



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director/City Planner

**DATE:** March 22, 2007

**SUBJECT:** Development standards concerning Brickhouses Road Subdivision (Plan Case No. 2019-S-06)

---

This memorandum is intended to respond to specific issues raised about the Brickhouses Road Subdivision plat at the March 19<sup>th</sup> City Council meeting.

As previously discussed, under Section 21-7 of the Subdivision Ordinance, the City Council may grant waivers from strict compliance with the Ordinance if all the following apply:

- (1) There are conditions of topography or other site specific reasons that make the application of any particular requirement of the land development code unnecessary or, in some cases perhaps, even useless;
- (2) The granting of the requested waiver would not harm other nearby properties;
- (3) The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan.

In granting waivers the public's essential interest must remain protected. These are the parameters for City Council action in this case. Also important to consider is the potential for precedent setting when waivers or deferrals are granted. While each subdivision is unique, the equity and fairness of allowing a cost-saving waiver or deferral to one developer, when others have been required to comply with requirements must be considered.

**What are the alternatives and consequences of design waivers?**

*Street width.* The applicant has requested a waiver to construct a 25-foot wide street rather than the standard 31-feet as required by the Subdivision Ordinance.

Sufficient street width is important for emergency access and setup. Fire trucks with aerials need an on-street area 15-20 feet wide to set down stabilizer bars during a fire. This can be accommodated by twenty-eight feet of pavement with parking restricted to one side only. A 25-

foot wide street pavement width could also be acceptable if on-street parking would be prohibited, but the applicant has not agreed to do so. There are only a few instances where 25 feet width has been allowed in new subdivisions in Urbana and these situations have had alternate access and on-street parking restrictions. All other subdivisions have been required to provide at least 28 feet of paved width.

Provision for adequate emergency access is particularly important in rural areas where there is constrained access and lengthy response times. For Brickhouses Subdivision, it is not difficult to imagine a situation in which a party or wedding at the subdivision would result in extensive on-street parking and blocked emergency access during the very time that medical and fire emergencies are most likely to occur (i.e., during assembly of individuals).

City staff continues to recommend approval of a waiver for the street width from 31 to 28 feet, and would also consider a waiver to 25 feet if on-street parking were prohibited (recognizing, however, that enforcement would likely be a problem as the subdivision will not be within the City limits). **If Council approves a 25-foot waiver, staff urges that it be accompanied by a restriction for no on-street parking in order to protect the health, safety, and welfare of the future residents.** Parking provisions should also be explicitly addressed in the subdivision covenants to prohibit on-street parking and to require off-site parking for gatherings above a certain size. This safety provision is common in other rural subdivisions.

*Sidewalks.* The applicant has requested a waiver to allow construction of no sidewalks along Brickhouses Road, but at the March 19<sup>th</sup> City Council meeting, the applicant stated that deferral of sidewalks would be acceptable. City staff and Plan Commission have already recommended deferral of sidewalks along the north side of Airport Road until such time as increased development in the area justifies it and/or improvements to Airport Road occur. Staff would further accept deferring sidewalks along both sides of Brickhouses Road until the Airport Road sidewalks will be installed. This would mean that sidewalks on both roads could be installed at the same time. Should all sidewalks be deferred, the subdivision plat needs to indicate its future location, and the homeowners covenants should include provisions to inform future homeowners of this future obligation. Deferral does carry a risk that some future property owners might not be able or willing to pay to install sidewalks, but sidewalk deferral is recommended as an acceptable risk for the City.

The City of Urbana has vigorously required that sidewalks be constructed on both sides of residential subdivisions for many years. The communities of Champaign, Savoy, and Mahomet are similarly vigorous in the expectation that sidewalks be provided in all residential subdivisions. As a general rule in Urbana, waivers have only been granted in cases where alternative pathway systems have been provided. Deferrals have only been provided in cases where sidewalks along major roadways are lacking in the vicinity. Of the subdivisions in northeast Urbana, those that have been developed under the jurisdiction of the City of Urbana have had to install sidewalks, including those that might be classified as rural subdivisions with cul-de-sac streets. Developments in the vicinity that lack sidewalks were either under the jurisdiction of Champaign County or date back 30 to 40 years.

**Because of the precedent setting nature of this decision, it must be clear that sidewalks along Brickhouses Road are being deferred solely because of the low traffic volumes that**

**are expected and the unique circumstances of the Brickhouses Subdivision and that sidewalks will be required to be constructed at such time as a network is established in the area.** Nonetheless, this decision could have incrementally negative consequences on the ultimate success of establishing a sidewalk network in northeast Urbana.

*Sewers.* A solution suggested at the March 19<sup>th</sup> City Council meeting would be to defer sewer installation and collect fees when lots are sold to pay for future installation. Issues with this include:

- It would be impossible to know how much to collect. The cost to install a sewer line now is known, but to install at some unspecified future date (5-25 years?) is a cost impossible to predict.
- Collecting fees and managing such a fund would likely cost public manpower.
- Even if a fund were available, organizing and coordinating multiple property owners and contractors would be time-consuming and difficult.
- These problems would be compounded should sewer deferral set a precedent and other developers follow suit.

It was also been suggested that on-site septic systems are environmentally friendly. According to the Illinois Environmental Protection Agency,

A properly-functioning septic system will remove most disease-causing organisms and some nutrients and chemicals from wastewater. However, it will not remove or treat many water-soluble pollutants such as solvents, drain cleaners, and many household chemicals. Consequently, the proper location, design, construction, operation, and maintenance of septic systems are critical in areas close to lakes and streams as well as in shallow groundwater zones. ... Septic systems can be safe and effective so long as installers design, locate, and construct systems correctly, **and** homeowners actively monitor and maintain them.

Septic systems that are not functioning properly can pose a health threat by allowing sewage to contaminate drinking water. The ecology of nearby lakes can be harmed as well. Sewage is high in phosphorus, which usually is the nutrient limiting algae and rooted aquatic plant growth in Illinois lakes. Discharge of septic tank effluent to a lake or tributary stream, either through overland flow or groundwater seepage, can contribute to localized increases in algae or aquatic plant growth. In extreme cases, the oxygen depletion associated with untreated sewage can even kill fish. Widespread discharge to a lake over a period of time can significantly accelerate the lake's eutrophication ("aging") rate. Because phosphorus is very slow to leave a lake system, sewage inputs often have lingering effects long after they have been discontinued. Bacterial contamination can be a concern if the lake is used as a source of drinking water or for body contact recreation such as swimming. ("Septic Systems", Illinois Environmental Protection Agency, 2000)

**The best solution remains installation of a sewer line at the time of development rather than granting a waiver. This is the firm recommendation of City staff, Plan Commission, and the UCSD.**

The City must also consider the precedent setting nature of this decision. For several decades, the City and UCSD have considered the extension of sanitary sewers to new development to be

desirable for the protection of the health, safety, and welfare of the residents of the community. This commitment to extension of sanitary sewers is reflected in District's Master Plan and in the policies of Champaign and Savoy. The City of Urbana has previously required that sanitary sewers be installed in advance of service at other locations. The Somerset Subdivision which is only one-half mile west of this site has paid for the extension of sanitary sewers throughout their development. By not requiring the installation of sewers at this time, the Council will be allowing a cost saving measure for an upscale subdivision that was not required for more modest subdivisions in the nearby vicinity. Other developers will justifiably request that they too not be required to install sewers. With this new precedent established, the City and UCSD will be unable to incrementally provide for a sanitary sewer system in northeast Urbana. The long term inability to provide sewers to this area would be a direct contradiction to the City's Comprehensive Plan which depicts the subject site and surroundings for "residential" (not rural residential) development.

**Should the City Council decide to waive the requirement for the installation of sanitary sewers at this location, then a condition should be added to require that the homeowner's covenants provide for establishment of a special service area to pay for the construction of sanitary sewers in the subdivision at such time as service is required by a governing authority (to include the City, UCSD, and EPA) to protect the health, safety or welfare of area residents (in the case of septic failure, for example), or such time as sanitary service is located within 350 feet of the boundary of any portion of the subdivision.**

**What is the difference between a rural subdivision and a conservation subdivision?**

A subdivision which is rurally located is different than a subdivision designed for conservation purposes. Although Brickhouses Road Subdivision is rural because of its setting, it is not inherently a conservation-oriented subdivision. Half-acre and one-acre lots characterize a development pattern which is neither urban nor rural and which has few of the benefits of these other subdivision types. Conservation subdivisions, designed to preserve rural open space for future generations, typically have smaller, clustered house lots surrounded and hidden by permanently protected natural areas. These conservation areas are typically collectively owned by a homeowners association and protected from development in perpetuity through private covenants. Other times such open spaces are protected by easements held by a third-party such as conservation organizations. Homes in conservation subdivisions are typically set aside on the least ecologically sensitive land and hidden from view from the main roadway.

**Will Brickhouses Road Subdivision remain rural?**

Because subdivisions can set the development pattern for a century or longer, the City must hold a long-term view in approving plats. Even with the applicants' plans to install a garden and restore woodland and prairie on her lot, at some point in the future the 10-acre tract will logically be developed as an adjoining residential subdivision. Whether it would be one year or 25 years in the future is unknown, but it seems inevitable that it will happen. To the City's knowledge there are no assurances that the proposed reforestation, aquatic habitat, and prairie grass restoration would be maintained by future property owners.

Despite its current rural setting, the following factors favor eventual development of this area.

- This subdivision itself is an indication of the demand for development in the area.
- The area is located within the Urbana-Champaign Sanitary District's Facilities Planning Area, meaning that policies allow this area to be served by public sewer.
- Since soil and other factors indicate this property is not Best Prime Farmland – a critical factor for Champaign County agreeing to rezone this property for a residential subdivision – it is reasonable to assume that adjoining tracts might also not be Best Prime Farmland.
- The City of Urbana's Comprehensive Plan classifies the future land use of this area (north of Airport Road) as "Residential" (illustrated on page 57 of the Comprehensive Plan). The Plan classifies the area to the south as "Rural Residential" (illustrated on page 61 of the Comprehensive Plan). Although these land use classifications represent different development densities, both are development types.
- While establishing a "rural residential" type development within a "residential" designated area of the Comprehensive Plan may not be considered problematic or incompatible, the granting of waivers for this development could establish precedents that impact the ability of other properties to develop as anticipated by the Comprehensive Plan.
- Even though Brickhouses Road Subdivision would be 1 ¼ miles from the current City limits this will change. During the period 1993-2004, the City increased in size by 2 ¼ square miles. It is impossible to predict when it would happen, but it is reasonable to assume the subdivision will someday be absorbed into or at least adjoin urban development.

### **Would granting waivers for basic infrastructure be fair?**

The following issues should be considered:

- Would allowing no sewers be fair to other developers who have installed and capped sewer lines in the past?
- If constructed at the time of development, the developer will pass the cost of sewers to the homebuyer by increasing lot prices. A sewer line might raise the cost by roughly \$5,000 per lot. Is this too much to expect for an upscale subdivision, with lot prices in the \$100,000 and higher range?
- Is it fair to knowingly disrupt future homeowners by requiring that they install both sewers and sidewalks? Once sewer lines extend within 300 feet of the Brickhouses Road Subdivision, homeowners would be required to connect at their expense, regardless of how well their septic system would be functioning.

### **How does the City of Champaign deal with rural subdivisions?**

At this time, the City of Champaign has not adopted different standards for rural subdivisions.

Developers may apply for waivers from Champaign's Subdivision Regulations just as can be done for the City of Urbana's standards.

**What is the status of the Stormwater Detention Basin Agreement?**

The City has reviewed the developer's proposed revisions to this agreement and has additional comments from the Legal Department on the document. The City is also coordinating with Somer Township Officials to determine if they would be interested in providing maintenance assurances for the basin should the homeowner's association fail to maintain it. We will continue to work with the Developer and her Attorney to refine a mutually acceptable document.

Prepared by:

---

Robert Myers, AICP, Planning Manager



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director/City Planner

**DATE:** March 15, 2007

**SUBJECT:** Plan Case No. 2019-S-06, A Combined Preliminary and Final Plat of Brickhouses Road Subdivision

---

**Introduction**

This case is a request by Deborah and Michael Insana for approval of a combined Preliminary and Final Plat of Brickhouses Road Subdivision. The proposal is for a development of 12 single family residential lots on a 24 acre tract of land located within the City’s mile and one-half extra-territorial jurisdiction (ETJ) area. The subject property is located on the north side of Airport Road east of High Cross Road. The property is zoned County AG-2, Agriculture with the recent addition of the County’s Rural Residential Overlay (RRO) zoning designation.

