	\$ 208.00	\$ 208.00	\$ 208.00	\$ 224.00
Postage/Copying	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Bank Fees	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 13,117.00	\$ 13,117.00	\$ 13,266.00	\$ 13,266.00	\$ 13,998.00
Operations:					
Water Sampling/Analysis	\$ 20,140.00	\$ 15,482.00	\$ 17,760.00	\$ 14,635.00	\$ 19,260.00
Professional Services	\$ 32,000.00	\$ 31,100.43	\$ 15,500.00	\$ 18,630.00	\$ 20,000.00
Contractual Repairs	\$ 25,000.00	\$ 24,549.44	\$ 11,000.00	\$ 10,547.10	\$ 10,000.00
Misc. Supplies/materials	\$ 1,500.00	\$ 174.90	\$ 1,000.00	\$ 50.00	\$ 1,000.00
Subtotal	\$ 78,640.00	\$ 71,306.77	\$ 45,260.00	\$ 43,862.10	\$ 50,260.00
Grand Total	\$ 91,757.00	\$ 84,423.77	\$ 58,526.00	\$ 57,128.10	\$ 64,258.00

Note: Initial FY 0001 budget for contractual repairs was \$8000. Amended to \$11,000 by Resolution 0001-01, on



MEMORANDUM

TOD SATTERTHWAITE, MAYOR

384-2456

May 31, 2001

TO: Urbana City Council Members

FROM: Tod Satterthwaite, Mayor

RE: Staff Appointments

It is my pleasure to recommend to you the attached appointments to staff positions for the 2001/02 fiscal year.

This item will be on the June 4, 2001 Council agenda.

TS:JR

APPOINTMENTS TO BE APPROVED FOR FY 2001/02

NAME

POSITION

Executive Department

Bruce Walden	Chief Administrative Officer
Jack Waaler	City Attorney
Ronald Gremore	Personnel Manager
Vacellia Clark	Human Relations Officer

Community Development Services Department

Vacant Dev.	City Planner/Director of Comm.
Bob Grewe Manager	Community Development Div.
Craig Grant	Building Safety Division Manager

Finance Department

Ronald Eldridge	Comptroller
Delora Siebrecht	Office Supervisor
Bill DeJarnette	Information Services Manager

Fire Department

Rex Mundt	Fire Chief
Mike Dilley	Division Chief
Richard Rotramel	Division Chief
Matt Weber	Division Chief
Jeff McDuffy	Division Chief

Police Department

Eddie Adair

Police Chief

Tim Fitzpatrick

Assistant Police Chief

Public Works

William Gray

Director of Public Works

Glenn Berman
Division Manager

Engineering & Administration

Jim Kelly

Operations Manager

N. Patrick Pioletti

Public Facilities Manager

Larry Fredrick

Fleet Manager

Mike Brunk

City Arborist

Rodney Fletcher

Environmental Manager