

Recording Cover Sheet

AN ORDINANCE AMENDING THE URBANA ZONING
MAP

(1009 Cunningham Avenue / Plan Case No. 2466-M-22)
[Ordinance No. 2023-01-002]

Prepared for recording by:

Phyllis D. Clark, City Clerk

400 S. Vine St., Urbana, IL 61801

Return to:

Phyllis D. Clark, City Clerk
City of Urbana
400 S. Vine Street
Urbana, IL 61801

ORDINANCE NO. 2023-01-002

AN ORDINANCE AMENDING THE URBANA ZONING MAP

(1009 Cunningham Avenue / Plan Case No. 2466-M-22)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, Nabil Messai Holdings, has requested a rezoning from the R-3, Single and Two-Family Residential to B-3, General Business, zoning district at 1009 Cunningham Avenue; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on January 5, 2023, and voted with four (4) ayes and zero (0) nays to forward Plan Case 2466-SU-22 to the Urbana City Council with a recommendation to approve the request for a zoning map amendment; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, the City Council finds that the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the City Council, after due consideration, finds that an amendment to the Urbana Zoning Map as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described property:

The subject property to be rezoned from the R-3, Single and Two-Family Residential to the B-3, General Business, zoning district at 1009 Cunningham Avenue, more particularly described as follows:

Lot 1 and Lot 2 of William F. Tipton Replat, as per Plat Recorded June 28, 1948 as Document Number 429170, per Plat Book "H", Page 12, Situated in Champaign County, Illinois.

Commonly known as 1009 Cunningham Avenue, Urbana, Illinois 61802
P.I.N.: 91-21-08-278-018

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

PASSED BY THE CITY COUNCIL this 23rd day of January, 2023.

AYES: Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, Quisenberry

NAYS: None

ABSTENTIONS: None



Phyllis D. Clark

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 24th day of January, 2023.

Diane Wolfe Marlin

Diane Wolfe Marlin, Mayor

CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHAMPAIGN) SS

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

**AN ORDINANCE AMENDING THE URBANA ZONING MAP
(1009 Cunningham Avenue / Plan Case No. 2466-M-22)**

approved by the City Council of the City of Urbana, Illinois, on the 24th day of January, AD, 2023, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 17th day of February, AD, 2023.



Phyllis D. Clark

Phyllis D. Clark, City Clerk



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 24th day of January 2023 the City Council of the City of Urbana passed and approved Ordinance No. 2023-01-002 entitled:

AN ORDINANCE AMENDING THE URBANA ZONING MAP (1009 Cunningham Avenue / Plan Case No. 2466-M-22)

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

The pamphlet form of Ordinance No. 2023-01-002 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 24th day of January 2023, 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 24th day of January, 2023.



Phyllis D. Clark

Phyllis D. Clark, City Clerk