At its meeting on February 22, 2007, the Urbana Plan Commission voted unanimously 8-0 to recommend approval of the Combined Preliminary and Final Plat of Brickhouses Subdivision with certain conditions and waivers.

**Background**

The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction. The subject property was the topic of Champaign County Zoning Board of Appeals case CCZBA-546-AM-04 which was a request to rezone the property from AG-2, Agriculture district by adding the Rural Residential Overlay (RRO) zoning designation. Under the Champaign County Zoning Ordinance the RRO designation is necessary to permit a development of multiple residential lots.

The City has the obligation to review zoning decisions within its ETJ area for consistency with the City’s Comprehensive Plan. The subject property and surrounding area on the north side of Airport Road has an Urbana Comprehensive Plan Future Land Use designation of “Residential”. At their August 24, 2006 meeting the Urbana Plan Commission found the proposed RRO zoning overlay was generally consistent with the Comprehensive Plan Future Land Use designation of “Residential” and voted 8-0 to recommend “no protest” to the City Council. The Urbana City Council concurred and

no protest against the County RRO zoning overlay was filed. The Champaign County Board approved the RRO zoning overlay designation for the property at their November 21, 2006 meeting.

## **Issues and Discussion**

The County process for RRO *zoning* designation has different goals and criteria than the City's *subdivision* review process. Although the City chose not to protest the County RRO *zoning* designation, the improvements proposed as part of a subdivision development must still meet the minimum standards of the Urbana Subdivision and Land Development Code, unless such standards are waived in accordance with the Code.

The Subdivision and Land Development Code is intended to protect the long term health, safety, and general welfare of the public. Therefore, the Code is concerned with ensuring that development patterns and public improvements are designed to be efficient, orderly and are sufficient to serve the development for coming decades.

The petitioners have requested waivers from certain requirements of the Urbana Subdivision and Land Development Code. The petitioners state that waivers are justified for the development because the subdivision will be a rural type development located in a rural area, which is expected to remain so for many years. The requested waivers would allow:

- A street right-of-way of 50 rather than 60 feet;
- A street pavement width of 25 rather than 31 feet;
- No sidewalks;
- No construction (and temporary capping) of sanitary sewer mains and laterals; and
- No Stormwater Detention Basin Operations and Maintenance Agreement.

Since the Plan Commission hearing, Staff and the petitioners have met to further discuss the type and extent of waivers requested. As a result of these discussions the petitioners have now agreed to the 60-foot right-of-way and have submitted a request to withdraw this waiver request. Engineering and Legal Staff continue to work with the petitioners toward agreement on the language contained in the Stormwater Detention Basin Operations and Maintenance Agreement. These discussions may lead to the petitioners withdrawing their request to waive the detention basin agreement requirement.

During the Plan Commission hearing and in correspondence the petitioners have characterized the subdivision's proposed drainage basin as being greatly beneficial to the public because it will be oversized and so help relieve flooding problems south of the subdivision along Airport Road. The Public Works Department believes that the correspondence may give the impression that those benefits are greater than might be actually realized.

It is a correct observation that significant flooding problems occur in the area along Airport Road between the proposed subdivision and High Cross Road. However, those drainage problems are not primarily caused by the runoff from the proposed 24-acre subdivision but by the runoff from the approximately 450 to 500 acres that drain to the intersection of High Cross Road and Airport Road. That is a significantly larger acreage and contributes far more of the stormwater that floods 300 feet



up along Airport Road and into the culvert by the subdivision. In fact, flooding on Airport Road begins at the intersection with High Cross Road and is exacerbated by debris from Brownfield Woods clogging the drain located there.

Additionally, the Saline Branch Drainage Ditch drains several tens of thousands acres into its watercourse south of Airport Road. During storm events water in the Saline Branch backs up to a higher flood level and the backwater caused by the elevated flood levels in the Saline Branch affects how quickly the stormwater can drain away from the area along Airport Road adjacent to the proposed subdivision.

It has been stated by the Developer's engineer that the subdivision's proposed oversized detention basin may benefit the area by reducing the runoff to the culvert under Airport Road downstream of the detention basin by 77%, but it is important to note that this statement applies only to the runoff from within the proposed 24-acre subdivision. That level of reduction in runoff is not required by the City Code but is achieved by virtue of the construction of a larger detention pond and desire to retain more water to accommodate the petitioner's habitat pond objective.

While it can be said that there will be a reduction in flood levels on Airport Road because of the water detained by the proposed development, the Public Works Department believes that would be relatively insignificant compared to the flooding caused by areas away from the proposed subdivision and it may not even be noticeable. The only way to approximate the exact magnitude would be to perform a very time consuming and expensive modeling of the watershed.

### **Waivers Requested - Revised**

The petitioners have requested waivers under Section 21-7 to allow their development to deviate from certain standards of the Urbana Subdivision and Land Development Code. Original requested waivers include the following:

1. ~~Waiver of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow a local residential street right of way of 50 feet rather than the minimum required 60 feet; and~~

*(The petitioner has withdrawn this waiver request.)*

2. Waiver of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow a local residential street pavement width of 25-feet rather than the minimum required 31-feet; and
3. Waiver of Section 21-37.A.1 to allow no sidewalk construction rather than providing sidewalks on both sides of the street in residential developments; and
4. Waiver of Section 21-41.A and 21-41.C.6 to allow no sanitary sewers to be constructed rather than the requirement that sanitary sewer mains and laterals be constructed and capped in a development laying within the boundaries of the Urbana Champaign Sanitary District, even though sanitary sewer service is not currently available at this time; and

5. Waiver of Section 21-42.E.2 requiring the developer to provide for the permanent maintenance and operation of stormwater detention basin facilities via a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easements.

For the applicants' perspective on the basis for granting waivers, please see Exhibit G, Waiver Requests.

### **Waiver Criteria**

Urbana Subdivision and Land Development Ordinance Section 21-7.A "Intent" (of waivers) states:

"It is the intent of this section, when appropriate and when a specific case of hardship is shown, to allow a waiver from the strict compliance with the provisions of this chapter. It is recognized that restrictions governing the development of land may not, under some specific circumstances, be fairly and equally applied to unusual or abnormal development conditions. Further it is the intent of this section to establish weighing criteria to determine the validity of a specific hardship upon which requests for waivers can be considered. Waivers are not intended to be used as a means of circumventing or evading the purposes of this chapter or any other requirement which regulates land developments."

Section 21-7.B "Criteria" (of waivers) states that City Council may grant waivers upon finding that all the conditions below apply:

- 1) There are conditions of topography or other site specific reasons that make the application of any particular requirement of the land development code unnecessary or, in some cases perhaps, even useless;
- 2) The granting of the requested waiver would not harm other nearby properties;
- 3) The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan.

Section 21-7.C "Conditions" (of waivers) states that in granting a waiver, the Plan Commission and City Council may consider:

- the proposed uses and plans for development of the property;
- the nature of surrounding proposed or existing development;
- any pertinent environmental factors; and
- the property's designated use under the Urbana Official Comprehensive Plan.

In granting waivers the City Council may impose any requirements or conditions and restrictions the Council deems essential to protect the public health, safety and welfare. The Council may require said conditions be included in a plat, owner's certificate, deed, lease or other document of conveyance.

## **Analysis of Waiver Requests**

### 1) Right-of-Way Width:

In the Brickhouses Road Subdivision the developers propose a 50-foot wide public right-of-way (ROW). The City has supported a reduction in ROW width for local streets from 60 feet to 50 feet in a few instances in the past, under unique circumstances. That reduction was approved for Lydia Court, for “The Ridge” (East Gate) Subdivision, and for the Cobble Creek Subdivision. The Lydia Court reduction was justified in that it was part of a higher density development creating small lots on a constrained site. Lydia Court is a short street with two turns and consequently slow traffic speeds. In the Cobble Creek Subdivision the reduction was justified because the stretch of loop street was also adjacent to a full width street and only served a small number of lots. In the Brickhouses Road subdivision the developers propose an 825-foot long cul-de-sac street which will serve only 12 houses.

Staff finds there are no site constraints on the 24 acre tract that preclude providing a 60-foot right-of-way as required by the Urbana Subdivision and Land Development Code. Therefore, Staff recommends against the granting of the waiver. At the February 22nd hearing Plan Commission recommended approval of the Staff recommendation. The applicant has since withdrawn this waiver request.

### 2) Pavement Width

In the Brickhouses Road Subdivision the developers propose a 25-foot wide pavement surface. In the recent past the City has regularly supported a reduction in pavement width for local streets from 31 feet to 28 feet, and is completing a text amendment to the Subdivision Ordinance to incorporate this reduced width. A 28-foot wide pavement offers enough roadway for two-way traffic and parking on one side, while reducing installation and long term pavement maintenance costs. The City approved a greater reduction in pavement width to 25 feet for Lydia Court in “The Ridge” subdivision. The justification and site constraints for that case are stated above. A second reduction to 25-foot width was approved for the Prairie Winds development for approximately 2,500 feet of Prairie Winds Drive because it was intended to be a secondary road in a gated condominium community.

Staff recommends granting a waiver to reduce pavement width to 28 feet, as opposed to the 25 feet requested, in keeping with recent practice. Staff recommends against further reductions in pavement width for this development. At the February 22nd hearing Plan Commission recommended approval of the Staff recommendation.

### 3) Sidewalks on both sides of the Street

In a number of cases the City has supported alternative sidewalk plans and granted a waiver or deferral of construction of sidewalks on one side of local residential streets. The developers are requesting a waiver of sidewalks on both sides of the street for Brickhouses Road.

Staff does not find that the petitioners statement that the subdivision will be rural and with low

traffic to be sufficient basis for not building sidewalks on both sides of the street or around the cul-de-sac. Staff recommended a waiver for sidewalks only on the west side of the street. At the February 22nd hearing Plan Commission recommended approval of the Staff recommendation. The Plan Commission also recommended a deferral of construction of sidewalk on the north side of Airport Road until such time as increased development in the area justifies it and/or improvements to Airport Road occur.

#### 4) Sanitary Sewers:

The proposed subdivision lies within the Urbana and Champaign Sanitary District (UCSD) Facilities Planning Area (FPA). The petitioners believe that sanitary sewers are not required because it lies outside the current sewer service area. The petitioners have cited Sections 21-41.A and 21-41.C.6 of the Subdivision Code and believe these sections refer to the current service area rather than the Facilities Planning Area. It is City policy that the boundary referred to in Section. 21-41.A of the Subdivision Code is the UCSD Facilities Planning Area. This position is supported by UCSD as stated in the attached UCSD letter to the petitioners regarding this matter (Exhibit "K").

The petitioners' secondary position is that if the Subdivision Code section does apply, then a waiver is still justified because the development is rural in nature, is surrounded by a rural area, has soils well suited to septic systems, and is unlikely to have public sewer service lines available in the foreseeable future. For the petitioner's explanation on this issue please see Exhibit "G", waiver applications.

City experience has shown that:

- 1) Septic systems will eventually fail, and if a public sewer is within 350 feet the home owner is required to connect to the public system at that time;
- 2) Not all neighboring land owners may agree it is necessary to install sewers across their property at a given time;
- 3) The expense of installing public sewer lines years after a development is completed is often cost prohibitive for individual home owners and is highly disruptive to an established neighborhood;
- 4) Home owners with failed septic systems often turn to the City, County, or Sanitary District to pay for sanitary sewer extension, when the cost of installing proper sewer service should occur as part of initial subdivision development.

Staff believes that the petitioners have not offered sufficient evidence of specific hardship, unusual development conditions, site specific factors, or absence of potential future adverse impacts. City Staff and the Urbana-Champaign Sanitary District recommend against granting a waiver of the requirement that the developers install and cap sanitary sewers and laterals for future connection to the sanitary sewer system. Other outlying subdivisions which have installed and capped sewer lines, such as Richardson Estates, are now benefiting from doing so. At the February 22nd hearing Plan Commission recommended approval of the Staff recommendation.

## 5) Stormwater Detention Basin Operations and Maintenance Agreement

The petitioners plan to construct a stormwater detention basin in accordance with the City's Subdivision Ordinance, but are requesting a waiver from Section 21-42.E.2 which requires a Stormwater Detention Basin Operations and Maintenance Agreement with any necessary easements. The petitioners are requesting the waiver on the basis that the basin will be over sized, and is designed to look and function as a natural pond and so will not require the maintenance a normal detention basin would. The petitioners plan for the pond to be owned and accessible solely by themselves as the owners of the adjoining 10-acre Lot 12.

