

ORDINANCE NO. 2009-06-058

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

**(To Allow the Establishment of a Church in the R-3,
Single- and Two-Family Residential Zoning District - Plan Case
No. 2107-SU-09 / 1701 North Carver Drive - Church of the Living God)**

WHEREAS, the subject property is located at the end of Federal Drive and identified as 1701 North Carver Drive; and

WHEREAS, the subject property is zoned R-3, Single- and Two-Family Residential according to the Official Zoning Map for the City of Urbana; and

WHEREAS, Church of the Living God has requested a Special Use Permit to establish a church in the R-3, Single- and Two-Family Residential Zoning District; and

WHEREAS, the Urbana Zoning Ordinance identifies a *church, temple, or mosque* within the R-3 Zoning District as being permitted with the granting of a Special Use Permit; and

WHEREAS, Church of the Living God has petitioned the Urbana Plan Commission in Case No. 2017-SU-09 to consider a request to establish a church in the R-3 Zoning District; and

WHEREAS, the City of Urbana has previously issued two Special Use Permits to allow a church on the subject site in Ordinance No. 2002-05-052 and 2005-10-146, both of which have since expired; and

WHEREAS, all applicable development regulations will be met, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on May 21, 2009 concerning the petition filed by the petitioner in Plan Case No. 2017-SU-09; and

WHEREAS, on May 21, 2009, the Urbana Plan Commission voted 7 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as specified in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the Special Use Permit would promote the general health, safety, morals, and general welfare of the public.

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

Section 1. A Special Use Permit is hereby approved to allow the establishment of a church in the R-3, Single- and Two-Family Residential Zoning Districts with the following conditions upon approval:

1. That the layout of the facility shall closely resemble the submitted Site Development Plan attached as Exhibit D. Any significant deviation from the approved Site Development Plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.
2. That an engineered drainage plan, including proper conveyance and detention of Stormwater from the site shall be prepared and constructed consistent with the requirements of the Urbana Subdivision and Land Development Code and shall be subject to the review and approval of the Urbana Zoning Administrator and Urbana City Engineer.

3. That Federal Drive shall serve as the exclusive vehicular access to/from the site to minimize impacts upon the adjacent residential neighborhood, until such time as vehicular access from the west is developed. Vehicular access via Carver Drive and Dorie Miller Drive shall be prohibited.
4. That a landscape plan shall be prepared and constructed to provide screening to adjacent residential properties to the east and south, subject to the review and approval of the Urbana Zoning Administrator in consultation with the Urbana City Arborist.

LEGAL DESCRIPTION:

Beginning at the Northwest corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, thence West 190 feet to the West line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, thence North along said line 611 feet, thence East 765 feet to the East line of Carver Park Subdivision extended North thence South along said extended line 726 feet to the Northeast corner of Lot 16 of said subdivision, thence West 450 feet to the Southeast corner of Lot 48 of said Subdivision, thence North along East line of said Lot 48, 115, thence West 125 feet along North Line of Lot 48; to the place of beginning situated in Champaign County, Illinois, EXCEPTING there from the following described tract:

Beginning at the Northeast corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, a Subdivision; thence Easterly parallel with the North line of Lot 21 of said Subdivision, 55 feet; thence Southerly parallel with the East line of the said Lot 48, 115 feet to the common North Corner of Lots 20 and 21 of said Subdivision; thence westerly along the North line of Lot 21 of said Subdivision, 55 feet to the common corner of Lots 21 and 48 of said Subdivision; thence Northerly along the East line of said Lot 48, 115 feet to the point of beginning, containing 6.325 square feet (0.145 acres) more or less, all situated in the City of Urbana, Champaign County, Illinois, and having its Westerly and Southerly boundaries contiguous to the limits of the City of Champaign, Illinois.

ALSO EXCEPTING:

Beginning 55 feet East of the Northeast corner of Lot 48 of Carver Park Addition to the City of Champaign, Illinois, as a point of beginning; thence Easterly parallel with the North line of Lots 20, 19, and 18 of said Subdivision, 165 feet; thence Southerly parallel to the East line of the aforesaid Lot 48, 115 feet to the Northeast corner of Lot 18 of said subdivision; thence Westerly along the North line of Lots 18, 19 and 20 of said subdivision; thence

Northerly parallel to the East line of Lot 48 of said subdivision, 115 feet to the point of beginning, situated in Champaign County, Illinois containing 11.33 acres.

PIN No. 91-21-06-451-005

Section 2. 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 1st day of June,
2009.

AYES: Bowersox, Gehrig, Lewis, Marlin, Smyth, Stevenson

NAYS:

ABSTAINS:




Dennis D. Clark, City Clerk

APPROVED by the Mayor this 5th day of June,
2009.



Laurel Lunt Prussing, Mayor

By: Charles A. Smyth, Mayor Pro-tem