

ORDINANCE NO. 2005-11-152

DEFEATED

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

DATE 11/7/2005

(To Allow the Establishment of Retail Liquor Sales as Part of a Grocery Store in the B-1, Neighborhood Business Zoning District - 907 W. Fairview Avenue/Plan Case No. 1960-SU-05)

WHEREAS, the subject property is located at 907 W. Fairview; and

WHEREAS, the subject property is zoned B-1, Neighborhood Business according to the Official Zoning Map for the City of Urbana; and

WHEREAS, the Happy Brothers Nine Corporation has requested a Special Use Permit to establish retail liquor sales as part of a grocery store in the B-1, Neighborhood Business Zoning District; and

WHEREAS, the Urbana Zoning Ordinance permits *retail liquor sales* within the B-1 Zoning District with the granting of a Special Use Permit, as approved by the Urbana City Council; and

WHEREAS, the Happy Brothers Nine Corporation has petitioned the Urbana Plan Commission in Case No. 1960-SU-05 to consider a request to establish retail liquor sales as part of a grocery store in the B-1 Zoning District; and

WHEREAS, all applicable development regulations will be met in the B-1 Zoning District, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should reduce 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 October 20, 2005 concerning the petition filed by the petitioner in Plan Case No. 1960-SU-05; and

WHEREAS, on October 20, 2005, the Urbana Plan Commission voted 8 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to deny the request for a Special Use Permit; and

WHEREAS, the findings of the Plan Commission found that approval of the special use permit would not be in harmony with the general purpose and intent of the Zoning Ordinance and would be injurious or detrimental to the public welfare.

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

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 retail liquor sales as part of a grocery store in the B-1, Neighborhood Business Zoning Districts with the following conditions upon approval:

1. That the proposed store shall only be eligible for a BBB liquor license for the off-premise consumption of beer and wine. The proposed store shall not be eligible for a C liquor license without an amendment to the Special Use Permit, including further review by the Plan Commission and approval by the City Council.

2. That any signs or other means of advertising beer, wine, or cigarette sales shall not be visible from the public right-of-way.

3. That grocery products, as identified in Exhibit A, shall constitute at least 75 percent of all products available for sale. Non-grocery products, as identified in Exhibit A, shall not exceed 25 percent of all products available for sale, as measured by relative shelf space or square footage.

4. That the hours of operation shall be 7:30 am to 12:00 midnight Monday through Saturday, and 8:00 am to 10:00 pm on Sunday as outlined in Exhibit A.

5. That no additional exterior lighting shall be permitted, except where deemed appropriate by the Zoning Administrator.

6. That signage related to the proposed store shall meet the requirements of the Urbana Zoning Ordinance. The sign shall be externally illuminated in a manner approved by the Zoning Administrator.

7. That one handicapped accessible parking space shall be created prior to the issuance of a Certificate of Occupancy.

LEGAL DESCRIPTION:

Lot 3 of Sim's Addition, as per plat recorded in the office of the Recorder of Champaign County, Illinois

Parcel No.: 91-21-07-428-022

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).

~~DENIED~~ PASSED by the City Council this 7th day of November, 2005.

*AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,

Laurel Lunt Prussing, Mayor

**For the Record: The motion made by Alderwoman Barnes and seconded by Alderman Smyth was to DENY the special use permit. The vote of "Aye" indicated here represents a vote to deny.*