The proposed basin is required to detain stormwater from the entire 24-acre subdivision. Therefore the basin will benefit the entire 24-acre subdivision, and perpetual maintenance of the basin is the responsibility of all the land owners within the 24-acre subdivision. What is at issue is the physical condition of the basin and the requirement to ensure that it will always be maintained by the home owners rather than the public at large. The purposes of having a homeowner's association agreement with the City for detention basin maintenance include:

- 1) Reducing the risk that land owners in the subdivision could be harmed by a failure of another party to maintain the basin.
- 2) Ensuring that all land owners in a subdivision are aware they were responsible for the costs of maintaining the basin that serves their property.
- 3) Protecting downstream land owners from a stormwater basin maintenance failure.
- 4) Ensuring that if it becomes necessary for the City to repair the basin the City will be able to bill the property owners responsible for the failure to maintain the basin.

For these reasons City Staff recommended against granting a waiver for a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easements. At the February 22nd hearing Plan Commission recommended approval of the Staff recommendation. The City Planning and Legal Staff are working with the applicant to negotiate revisions to the standard language contained in the Stormwater Detention Basin Operations and Maintenance Agreement to reflect the unique circumstances of the subdivision.

### **Subdivision Review**

The proposal is for a subdivision of 12 single-family residential lots on a 24-acre tract of land located outside City limits but within the City's mile and one-half extra-territorial jurisdiction area.

### ***Access***

All lots will front on a single cul-de-sac street from Airport Road called Brickhouses Road. Staff and Plan Commission recommend a waiver to allow no sidewalk on the west side of Brickhouses

Road. With the waiver sidewalk would be provided only on the east side of Brickhouses Road and around the cul-de-sac.

At the February 22, 2007 Staff presented a request for a condition to approval of the subdivision from the Urbana Township Road District Commissioner. Urbana Township requested that the intersection of Brickhouses Road and Airport Road be upgraded to meet the Township's standard, such as providing for a flared entrance curve and possibly additional shoulder paving. The intent of the intersection change is to improve sight lines and to allow cars to enter and exit Brickhouses Road more safely. The Urbana Plan Commission approved the request as a condition of approval for the subdivision.

### ***Drainage***

A stormwater runoff study and plans for detention have been provided by the developer's engineers. City staff have reviewed and approved the physical design of the drainage improvements. Storm sewers will be installed to drain into a detention pond and into culverts along Airport Road. The detention provided will reduce the rate of stormwater runoff from the entire 24-acre development as well as provide some off-site benefits.

The petitioners have agreed to the required 60-foot width of Brickhouses Road right-of-way which would result in a slight relocation of the drainage basin to the west. The City Engineering department has determined that the change will not significantly affect the project and new drainage calculations are not required.

### ***Utilities***

To serve the subdivision with water, the developers will extend, at their expense, a public water main from High Cross Road and along Airport Road.

The developers are requesting a waiver from the Subdivision Code requiring installation (and temporary capping) of sanitary sewer mains and laterals to provide for eventual connection to the public sanitary sewage system. Each of the lots in the subdivision will be served by a septic tank sewage system until public sanitary sewer service is available.

### ***Site Improvements***

Detailed site engineering plans including grading, sewer and pavement structures have been submitted for review. The Urbana Public Works Department has reviewed the plans and, with the exception of the omissions noted due to requested waivers has found the plans satisfactory. Final plans will be further reviewed.

The plat has been transmitted for review to outside agencies. The Urbana-Champaign Sanitary District is opposed to the developer's request for a sanitary sewer waiver. No other significant comments have been provided by outside agencies. Public utility easements are depicted on the plat.

## **Summary of Findings**

On February 22, 2007, the Urbana Plan Commission adopted the following findings related to the case:

1. The proposed Brickhouses Road subdivision plat is consistent with the 2005 Comprehensive Plan - Future Land Use Map designation and current zoning in the area;
2. The proposed Brickhouses Road subdivision plat conforms with the requirements of the Urbana Subdivision and Land Development Code, other than for requested waivers to the Code requirements for a 60-foot street right-of-way, a street pavement width of 31 feet, construction of sidewalks, construction and temporary capping of sanitary sewer mains and laterals, and a Stormwater Detention Basin Operations and Maintenance Agreement;
3. A waiver to Section 21-37.A.1 of the Subdivision Code, to waive all sidewalks is not recommended because the request does not meet the waiver criteria provided in Section 21-7.B of the Code. Instead a waiver to allow no sidewalk to be constructed on the west side of Brickhouses Road is recommended;
4. A waiver from Section 21-36.A.1 and Table "A" of the Subdivision Code, to allow a reduction of street right-of-way width to 50 feet, is not recommended because the request does not meet the waiver criteria provided in Section 21-7.B of the Code;
5. A waiver from Section 21-36.A.1 and Table "A" of the Subdivision Code, to allow a reduction of pavement width to 25 feet, is not recommended because the request does not meet the waiver criteria provided in Section 21-7.B of the Code, but a waiver to allow a pavement width of 28 feet is recommended;
6. A waiver from Section 21-41.A and 21-41.C.6 of the Subdivision Code, to allow no sanitary sewer mains and laterals to be constructed, is not recommended because the request does not meet the waiver criteria provided in Section 21-7.B of the Code; and
7. A waiver from Section 21-42.E.2 of the Subdivision Code, to allow not entering into a Stormwater Detention Basin Operations and Maintenance Agreement, is not recommended because the request does not meet the waiver criteria provided in Section 21-7.B of the Code.

## **Options**

The City Council has the following options for the Combined Preliminary and Final Plat of Brickhouses Road Subdivision in Plan Case 2019-S-06:

- a. Approve the plat with the requested waivers, along with any necessary conditions; or

- b. Approve the plat with some of the requested waivers, along with any necessary conditions; or
- c. Deny the plat. If denied, the Council must state specific findings whereby the plat is deficient.

## **Recommendation**

At its meeting on February 22, 2007, the Urbana Plan Commission discussed the case and after a motion and second to approve the case as presented, the Commission discussed and then voted on two amending motions. The first amendatory motion was to consider removing all sidewalk requirements. By a hand vote of 1-7 the motion to amend was defeated. The second amendatory motion was to consider removing the requirement for a Stormwater Detention Basin Operations and Maintenance Agreement. By a hand vote of 1-7 the motion to amend was defeated.

The Urbana Plan Commission then voted unanimously 8-0 to recommend **APPROVAL** of the Combined Preliminary and Final Plat of Brickhouses Subdivision with the waivers and conditions as recommended by staff.

The waivers and conditions recommended by Plan Commission are presented here in a statement revised for clarification purposes. Waivers and conditions are as follows:

Waivers:

- 1. A waiver from Section 21-36.A.1 and Table “A” of the Subdivision Code to allow a reduction of pavement width for Brickhouses Road from 31 to 28 feet; and
- 2. A waiver from Section 21-37.A.1 of the Subdivision Code to allow no sidewalk to be constructed on the west side of Brickhouses Road.

**AND** with the following condition:

- 1. That necessary improvements be made to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.

Prepared by:

---

Paul Lindahl, Planner I

Attachments:



Draft Ordinance Approving Brickhouses Road Subdivision  
Draft Minutes February 22, 2007 Urbana Plan Commission meeting

- Ex. C: Current Land Use Map w/ Aerial Photo  
Ex. D: Future Land Use Map  
Ex. E: Subdivision Plat
- Ex. F: Subdivision Application / Petition  
Ex. G: Waiver Requests  
Ex. H: Site Diagram  
Ex. I: Correspondence from Ms. Insana  
Ex. K: Correspondence from UCSD to Ms. Insana  
Ex. L: City of Urbana standard template Stormwater Detention Basin Easement and Operation Maintenance Agreement
- Ex. M: Information provided by Ms. Insana at Feb. 22, 2007 Plan commission meeting  
M1 Urbana 2005 Comprehensive Plan Quotes  
M2 Urbana Comprehensive Plan Generalized Future Land Use Map  
M3 Annotated Map of Project Area showing approximate flood zones
- Ex. N: Draft Owners Certificate  
Ex. O: Insana proposed Draft Stormwater Detention Basin Easement and Operation Maintenance Agreement

CC:

Michael F. and Deborah J. Insana  
1104 Oak Creek Road  
Mahomet, IL 61853

ZAMCO, Inc.  
Attn: Rex Bradfield  
1602 E. University Ave.  
Urbana, IL 61802

Meyer Capel Attorneys  
Attn: Jenny Park  
P.O. Box 6750  
306 West Church Street  
Champaign, IL 61826-6750

H:\Planning Division\001-ALL CASES(and archive in progress)\02-PLAN Cases\2006\2019-S-06, Brickhouses Sub, Insana Airport Rd (Major)\Brickhouses CCouncil Memo restart vFINAL.doc

ORDINANCE NO. 2007-03-029

An Ordinance Approving  
A Combined Preliminary and Final Subdivision Plat  
(Brickhouses Road Subdivision - Plan Case No. 2019-S-06)

WHEREAS, The Deborah and Michael Insana have submitted a Combined Preliminary and Final Plat for Brickhouses Road Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois: and,

WHEREAS, The Combined Preliminary and Final Plat for Brickhouses Road Subdivision meets the requirements of the Urbana Subdivision and Land Development Code with the exception of two waivers; and

WHEREAS, The Combined Preliminary and Final Plat for Brickhouses Road Subdivision is generally consistent with the City of Urbana 2005 Comprehensive Plan; and,

WHEREAS, The two waivers to the Urbana Subdivision and Land Development Code are:

1. Waiver of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow Brickhouses Road, a local residential street, to be constructed with pavement width of 28-feet rather than the minimum required 31-feet; and
2. Waiver of Section 21-37.A.1 to allow the construction of sidewalk on only the east side of Brickhouses Road and around it's cul-de-sac rather than on both sides of the street; and

WHEREAS, the City Engineer has reviewed the requested waivers and has determined that they will not negatively affect the public benefit or general welfare; and,

WHEREAS, The City Engineer has reviewed and approved the Combined Preliminary and Final Plat for Brickhouses Road Subdivision with waivers; and,

WHEREAS, in Plan Case 2019-S-06, the Urbana Plan Commission, on February 22, 2007, recommended approval (8-0) of the Combined Preliminary and Final Plat for Brickhouses Road Subdivision.

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

Section 1. The Combined Preliminary and Final Plat for Brickhouses Road Subdivision attached hereto meets the requirements of the Urbana Subdivision and Land Development Code with the exception of waivers stated herein.

Section 2. This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2007.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Laurel Lunt Prussing, 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 \_\_\_\_\_, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled

"An Ordinance Approving A Combined Preliminary and Final Subdivision Plat(Brickhouses Road Subdivision - Plan Case No. 2019-S-06)"

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 \_\_\_\_\_, 2007, 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 \_\_\_\_\_, 2007.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** February 22, 2007

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

---

**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** None

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary; Gale Jamison, Assistant City Engineer

**OTHERS PRESENT:** Tyler Fitch, Angie Fred, Debbie Insana, David Monk, Dennis Roberts, Charles Smyth, Christopher Stohr, Joel Vanessen, Dianna Visek

---

**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

The meeting was called to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There was none.

**3. APPROVAL OF MINUTES**

Ms. Stake moved that the Plan Commission approve the minutes as presented from the January 18, 2007 meeting. Ms. Burris seconded the motion. There was a correction on Page 10, Line 3 to change “applications” to “implications”. The minutes were approved by unanimous vote as amended.

#### 4. COMMUNICATIONS

- Letter from Judy Checker regarding Plan Case No. 2034-SU-07
- Additional Staff Memorandum regarding Plan Case No. 2019-S-06
- Handout from Debbie Insana regarding Plan Case No. 2019-S-06
- Flowchart for the “Neighborhood Conservation District Designation Process”

#### **Plan Commission 2006 Annual Report**

A copy of the annual report was provided to Commissioners in their packets. Matt Wempe, Planner II, stated that he would answer any questions that the Plan Commission may have regarding the 2006 Annual Report. With no questions at this time, Chair Pollock moved on in the agenda.

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. OLD BUSINESS

There was none.

#### 7. NEW PUBLIC HEARINGS

**Plan Case No. 2019-S-06: A request by Deborah and Michael Insana for a combined Preliminary and Final Plat of Brickhouses Subdivision located on the north side of Airport Road east of High Cross Road in the County’s AG-2, Agriculture Zoning District.**

Paul Lindahl, Planner I, presented the staff report for this case to the Plan Commission. He introduced the case by describing the proposed subdivision. He gave background information about the zoning of the proposed site. He reviewed the land uses and zoning of surrounding properties. He discussed stormwater runoff and the proposed detention pond. He discussed the waivers requested by the petitioner, which are as follows: 1) to allow a street right-of-way of 50 feet rather than the required 60 feet; 2) to allow a street pavement width of 25 feet rather than the required 31 feet; 3) to waive construction of sidewalks; 4) to waive construction (and temporary capping) of sanitary sewer mains and laterals; and 5) to waive a Stormwater Detention Basin Operations and Maintenance Agreement. Mr. Lindahl reviewed staff’s analysis of the requested waivers. He read the options of the Plan Commission for this case and presented staff’s recommendation, which is as follows:

*Staff recommends that the Plan Commission recommend approval of the combined Preliminary and Final Plat of Brickhouses Subdivision, with the following conditions:*

1. *That a sidewalk will be provided on the east side of Brickhouses Road and around the cul-de-sac;*

2. *That the right-of-way width for Brickhouses Road be no less than sixty feet;*
3. *That the pavement width for Brickhouses Road be no less than twenty-eight feet;*
4. *That sanitary sewer mains and laterals be constructed and capped per the standards provided in the Subdivision and Land Development Code as well as Urbana Champaign Sanitary District standards; and*
5. *That a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easements be provided; and*
6. *That necessary improvements be made to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.*

*AND with the following waivers from the Subdivision and Land Development Code:*

1. *A waiver from Section 21-36.A.1 and Table "A" of the Subdivision Code to allow a reduction of pavement width for Brickhouses Road to 28 feet; and*
2. *2. A waiver from Section 21-37.A.1 of the Subdivision Code to allow no sidewalk to be constructed on the west side of Brickhouses Road.*

Mr. Grosser recalled that in the petition for waiver of the required Stormwater Detention Basin Easement and Operation-Maintenance Agreement, the petitioner stated that the homeowner's association covenants would eventually cover maintenance of the detention basin. Mr. Lindahl replied that the City's Legal and Engineering staff have reviewed it. Both departments feel that the petitioner should stick with the City's standard agreement. The standard agreement basically says that the homeowner's association will be responsible for the perpetual maintenance, and that they will provide mechanisms for funding, inspections and insurance. It also states that in the event that the detention basin is not maintained or repaired, then the City would come in and do the service and charge the homeowner's Association. There is a disconnect between who would actually own the detention basin and who would be responsible for maintaining it in the changes that the petitioners propose to their homeowner's covenants for Brickhouses Subdivision.

Mr. Grosser stated that in a recent study session for the Urbana-Champaign Sanitary District (UCSD), the Plan Commission was shown a UCSD boundary map. How far out could sewer service conceivably reach? Gale Jamison, Assistant City Engineer, responded that the UCSD's Facilities Planning Boundary map is not necessarily the same as their service area. Their service area is tied to where existing sewers are located. The proposed site is within the Facilities Planning Area and could be served if existing sewers were extended.

Mr. Grosser asked, given the East Interceptor Plan, does anyone recall the City's expectations to bring sewer lines to the proposed site? Mr. Jamison explained that in the East Interceptor Study Session, the area to the north was not discussed because that was outside the scope of the East Interceptor Study. The area that was discussed was east of High Cross Road and south of Interstate 74. These sewers would not extend to the proposed site. There is currently a sewer line at Perkins Road and Airport Road, and there is a sewer line that goes north of Interstate 74

along Brownfield Road. These sewer lines would eventually be extended up along the Saline Drainage Branch at some point and would likely be one of the lines serving the proposed site.

Chair Pollock asked about the distance between the nearest sewer line and the proposed site? Mr. Lindahl believed it was about a mile. The sewer line along Brownfield Road and Airport Road is much closer to the proposed site.

Mr. White commented that the land where existing sewer lines are is much lower than the area where the proposed site is. UCSD would need to install a lift station somewhere if these lines were to serve the Insana property.

Mr. White also inquired if there would be fire hydrants in the proposed subdivision development. Mr. Lindahl responded that there would be two fire hydrants.

Mr. White questioned why the City would need a 60-foot right-of-way. Mr. Lindahl explained that the City requires 60-feet to allow for utility easements to be within the right-of-way rather than on the homeowner's property. The storm sewers, sanitary sewers, water main, telephone service, and electrical service could all be within the public right-of-way in the front of the property.

Ms. Stake asked if there would be homes built on both sides of Brickhouse Road. Mr. Lindahl said yes. Ms. Stake wondered why the petitioner decided to not install sidewalks. Mr. Lindahl responded that it may be because there would likely be little foot traffic in the area. Although it is an ideal situation to always provide sidewalks on both sides of the road everywhere, City staff felt that with only four lots on the west side of the proposed road, that staff would support a waiver to allow a sidewalk only on one side.

Chair Pollock opened the hearing up to take testimony from the public.

Debbie Insana, petitioner, provided a handout of information and maps to the Plan Commission. She explained how the idea for the proposed subdivision came about. She was hoping that the ecological preservation part of her plans for the subdivision and detention basin would make it reasonable to expect that not all of the urban specifications should be necessary for the proposed development.

She discussed the various steps they took in getting their property rezoned for a Rural Residential Overlay (RRO) with Champaign County's Planning and Zoning Department, developing a plan with input from their neighbors, the Drainage District Commissioners, the Somer and Urbana Township Commissioners, UCSD, the Department of Public Health, the Environmental Protection Agency (EPA), and the utility companies, reworking the drainage plan and having their soil tested. She talked about the proposed detention basin and how they would like for it to be a habitat pond.

She discussed the proposed subdivision development. They are planning to build the proposed subdivision, with the exceptions of the requested waivers, to the City's codes with the realization



that the proposed site might someday be annexed into the City of Urbana. She discussed the requested waivers.

She stated that all of the waivers relate to the fact that this is to be a “rural” subdivision. She mentioned that the proposed site lies just inside the Extraterritorial Jurisdictional (ETJ) Area, which is why they have to get plat approval by the City of Urbana. She explained that their requested street width of 25 feet will be eight feet wider than the main road leading to it. They have made provisions in the covenants for sidewalks for the future possibility that there is someplace to walk to some other sidewalk to connect to. They have an easement for sewer pipes should a sewer main ever get near the proposed site to connect to and should the future residents of the proposed subdivision wish to make the connection. Brickhouses Road Subdivision would be able to become a city subdivision easily when the time comes, but that time is not in the near future. For now, it will be a “rural” subdivision.

When talking with Mike Little, of the UCSD, she was told that the area north of the Saline Branch Drainage Ditch (where their property is located) is in a different watershed than the areas where service already exists. UCSD has planned for two interceptors with regional pumping stations in the district, but neither one of these would serve the proposed site. At the current time, there is no sewer service existing or planned for their watershed.

Exhibit D in the written City staff report, “Future Land Use”, shows the area as “Rural Residential”. It states “preserve natural amenities with limited conservation residential development”. Brickhouses Road Subdivision would be a limited conservation residential development. The 100-year floodplain, the presence of the University of Illinois (U of I) preserve on both sides, and the rural zoning leads her to believe that the subdivision would remain rural in Champaign County for many decades.

Ms. Insana quoted several excerpts from the Urbana Comprehensive Plan, which are listed in the handout she passed out earlier in the meeting. She reviewed some of the comments in the staff report that Mr. Lindahl had presented.

On Page 3, it says “*The Urbana-Champaign Sanitary District is opposed to the developer’s request for a sanitary sewer waiver*”. When she spoke with Mr. Little on January 3, 2007, she told him of her preference of septic systems over sanitary sewers. She said Mr. Little agreed that in the right soil conditions, which they have, that septic systems are a reasonable alternative. However, as a representative of the Sanitary District, it is in the best interest of the District to sign up as many customers as possible. It is the most cost-effective way to operate a sanitary district.

On Page 4, the staff report says “*Waivers are not intended to be used as a means of circumventing or evading the purposes of this chapter ...*”. She is not trying to circumvent them. She just simply thinks they are inappropriate for her development. It is a rural rather than a city development, and it should not be held to the same standards. The whole point of doing the proposed development is to be able to facilitate being able to do prairie grass plantings and maybe expand the natural area some. It seems counter-productive to place all of these City amenities in such an area.

Ms. Insana noted that out of the six waivers only two of them are real waivers. The other four are deferrals. The two that are waivers are the right-of-way and the width of the street. Brickhouse Road would only serve twelve houses. It would be a cul-de-sac and never have through traffic. The driveways will be about 50 feet long. Therefore, there will probably never be anyone parking on the street. Street parking would be prohibited in the homeowner's covenants as well. Traffic will not be an issue on the proposed street. She mentioned again that Brickhouse Road at 25 feet in width would still be wider than Airport Road, which is only 17 feet wide.

Concerning sidewalks, in the proposed development, there is no destination that could be reached by walking in the vicinity of Airport and High Cross Roads. Sidewalks along Airport Road are currently not required because it is a rural road with a ditch. At some time in the future when sidewalks along Airport Road are required, there is a clause in the covenant that requires homeowners to pay for putting them in. At the present time, improvements to Airport Road east of High Cross Road are not part of the High Cross/ Illinois Route 130 Corridor Plan. Unnecessary concrete is not earth friendly.

On page 6 of the written staff report, it says "*City experience has shown that septic systems will eventually fail*". Ms. Insana remarked that most of the soil in Champaign County is not suitable for septic systems but this site is. A lot of soil testing has been done in regard to this. They have received approval from the EPA and the Department of Public Health. Unlike most of Champaign County, their land is very suitable for septic system. In an area with appropriate soil conditions, septic systems are a viable permanent alternative. It is unlikely that there would ever be a sewer main to connect to for at least 50 years or more, or possibly never. Why install pipes which may never be used? They have made accommodations for sewer pipes and easements when the future homeowners decide to put them in. It is an unnecessary expense at this time, and it could prove to be a foolish waste of money. Decades in the future when sewer connection may be possible, the pipes could turn out to be obsolete, deteriorated or at the wrong height for a connection that has not yet even planned.

Ms. Insana discussed their plans for the stormwater detention basin. On Page 6, the second item states, "*Ensuring that all land owners in a subdivision are aware they were responsible for the costs of maintaining the basin that serves their property*". There will be homeowner association covenants requiring future homeowners to maintain the basin and the drainage of the subdivision. The basin will not be a typical detention basin. The reason for the standard maintenance and operation agreements for detention basins is because the basins are not constructed correctly and eventually collapse. She plans to follow recommendations from the EPA and from the Department of Natural Resources as to how to make the detention basin act as a natural pond.

On Page 6, number four says, "*Ensuring that if it becomes necessary for the City to repair the basin the City will be able to bill the property owners responsible for the failure to maintain the basin*". Since the property is located in Champaign County, Who would call the City of Urbana if there was a problem? Why should they provide a maintenance agreement with the City of Urbana, when the City is not responsible for the subdivision? Therefore, she requests that the

maintenance agreement be deferred until such time that Brickhouses Road Subdivision becomes a part of the City of Urbana.

Mr. Grosser inquired as to what would happen to the detention basin if they sell the property and move somewhere else. Ms. Insana responded by saying that the detention basin is on a separate lot. If they move, then they will sell the basin to the homeowner's association. Mr. Grosser asked what if the homeowner's association does not want to buy it. Ms. Insana said that they would be required to buy it through the covenants of the homeowner's association. She and her husband want to own it now so they can plant the type of plants needed and get the habitat established.

Mr. Ward questioned how the City's subdivision requirements would undermine the petitioner's plans. Ms. Insana stated that it would cost a lot of money. Mr. Ward pointed out that things do change rapidly. No one has the ability to say that things will never happen. He still does not see where what the City staff is suggesting in terms of conditions really undermines the essential purpose of what Ms. Insana wants to do. Ms. Insana explained that the extra concrete and sidewalks are a disconnect from the rural area and is not earth friendly. Mr. Ward commented that adding another three feet to the width of the street as suggested by City staff would not change the feel from being rural to urban. In terms of sidewalks, he assumed that the future homeowners might want to visit their neighbors from time to time. Ms. Insana replied that the homeowners would be able to walk on the empty concrete streets to visit each other. At the time in the future when there is someplace to leave the subdivision to walk to, then they will put the sidewalks in.

Mr. Ward stated that the City has a set of subdivision regulations that make sense. He is certainly willing to consider waivers if he finds compelling reasons for them. He simply has not heard anything that proves to be compelling.

Mr. White said he agreed with all of the waivers. He did not see where having sidewalks in a subdivision with this many lots is necessary. He did not feel that they needed to be concrete and that the wildlife there would appreciate not having concrete in the area. The stormwater detention area is where the water naturally flows anyway on the proposed site. Ms. Insana mentioned that they already have an unofficial stormwater detention area because it is the lowest spot in the vicinity. Mr. White exclaimed that this is the reason why the southwest corner was not farmed. He agreed that the UCSD would not want to expand into this area because the land is lower and UCSD would need to have a good size pump station to get the sewage out of the area.

Ms. Insana added that someone is going to have to want sewer connection to UCSD. The cemetery on the west side is not going to need sewer connection. The septic sewers for her subdivision would be designed to work fine, and they would have plenty of room for alternate septic fields. She did not see any reason to disturb the whole ecology of the area to put in a sewer main. However, if they were necessary, then she has made arrangements so they would be able to get the sewer pipes in without any trouble. Her contractor disagrees with the contention that it would be more expensive to put the sewer pipes in later. The only thing that would be more expensive would be the mature landscaping that might be in the way at that time. If the

mature landscaping is in the way when they get ready to install sewer pipes, then chances are roots would extend into the sewer pipes that the City wants her to install now.

Mr. Hopkins inquired about the stormwater agreement. He wondered if the petitioner had concerns about parts of the agreement or any agreement. Ms. Insana stated that she and her husband want to own the pond so that they can develop the natural area. It would not be owned by the homeowner's association because you cannot have a lot of people trampling around it and stomping plants they are growing. She only wants to change the part of the agreement to state that she and her husband, as the owners, would be able to grant easements instead of the homeowner's association. Mr. Hopkins wanted to clarify that because the petitioners want to control the detention basin now is not inherently contradictory to the commitment. She could agree to maintain the basin on behalf of the homeowners association. Ms. Insana agreed.

Mr. Hopkins wondered whether there is a design of the potential sewer connection that could be filed and committed to without actually constructing them. They could plan and commit ahead of time where to put in the septic sewers, where to allow for the sewer pipes connecting to UCSD pipes in the future, and where to allow landscaping so that it would not cause problems with installing sewage pipes in the future. This kind of commitment could be without constructing the sewer pipes by bonding or by other agreements that could be developed. Ms. Insana replied that it is in the covenants that the property owners would have to pay for the urban amenities when the City requires them to do so.

Mr. Hopkins stated that access is one of the concerns when talking about rural subdivision regulations as distinct from urban subdivision regulations. He did not believe that given the location of Brickhouse Road, it should not be a cul-de-sac because it is in the middle of a floodplain where it could be cut off and access blocked. Ms. Insana explained that the flooding that occurs in the area goes away after about two hours. Mr. Hopkins responded that most houses burn down in less time than two hours. Ms. Insana stated that the water backs up to about four inches, so fire trucks can get through even when the street would be flooded. The Fire Chief for Carroll Township Fire Department reviewed the plans for the proposed subdivision and approved them.

Ms. Stake expressed interest in the fact that the petitioners are trying to keep the subdivision more natural. She mentioned that they could construct sidewalks and streets that are permeable, so the water can go through. Ms. Insana did not believe that these types of streets would not meet the City's specifications. She just wants to keep it down to least amount of pavement that is necessary to serve the area.

David Monk, of 115 North Market Street in Champaign, stated that this plan pleases him yet disappoints him at the same time. This is one of the most interesting regions of Champaign County. It is historic. He could imagine a forest that much simulates Brownfield Woods. The soil is good. Many of the people who live in the area have done a lot to have wiggly-woggle new driveways and have their houses hidden in a nice way. The proposed subdivision is too rectilinear. It is a perfect site for them to provide something different and more natural. Chair Pollock responded that it is up to the property owners to decide how to design the subdivision.

Chair Pollock closed the public input portion of the hearing.

Robert Myers, Planning Manager, responded to a few of the comments made by Ms. Insana. He said that the idea of gardening sounds wonderful, and the petitioners would still be able to do gardening on the property regardless of whether the waivers are granted or not.

Regarding her comment about putting in sewer pipes being a foolish waste of money, who are we referring to as being foolish? If we put off installing the sewer pipes until some point in time in the future, then who would be paying for the installation? When property is subdivided, the development pattern is set in place for a long time. The developer will probably not be there for the entire time. Properties change ownership and then whose responsibility would it be to pay for sewer and sidewalk connections? He stated that would be more expensive to put in the improvements at a later time. Richardson Estates is a good example. It might have taken them some 40 years to decide to connect to the UCSD, but imagine if they would never have provided the sewer lines and capped them. What if some property owners cannot afford to install sewer lines when the time comes to making those improvements? The City obviously wants to avoid these situations.

Mr. Myers went on to talk about the maintenance agreement for the detention basin. Part of the reason the City asks for a homeowner's association maintenance agreement is because sometimes the homeowner's associations stop maintaining their detention basins or they become insolvent. Regarding homeowner's covenants, the City cannot enforce private covenants. Therefore, it may be in the covenants for the proposed subdivision that the property owners at the time of sidewalks and sewer pipes being install to pay for them, but the City has no way to enforce this.

In terms of the overall concept, he was curious about how installing and capping sewer lines would change the character of the subdivision and the surrounding areas. The current service area for the UCSD is about a half mile away to the west. Therefore, it is not inconceivable that within the coming years that the sewer would be extended to the proposed property.

Mr. Jamison added that the City's current standard for pavement width is 31 feet back-to-back. This allows parking on one side. With a 60-foot right-of-way, this provides 14 feet on either side to put a five-foot sidewalk and a curb and to allow eight and a half feet for utility easements. If the space between the sidewalk and the curb is too narrow, then you end up with a lot more expense trying to maintain utilities. Although the homeowner's covenants would not allow parking on the streets, the City has no way to enforce the covenants as Mr. Myers previously said. As a result, City staff would not recommend any narrower of a street width than 28 feet or a street right-of-way of less than 60-feet.

In looking at the sewer systems, there is a lift station north of the Saline Branch Drainage Ditch. Interceptors run along the Boneyard Creek, along the Saline Ditch, and along the low ground so they can capture anything that flows towards the lift station. He would not think that it would be inconceivable that at some point in the future the sewer service line would extend to the north and sewers would be made to the proposed area.

Another issue to be concerned about is that homeowner's associations sometimes disband and things change. He suggested that the Insanas join the homeowner's association, and if they want to maintain the detention pond under the hospices of the agreement maintenance with the City of Urbana, then they could until such time that they sold their property, etc. City staff feels that the maintenance agreement is necessary to protect the interest of the City in the long run.

Chair Pollock inquired as to whether 50 feet would be sufficient for the street right-of-way to accommodate for easements, etc. Mr. Jamison stated that there is a reason they have 60 feet as the standard in the City's subdivision code, and he would not recommend wavering from it.

Ms. Stake inquired if the petitioners would need to have both sewer lines to connect to the UCSD at some point in the future and septic systems. Mr. Jamison explained that the petitioner would need to have the septic tanks until such time as the sewer service is available to the area.

Ms. Insana re-approached the Plan Commission to talk about septic systems in the front yard. The Champaign County Public Health Department wrote in a letter that the petitioner should mark off the most suitable soil on each lot and protected from compaction prior to the location of each home. The grading for the street and the drainage is confined to the area between the street and the house site, so the back yards can be protected to keep the soil from being compacted for the septic systems. Therefore, they cannot put the septic tanks in the front yards to make the sanitary sewer connection easier because it is not the best place for the septic tanks.

Ms. Stake questioned whether Champaign County would vote on the proposed subdivision plat. Mr. Myers answered that the County has approved the zoning. Under the State statutory requirements, the City would review and vote on the subdivision plat because it falls within the mile-and-a-half jurisdiction.

Mr. White moved that the Plan Commission forward Plan Case No. 2019-S-06 to the City Council with a recommendation for approval. Mr. Grosser seconded the motion.

Chair Pollock said he interpreted the motion to not include any waivers or conditions recommended by City staff. Mr. White said that is correct.

Mr. White moved to amend the motion to include the wavier that the petitioner not be required to build sidewalks. He did not feel that sidewalks would be necessary in a subdivision of this size. Chair Pollock commented that the Plan Commission could not take something out of a motion that was not included in it. Mr. White withdrew his original motion. Mr. Grosser agreed as the seconder.

Mr. Ward next moved that the Plan Commission forward Plan Case No. 2019-S-06 to the City Council with a recommendation for approval including the six conditions and two waivers as recommended by City staff. Ms. Upah-Bant seconded the motion.

Mr. White moved to amend the main motion by removing Condition No. 1, which states "*That a sidewalk will be provided on the east side of Brickhouses Road and around the cul-de-sac*". Mr. Ward seconded the motion to amend for purposes of discussion.

Mr. Ward opposed removing Condition No. 1 because he did not see any good reason to make a variance in this case. The proposed area is rural at the moment, but who know what will happen in 10, 20 or 30 years. The City's zoning regulations and requirements are in place for a good reason.

Mr. White believes that with this many lots in a subdivision that ends in a cul-de-sac, more concrete is not necessary. It would be just as easy to walk on the streets.

Mr. Hopkins mentioned that he would be in favor of taking this condition out if the Plan Commission direct staff to work on a way to make a commitment that would be legally binding on the lot owners to provide for sidewalks at such future time as sidewalks becomes necessary. He questioned whether we could do an annexation agreement with the petitioner. An annexation agreement would allow them to do almost anything. An annexation agreement in this case would define in a contractual agreement with the developer how the installation of sidewalks would be paid for and under what conditions if and when the proposed subdivision was annexed.

Chair Pollock asked what about if the sidewalks were required and necessary before the proposed property would be annexed. Mr. Hopkins responded by saying that it would be the City's interest that we would be representing. It is not the City's concern, in terms of taxes on other people or our services, until the property would be annexed. This is what we are trying to protect.

Elizabeth Tyler, Director of Community Development Services Department, stated that the proposed case is a subdivision review and not an annexation agreement. The City staff never approached it as an annexation agreement. It would need to be a mutual decision to draw up an annexation agreement, and it did not seem proximate enough or appropriate to either party. City staff has seen situations where covenants of a subdivision require lot owners to install sidewalks at their expense. These are very hard, if not impossible to enforce because the City would have to go to court to force it to happen.

Ms. Stake felt that sidewalks should be installed in the proposed subdivision even with only a few houses. Children like to ride their bicycles or tricycles. Older people do not like to walk in the street, because they do not walk as fast as other people.

Mr. Ward favors sidewalks just because it is an accepted principle in urban planning. Sidewalks promote community, and anything we can do to promote community in any neighborhood is positive.

Chair Pollock loves the idea of what the petitioners are proposing for the subdivision. However, he did not see a really good reason to waive the subdivision code requirements.

Chair Pollock called for a hand vote on the amendment to remove the waiver regarding sidewalks. The motion to amend failed by a vote of 1-7.

Mr. White moved to amend the main motion by removing Condition No. 5, which states "*That a Stormwater Detention Basin Operations and Maintenance Agreement with appropriate easement be provided*". Ms. Stake seconded the motion to amend.

Mr. White commented that the water drains to the spot where they plan to provide a detention basin anyway. If they dig a pond there, then the water will stay in that spot. The only reason the road floods is because the surface water comes out and floods it.

Mr. Grosser expressed confusion over what happens if something does need to be done to the proposed detention pond to maintain or modify it. Who would pay for it if there is not an agreement in place? Mr. White explained that the water already drains to this spot. If the petitioners dig a pond, he does not know how the water would drain anywhere else, especially if they build all the concrete for the street and sidewalks, etc. He also feels that if the City wants to encourage development in the outer areas of the mile and a half jurisdiction, then they cannot apply all of the subdivision requirements. Otherwise, developers will not develop these areas.

Mr. Hopkins feels that there needs to be an agreement to maintain the detention pond, especially since the detention basin would be on a separate lot and the owners may not be there forever to take care of it. Any kind of pond requires maintenance.

Chair Pollock believes that it is not a question of what is in the agreement. There are probably ways to craft an agreement that would meet everyone's expectations and requirements, but there needs to be an agreement in place.

Mr. Jamison pointed out that a maintenance agreement would give the City the right to maintain the pond if the detention basin is in need of attention and the homeowner's association is either defunct or not willing to maintain it and to recoup the cost of maintenance by a special assessment to the lots that are a part of the subdivision.

Chair Pollock asked if this would only apply if the proposed property were in City limits. The City would not go in and repair something that is not in City limits, correct? Mr. Jamison said he did not know for sure. It depended upon whether the City could enforce our Subdivision Ordinance in the ETJ. He believed that we could by statute.

Chair Pollock said that the developer of the subdivision and the property owners could work out an agreement in which the homeowner's could be relieved of the responsibility of maintaining the detention basin. Mr. Jamison replied that the City needs some assurances that if the property is annexed into the City of Urbana that the maintenance of the detention basin would occur.

Ms. Upah-Bant asked if the issue isn't the cost of the indemnifying insurance. It is not the fact that an agreement is required. Ms. Insana is going to have to buy insurance. Mr. Jamison replied that the insurance that is required is basic liability insurance, which is required of anyone who owns a pond. The agreement requires the homeowners association to indemnify the City if we have to go in there to do work.



Chair Pollock called for a hand vote on the amendment to remove the requirement for a Stormwater Detention Basin Operations and Maintenance Agreement. The motion failed by a vote of 1-7.

Mr. Ward stated that he was very taken with the comments that Mr. Monk had made regarding the proposed subdivision and the way in which it is being approached. He did not feel that it would be appropriate for the Plan Commission to do anything about those comments at this particular time. The Plan Commission was presented with the proposed subdivision plat to review and vote on using the City’s current regulations and laws. He intended to support the motion based on this reason.

He encouraged others who are really concerned about the environment, of restoration of Big Grove, and of the historical background and aspect of our community to take Mr. Monk’s comments very seriously into consideration.

Roll call on the main motion was as follows:

|             |   |     |               |   |     |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris  | - | Yes | Mr. Grosser   | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock   | - | Yes |
| Ms. Stake   | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Ward    | - | Yes | Mr. White     | - | Yes |

The motion was passed by unanimous vote.

**Plan Case No. 2034-SU-07: A request by Insite Incorporated (as an agent for T-Mobile Communications) for a Special Use Permit to install an antenna equipment enclosure for an existing telecommunications tower at 1110 West Main Street in the B-1, Neighborhood Business Zoning District.**

Mr. Wempe gave the staff presentation to the Plan Commission regarding this case. He began with a brief introduction and background of the proposed site. He described the proposed site and the surrounding properties noting their land uses. He discussed the proposed antenna equipment enclosure. He reviewed the requirements for a Special Use Permit according to Section VII-6 of the Urbana Zoning Ordinance. He read the options of the Plan Commission and presented staff’s recommendation, which is as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommends that the Plan Commission recommend approval of the proposed special use permit in Plan Case No. 2034-SU-07 to the City Council, with the following conditions:*

- 1. The proposed equipment enclosure shall conform to the attached site plan (see Exhibit H).*

2. *The proposed equipment enclosure shall obtain all necessary building permits from the City of Urbana Building Safety Division.*

Ms. Stake questioned whether City staff had any criteria to go by to assure that there will be no harm to the nearby residents. Mr. Wempe asked what she meant by harm. Does she mean radio frequency harm? Ms. Stake said yes, that is what she meant. Mr. Wempe replied that Federal law actually preempts municipalities from using health and safety considerations for radio frequency waves as a reason for approval or denial of telecommunication towers and equipment. Ms. Stake wondered how we would know if there will be no harm to nearby residents. Mr. Wempe responded by saying that FCC has said that mobile carriers do not produce enough radio frequency waves to be of a concern to where they would violate the maximum exposure limits. Ms. Stake asked if there is research to show this. Mr. Wempe said that it is based on Federal government research.

Ms. Stake inquired as to how close people live to the proposed site. Mr. Wempe referred her to the photos in Exhibit G. It shows how close the adjoining apartment building is to the existing tower.

Mr. Myers stated that from the photos it is clear there are an existing tower and satellite dishes right next door. The petitioner is proposing to place an antenna on the existing tower and to build a new equipment enclosure at the base of the tower.

Ms. Upah-Bant asked if the City could place another condition on the approval of the special use permit requiring the petitioner to meet FCC standards. Mr. Wempe said yes.

Mr. Grosser inquired as to why the petitioner wants a wood fence. Mr. Wempe replied that the fence is not required by City code, and the wood fence is something that the petitioner is proposing.

Chair Pollock opened the hearing up to hear public input. With no comments or questions from anyone in the audience, he closed the public input portion of the hearing and opened it up for the Plan Commission to discuss.

Ms. Stake commented that it is too ugly and that she did not want to allow it. Chair Pollock pointed out that everything in the photos in Exhibit G already exists.

Mr. White moved that the Plan Commission forward Plan Case No. 2034-SU-07 to the City Council with a recommendation for approval including the two conditions as recommended by City staff. Mr. Ward seconded the motion.

Chair Pollock stated that the University of Illinois (U of I) does not recognize the City's zoning districts. Will they recognize our requirement that they obtain a building permit? Mr. Wempe responded by saying that this is actually a private entity on U of I property, so it is subject to the City of Urbana's codes and building permit requirements.

Mr. Grosser noted that while he appreciates the wood fence as an attempt to screen, he did not know if it would have much affect. He wondered if they would prefer to have a chain-linked fence for visibility issues through the space as opposed to a wood fence. Chair Pollock pointed out that in this case you get both. There is already a chain-linked fence around the property's perimeter. Mr. Wempe added that the proposed equipment enclosure would be fairly far back from the sidewalk.

Roll call was as follows:

|             |   |     |               |   |     |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris  | - | Yes | Mr. Grosser   | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock   | - | Yes |
| Ms. Stake   | - | No  | Ms. Upah-Bant | - | Yes |
| Mr. Ward    | - | Yes | Mr. White     | - | Yes |

The motion was passed by a vote of 7-1.

**Plan Case 2013-T-06: A request by the Zoning Administrator to amend Article XII of the Zoning Ordinance to add Section XII-6, Neighborhood Conservation Districts, to establish the procedures for a designation of Neighborhood Conservation Districts.**

Robert Myers, Planning Manager, began his presentation to the Plan Commission by giving background information on the policy basis for the proposed text amendment to establish Neighborhood Conservation Districts (NCDs). He reviewed the proposed designation process.

Mr. Hopkins was unclear about why a neighborhood that could qualify as a historic district and does not get approved as a historic district could never become a NCD. Mr. Myers explained that it is City staff intent that areas that could qualify to become historic districts would not use a NCD as a substitute.

Mr. White commented that he is under the impression that a historic preservation district is much more restrictive than a NCD. What happens if property owners prefer to become a NCD rather than a historic district? He does not understand why the Historic Preservation Commission will be reviewing NCDs at all. He believes that the homeowners should decide which they would like to petition for. Mr. Myers responded by saying that if a property or group of properties are truly historic and the owners want to save their properties as a historic neighborhood, then it should be under the historic preservation standards so that there is not a loss of historic character and diminished integrity. Mr. White felt that the property owners should have a say in whether they want to sink money into keeping their property historic or not.

Mr. Ward remarked that a property could end up not getting any protection at all under the language of the proposed text amendment. A neighborhood might qualify for historic preservation, but not pass as a district by the Historic Preservation Commission. It would not be able to qualify as a NCD and would be left with no historic protection. To him there are three levels of historic protection for a neighborhood, which are as follows: 1) doing nothing so that there is no protection at all; 2) protection by a NCD, which provides some protection but not as

much as historic preservation district; and 3) protection by historic preservation district. He believes that they should try to provide as much protection as possible. Therefore, he suggested that City staff review the process again.

Mr. Myers continued with his presentation. He talked about the implementation of a NCD (Steps 5 through 7). He noted that City staff would like to get input from the Plan Commission during this meeting but for them to delay making a recommendation to the City Council until the Historic Preservation Commission has an opportunity to provide input. Staff would then bring the text amendment back to the Plan Commission on March 22<sup>nd</sup>.

Mr. White understood that a historic district requires an initial petition of 25% of the property owners' approval. He wondered why a NCD would only require 10% of the property owners' approval. It seemed to him that 10% is a low number of people in a neighborhood. He believed that the percentage should be much higher. He also was not sure why City Council should be able to make an application for a NCD rezoning. Mr. Myers explained that the City Council can initiate any zoning action within the City. Mr. White wondered why it is mentioned in the proposed ordinance that City Council can apply. Mr. Myers replied that City staff wanted to make sure that this is clear.

Regarding the 10% versus the 25% in making the initial application, getting 25% of the property owners to actually be the applicants is different than getting people to buy into the concept latter on. Some people may not actually want to be an applicant. Mr. White expressed his concern for the property owners who do not want a NCD. Mr. Myers explained that in order to initiate the process 10% of the property owners would need to agree to be the applicants. At this point, there would not have been any hearings, so some property owners may not have all of the information that they really need to make a determination on whether it is a good idea or not. Next, we would have the public hearing to talk about the substance of application. Then a petition would need to be submitted with at least 60% of the property owners' approval.

Mr. Ward pointed out that Step 4 in the written staff report mentions open house meetings, yet he did not see them mentioned in the proposed ordinance. He feels that the idea of open input and maximum input is a good idea. Is there a legal definition of "open house"? Is there a requirement for notice? He wants to make sure that we have maximum input all the way through the process. Mr. Myers stated that City staff did not include open house in the proposed ordinance but realistically their would be heavy neighborhood involvement in preparing the district plan.

Mr. Ward reiterated that he wants to insure that we maximize the number of people to give input. Again, who would City staff notify? How would City staff notify them and how far in advance before the meeting? Where would the meeting be held? What is the meeting procedure? These are the questions that he is looking for answers for. He suggested that City staff include some of these answers in the proposed ordinance. Chair Pollock agreed. He felt that if it is important enough to mention in the flow chart, then it is important enough to mention in the proposed ordinance. Mr. Myers responded by saying that in terms of noticing for an open house, the City staff notices a public hearing. Throughout the proposed process, there would be lots of noticing, such as for the Historic Preservation Commission meeting, the Plan Commission meeting and for

the City Council. Mr. Ward remarked that he would not want to miss out on an open house for his neighborhood because he did not know about it because there was no formal notification. Lack of notification will undermine the legitimacy of the NCD program.

Ms. Stake expressed that she is pleased that the City is moving forward with a text amendment to establish NCDs. She had some questions. She referred to Page 15 of the proposed ordinance under Section E.2, which states, "*The Preservation Commission may amend, but not extend the boundaries of the proposed neighborhood conservation district*". She wondered why the Historic Preservation Commission could not extend the boundaries, because sometimes it may be a good idea. Mr. Myers replied that if the Historic Preservation Commission was able to extend the boundaries, then it would change what the applicants had applied for and would include areas not given public notice.

Ms. Stake inquired as to who is in charge of a Certificate of Appropriateness. Mr. Myers explained that the Historic Preservation Commission approves or denies a proposed Certificate of Appropriateness (COA). COAs come after a historic district or landmark has been approved for review of projects. The references to COAs in the Historic Preservation Ordinance are already adopted and staff just provided the entire Historic Preservation Ordinance in the packet for reference.

Mr. Grosser suggested the following changes. They were as follows:

- 1) On Page 15, under Section XII-6.C.2.a, it should read, "*Upon 10% or more property owners within the proposed district who apply for it; or*".
- 2) On Page 15, under Section XII-6.E.2, it should read, "*...The Preservation Commission may ~~amend~~ reduce, but not extend ...*".

Mr. Myers stated that it goes back to public notification purposes. If the Historic Preservation Commission expands the area, then the expanded area would not have been included in the notification process and it would not serve the public notice. However, if the Historic Preservation Commission shrinks the area, then at least the people in that area would have still been notified.

Mr. Grosser felt confused by the flow chart in that 60% of the property owners have to sign off on wanting a district plan that has not been prepared. According to the flow chart, the district plan is prepared after the property owner petition is submitted. He understood that City staff probably did not want to go through the work of generating a district plan without knowing whether the property owners even would support a plan, but as a property owner he would not be able to say that he wants a plan without knowing what is in it. This is a problem that he is not sure how to solve. Chair Pollock added that the lack of clarity could doom a proposal.

Mr. Grosser inquired if there is anything that precludes a NCD from later becoming a historic preservation district. Mr. Myers said no. Mr. Grosser agreed that property owners should be able to apply for a NCD if their properties are not approved by the Historic Preservation Commission as a historic district.

Mr. Hopkins commented that we need to be careful between the designation of the Historic Preservation Commission and the Plan Commission public hearing to be precise about what is going on. By describing this as a plan making process, we are confusing people, because what is actually being proposed is the development of a neighborhood specific regulatory ordinance. It is not actually a plan in the strict sense of the word. We would be developing an ordinance and would be imposing regulations, which would come before the Plan Commission as an amendment to the Zoning Ordinance. Mr. Myers responded by saying that design review documents are typically enacted through either resolutions or ordinances. Mr. Hopkins pointed out that the only precedent that the City of Urbana has for this kind of regulation is the MOR District. Each enacted district would be an amendment to the Zoning Ordinance. He feels that we are creating confusion by describing the process after the Historic Preservation Commission's determines an application is eligible through the Plan Commission conducting a public hearing as a planning process. It is not a planning process. It would be an ordinance drafting process. It has public hearing requirements, etc.

Ms. Upah-Bant brought up the issue of new construction, which is mentioned in Section XII-6.A.2. Is this the only section of the proposed NCD Ordinance that talks about new construction? Mr. Myers stated that at the time the district itself is being proposed, any design guidelines would determine whether people wanted to review new construction or not. It depends on how a district wants to handle new construction.

Ms. Tyler responded to Mr. Hopkins question about whether it is an ordinance or a plan. City staff envisions it as having elements of both. The MOR is a zoning district and was enabled in the Zoning Ordinance as a text amendment. However, the MOR Design Guidelines were accepted separate from the Zoning Ordinance and adopted by its own ordinance. So, she does not think that we want to encumber the Zoning Ordinance with several small neighborhood plans. The intent really is to do some planning in these districts to tailor them to each neighborhood and to address the concerns in each neighborhood, which is a planning exercise. To come out with ordinances that deal with things like design review or development review, we really do not know because each neighborhood would be different. It will be a text amendment to the Zoning Ordinance, but it will be something else as well.

Concerning outreach, she realized that there are some concerns about the open house meetings. City staff does have pretty rigorous notification requirements for public hearings. The problem is if we just do a public hearing, then we cannot have that informal interaction. She did not know how to make an informal public outreach formal. She agreed that we need to have both the formal public hearings and the informal meetings.

Chair Pollock commented that the idea is to provide property owners a chance to come together to form a neighborhood generated initiative. He did not feel that it needed to be mentioned in the proposed ordinance that it could or should be done or suggested that it be done by direction of the City Council.

Ms. Stake feels that the City Council should be able to give direction to do a NCD, because some people may not realize what they could do to preserve their neighborhood. When the City

Council sees that there are places that should be preserved, then it would be reasonable for them to initiate a NCD.

Mr. Myers mentioned that in certain instances, it is appropriate for the City Council to take leadership on rezoning cases, such as to implement the Comprehensive Plan.

With no further questions or comments for City staff, Chair Pollock opened the hearing up to take testimony from members of the audience.

Dianna Visek, of 608 West Pennsylvania Avenue, objected to the purpose and the process of NCDs as expressed in the proposed ordinance. She has mentioned several issues that she has with the document.

On Page 4 of the written staff report, one of the purposes stated is as follows, "*Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing*". Aesthetics is a very subjective thing. Many of the buildings built by some famous architects in the City of Urbana might not have ever been built if voted upon based on aesthetics. We would have had very mundane, bland, generic, conforming buildings. We would not have the character that we have today. Therefore, this purpose is in direct opposition of what the City of Urbana represents, which is a more individualistic orientation.

On Page 16 of the proposed ordinance, under Section XII-6.G.4, it states, "*Establishment of a review board (administrative or board review) and level of review required for changes of appearance to buildings within the Neighborhood Conservation District; and*". "Appearance" is a very broad word, which covers things like color. It could mean color of shingles, paint, or shutters. She personally has been subject to comments about the ghastly color of her shutters. People like to regulate other people's behavior, and they like to impose their aesthetic standards on others. She did not feel that the City of Urbana is the place for this.

On Page 16 under Section XII-6.G.3, the proposed ordinance talks about things that could be regulated such as façade/elevation features, roofline and pitch, building size and massing, openings, outdoor living space, materials, parking areas and landscaping. She mentioned that she is an avid gardener. She does not think others have the right to tell her what she could plant.

She is concerned about the process. City Council should not be able to suggest a NCD in a neighborhood. She feels that to initiate a NCD it should come from the neighborhood and more than 10% of the neighborhood should be required. The bit about 60% of the property owners must be in favor of the petition for a NCD. That leaves 40% of the property owners against it, and this could cause a great dissention in a neighborhood. The percentage should be much higher than 60%.

The proposed NCD text amendment is touching on areas of property rights and areas of aesthetics, which has nothing to do with functionality, public safety, or density. This is micro-zoning. These are ordinances that would affect as few as 25 lots. She feels this is a dangerous thing, and she would like the Plan Commission and City Council to think very hard about approving this.

Chris Stohr, President of the Historic East Urbana Neighborhood Association (HEUNA), expressed his appreciation for the ability to talk about the NCD text amendment. He commended Mr. Myers, Mr. Wempe and Rebecca Bicksler for the work that they have done in researching and preparing the proposed text amendment.

The goal of trying to preserve the character of Urbana's residential neighborhoods is a noble one. HEUNA has had particular problems in their neighborhood with the wear down-tear down and replace it with the cheapest possible multiple-family structure with parking in the front and no windows and doors facing the street. It runs down the adjacent property values and discourages neighbors from keeping up the appearance and maintaining their homes.

In looking at the proposed process for a NCD designation, he wondered if the application should be submitted by 10% of property owners or *resident* property owners. HEUNA has many absentee landlords in their neighborhood. This would make a big distinction about who would apply for designation of a NCD.

He expressed his concern about the preliminary determination and the role of the Historic Preservation Commission. As has been brought up previously, the role of the Historic Preservation Commission is one that requires a great deal of study and a lot of documentation before a historic preservation district is determined. He is concerned that if this same sort of process (lengthy study and documentation) might require the Commission to do a lot as they try to determine whether a neighborhood falls into the historic preservation category or the neighborhood conservation category.

He wondered if the 60% meant resident property owners. He noticed that only 25% of the property owners need to apply for a historic preservation district nomination, which has more constraints on what can be done with a property. He would like to see more discussion on this and see if it could not be brought more in line with what is done for the historic preservation districts. The process might even be molded more along that line.

Tyler Fitch, of 503 East California, noted that he lives in the Historic East Urbana Neighborhood. They do not want a NCD to be anything like a historic preservation district. They were thinking more of a MOR-type of scenario. On rebuilds, new structures, and maybe significant remodels, there would be some level of design review.

HEUNA has questions about why a NCD nomination would have to be reviewed by the Historic Preservation Commission. The way the proposed ordinance is written sounds too much like a historic preservation ordinance. It raises the kind of fears that makes people wonder if they are going to be told how to keep up or maintain their property.

HEUNA is really only worried about incompatible, large multi-family structures coming into the middle of a residential neighborhood. The neighborhood is mostly made up of single and two-family units. They want to stop the encroachment of multi-family structures. If the neighborhood was zoned right, then they would not need a NCD.



Mr. Fitch commented that there were some good points raised earlier in the discussion about the sequence of steps. HEUNA has questions about the 60% petition requirement. Finding 60% of the property owners at home over 60 days would be really difficult. A referendum process for special improvement districts might be an alternative.

Chair Pollock questioned whether HEUNA talked about the possibility of a rezoning plan for the neighborhood as a way to protect and prohibit what they are afraid of. Mr. Fitch stated that possible down-zoning and a zoning review is part of their neighborhood plan. They are in the process of doing a house-by-house inventory, so they know what the existing uses are. There is a lot of rental property in the neighborhood, which is not really a problem. It is a low crime area. Chair Pollock responded by saying that rezoning might be easier than creating a NCD.

Mr. Fitch stated that there is real confusion about what a NCD is. How is a NCD different from a historic preservation district? And what exactly is the problem that a NCD is trying to solve? Ms. Stake replied that one of the problems to solve is to preserve the residential areas. Apartments keep pushing from all directions, so that many of the residential areas are encroached upon. Mr. Fitch pointed without rezoning the area a NCD would still allow multi-family structures. There would only be more restrictions on landscaping, exterior features, etc.

Mr. Grosser appreciated comments from the public. He felt it would be useful if City staff would come up with a hypothetical situation where a NCD identifies and solves the problems of an area that could not be solved in other ways. Chair Pollock stated that he is not sure of what might be involved in putting something like this together. It seems to be a discussion that would be perfect for a neighborhood considering the development of a NCD. Mr. Grosser understood that one of the reasons for the development of the proposed NCD ordinance is for a neighborhood like the Historic East Urbana neighborhood. Yet, he thinks it is a reasonable point that some of the problems that people in the HEUNA neighborhood have could be solved and would be better solved through a zoning change. Mr. Myers noted that the City Council has directed staff to work on the possibility of rezoning some of the properties in the Historic East Urbana neighborhood to conform better with the predominant land uses.

Chair Pollock inquired as to whether people have expressed interest in creating a NCD anywhere outside the Historic East Urbana and West Urbana neighborhoods. Mr. Myers said that these are the two areas that have expressed interest in NCDs.

Mr. Grosser stated that he it would not have to be a plan or anything that extensive. He would just like to have a presentation of a few issues say in the West Urbana neighborhood that we think people are wanting to fix or change with a NCD, so that he has more of a sense over why a NCD is the best way to fix those problems. Mr. Myers gave examples of some of the issues such as apartments built on stilts and apartments with blank walls (no windows or openings) facing the street. Simply rezoning properties would not resolve these issues.

Mr. Ward agreed that a discussion of what problems a NCD would solve and what other options there might be would be helpful. He is beginning to think that the proposed NCD ordinance is a blunt instrument designed to do micro surgery, and it will not work. He is bogged by the 60% requirement. The thought of any group in the City of Urbana by a 60% vote could approve

anything seems impossible. He is worried that they might be creating an unworkable solution to some very real problems. He would like to see what the other options are. Although the proposed text amendment is before the Plan Commission because City Council directed it, he feels that the Plan Commission is obligated to explore other options to solve the problems.

Ms. Stake commented that NCDs are part of the Comprehensive Plan.

Chair Pollock inquired whether City staff had enough information to provide the overall need for a NCD and specific remedies that it would be designed to address. Mr. Myers replied yes.

Ms. Stake suggested that City staff get more information on how it has worked in other cities, so people would understand that it would not be telling people exactly what to do and that it is a concerted effort to preserve neighborhoods and make it like we want them to be.

Chair Pollock tabled Plan Case No. 2013-T-06 until the March 22, 2007 meeting.

## **8. NEW BUSINESS**

**CCZBA 576-AM-06 and 579-AM-07: A request by Bill Cope and Mary Kalantis to rezone 19 acres by adding the Rural Residential Overlay (RRO) zoning designation; and to rezone 10 acres from the AG-2, Agriculture Zoning District to County CR, Conservation-Recreation.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began by giving a brief introduction by explaining that proposed property currently has two zoning designations. The petitioner is requesting to rezone the west side of the property to County CR, Conservation-Recreation to match the zoning on the east side. He discussed the County's CR and AG-2 zoning districts. Since the lot has the Saline Branch Drainage Ditch running through it, it would be beneficial to have the entire lot zoned County CR. He also discussed the County's RRO, Rural Residential Overlay requirements. He referred to the City of Urbana's Comprehensive Plan Future Land Use map and discussed how the rezoning relates to the Plan. He reviewed the LaSalle National Bank rezoning criteria that pertained to the proposed rezoning case. He read the options of the Plan Commission and presented City staff's recommendation, which was as follows:

*Based upon the findings in the written staff report, staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.*

Ms. Stake moved that the Plan Commission forward these cases to the City Council with a recommendation to defeat resolutions of protest as recommended by City staff. Ms. Burris seconded the motion. A roll call vote was taken as follows:

|             |   |     |               |   |     |
|-------------|---|-----|---------------|---|-----|
| Ms. Burris  | - | Yes | Mr. Grosser   | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Pollock   | - | Yes |
| Ms. Stake   | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Ward    | - | Yes | Mr. White     | - | Yes |

The motion passed by unanimous vote.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

There was none.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 11:17 p.m.

Respectfully submitted,

---

Robert Myers, AICP, Planning Division Manager  
Urbana Plan Commission

# Existing Land Use w/Aerial Photo EXHIBIT "C"



**Plan Case: 2019-S-06: Brickhouses Road Subdivision (Major)**

**Petitioner:** Insana

**Location:** Airport Road

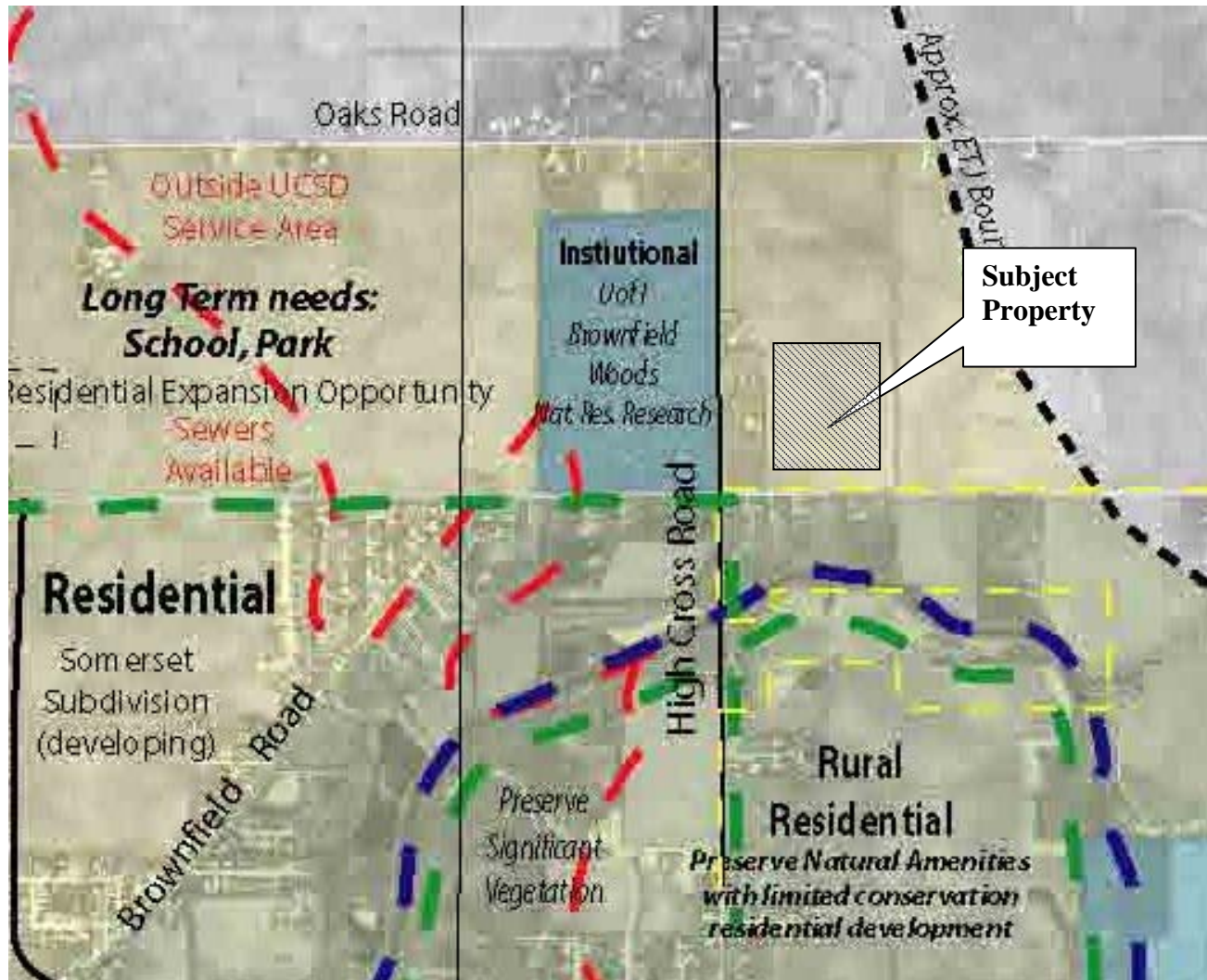
**Zoning:** RRO zoning overlay / County AG-2, Agriculture

*Prepared 2/15/07 by Community Development Services - pal*

# Future Land Use

# EXHIBIT "D"

Source: Comprehensive Plan Future Land Use  
Map # 2, p.73 – Detailed Section



**Plan Case: 2019-S-06: Brickhouses Road Subdivision (Major)**  
**Petitioner:** Insana  
**Location:** Airport Road  
**Zoning:** RRO zoning overlay / County AG-2, Agriculture

Prepared 2/15/07 by Community Development Services - pal

Ex "F"



Petition for Final Plat

Plan Commission

FINAL PLAT APPLICATION FEE - \$200.00
PRELIMINARY AND FINAL COMBO APPLICATION FEE - \$15.00 PER LOT (\$300.00 MINIMUM)

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date of Pre-Application Conference
Date Filed
Date set for UPC consideration
Plan Case No
Fee Paid

1. Name of Development BRICKHOUSES ROAD SUBDIVISION

2. Application for (please check one):
Preliminary Plat
Final Plat
Combination Preliminary/Final Plat X
Planned Unit Development
Other

3. Name of Applicant MICHAEL & DEBORAH INSANA Phone 217 586-7473
Address 1104 OAK CREEK RD MAHOMET, IL 61853
(street/city) (state) (zip code)

4. Name of Local Agent
Address
(street/city) (state) (zip code)

MICHAEL F. & DEBORAH J. INSANA
5. Owner of Record TRUST DATED 2/28/05 Phone 217-586-7473
Address 1104 OAK CREEK RD MAHOMET IL 61853
(street/city) (state) (zip code)

6. Engineer REX A. BRADFIELD - ZAMCO, INC.
Address 1602 E. UNIVERSITY AVE. URBANA, IL 61802
(street/city) (state) (zip code)
Phone 217 367-8344 Fax Email

7. Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
(street/city) (state) (zip code)  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

8. Development location by closest adjacent streets NORTH SIDE OF AIRPORT RD.  
350 FEET EAST OF HIGH CROSS ROAD

9. Total site acreage 23.83 Total number of lots 12 Acreage per lot 1 - 10 ACRE  
7 - ~ 1 ACRE  
4 - 1/2 ACRE

10. If the proposed development is not a subdivision, mobile home park, or a planned unit development, but is a major development (as defined by Chapter 21, Development Code, of the Urbana Code of Ordinances) please attach a statement which includes the following information:

A. Type of Construction:

Residential \_\_\_\_\_  
Commercial \_\_\_\_\_  
Industrial \_\_\_\_\_  
Quarrying or Mining Activity \_\_\_\_\_

B. If multiple family dwellings are proposed, the total number of buildings \_\_\_\_\_  
and the number of units per buildings \_\_\_\_\_

11. If the property is located within the City's extraterritorial jurisdiction, has the Champaign County Zoning Board of Appeals granted any variance, exception or Special Use Permit concerning this property? If so, please list case name and case number:

Case Name DEBORAH AND MICHAEL INSANA  
Case Number 547-AM-06 CONTINUED UNTIL 10/26/06

12. If the property is located within the corporate limits of the City of Urbana, has the City of Urbana Board of Zoning Appeals or the Urbana City Council granted any variance, exception, conditional use permit or special use permit concerning this property? If so, please list case name and case number:

Case Name \_\_\_\_\_  
Case Number \_\_\_\_\_



13. If the proposed plat represents a final plat of major development, has any change to the plat been made since it was last before the Plan Commission or City Council? \_\_\_\_\_  
If so, please describe \_\_\_\_\_
- 

14. Are any waivers of the development standards or minimum engineering design standards requested as part of this application? If so, please attach appropriate waiver application forms to this application. *yes*

15. The following number and type of documents are to be submitted with this application:

**PRELIMINARY PLAT OF MAJOR DEVELOPMENT**

- A. Plat Original
- B. Plat Prints:
  - 1. If the development is located within the corporate limits of the City of Urbana, include 25 full sized prints or 3 full sized prints and 22 reduced (11 x 17) copies.
  - 2. If the development is located within the City's extraterritorial jurisdiction, include 30 full sized prints or 3 full sized prints and 27 reduced (11 x 17) copies.
- C. Traffic impact analysis, if required, under Section 21-13(F) of the Urbana Land Development Code.
- D. General area plan, if required, under Section 21-13(E) of the Urbana Land Development Code.
- E. Two copies of the subsidiary drainage plat.

**FINAL PLAT OF MAJOR DEVELOPMENT**

- A. Plat Original.
- B. Plat Prints: 23 total prints; 5 full size copies and 18 reduced (11 x 17) copies.
- C. Subsidiary Drainage Plat, 2 prints plus supporting materials.
- D. Owner's Certificate with covenants (Original) notarized.
- E. County Clerk's Tax Certificate (Original), (signed and sealed)
- F. School District Statement (Separate document from the Plat)
- G. Recording Agent Designation (if not stated on the Plat)
- H. Engineering Plans, 3 complete sets (if required)
- I. Stormwater Management Plan (if required)
- J. Construction Bond (if required)
- K. Soil Erosion and Sedimentation Control Plan (if required)

**PLANNED UNIT DEVELOPMENT AND MOBILE HOME PARKS**

The document submissions required for planned unit developments located within the City's extraterritorial jurisdiction shall be the same as those for preliminary and final plats of major developments in accordance with Section 21-18 of the Urbana Development Code. The document submissions required for mobile home parks shall be the same as those required for a preliminary plat and final plat of major development.



Please find attached hereto an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page number of each conveyance to the present owner as recorded in the Champaign County Recorder's Office. The affidavits shall indicate the legal ownership of the property, the contract owner of the property, and the effective date the contract was executed.

IN THE EVENT OF OWNERSHIP IN A LAND TRUST:

All persons having legal beneficial interest in such land shall be disclosed and made part of the affidavit.

I, Michael Insana  
Deborah J. Insana, hereby depose and decree that all of the above statements and documents attached hereto are complete and true.

Deborah J. Insana      Michael Insana  
Applicant's Signature

Subscribed and sworn to before me this 13<sup>th</sup> day of Oct, 2006

M. Christine Huffstutler  
Notary Public



My commission expires: 03-01-08

Ex: "G"



Petition for Waiver of Subdivision Regulations

Plan Commission

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Filed \_\_\_\_\_ Plan Case No. \_\_\_\_\_

Date set for UPC consideration \_\_\_\_\_

Recommendation by UPC \_\_\_\_\_ Date \_\_\_\_\_

Action by Council \_\_\_\_\_ Date \_\_\_\_\_

Note: This form is to accompany a plat of subdivision when such plat is submitted for consideration by the City of Urbana. (Attach additional sheets if necessary).

1. Name of development BRICKHOUSES ROAD SUBDIVISION

2. Name of applicant DEBORAH J. INSANA (Phone) 217 586-7473
Address 1104 OAK CREEK RD MAHOMET IL 61853
(street/city) (state) (zip code)

3. Owner of Record MICHAEL F & DEBORAH J. INSANA TRUST DATED 2-28-05 (Phone) 217-586-7473
Address 1104 OAK CREEK RD MAHOMET IL 61853
(street/city) (state) (zip code)

4. Waiver(s) Requested:
25 FOOT WIDE STREET - 50 FOOT RIGHT OF WAY
55 FOOT R. CUL-DE-SAC
SIDEWALK DEFERRAL

Section 21-36 Subsection 1A Page 41

Section 21-37 Subsection A1 Page 43

Section \_\_\_\_\_ Subsection \_\_\_\_\_ Page \_\_\_\_\_

5. What practical difficulties or conditions exist that are not applicable generally to other properties which make it difficult to comply with the requirements of the development ordinance?

Very low traffic - rural development

6. What effects will the requested waiver(s) have on present and future public services to the property proposed for subdivision and lands adjacent to the property? Further, will such waiver(s) result in any negative impact or environmental incursions to the property adjacent to or in the vicinity of the proposed subdivision? If so, please state (or attach) evidence identifying such impacts and proposed solutions in order to mitigate or reduce the negative impacts resulting from the waiver(s).

none

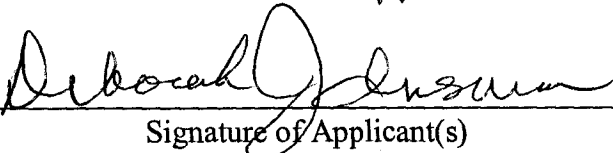
7. What other circumstances justify granting the requested waiver(s)?

less impervious surface = less runoff

8. Additional exhibits submitted by the petitioner:

Wherefore, the petitioner prays that this petition be heard by the Urbana Plan Commission and the petition for waiver of the Urbana development regulations, Chapter 21 of the Urbana Code of Ordinances be granted.

Respectfully submitted this 11th day of October, 2006

  
Signature of Applicant(s)

## **BRICKHOUSES ROAD SUBDIVISION**

Additional Waiver requested:

Section 21-42

Subsection E2

Page 55

### **STORMWATER DETENTION BASIN EASEMENT AND OPERATION-MAINTENANCE AGREEMENT**

We are requesting a waiver or deferral of submission of the stormwater maintenance agreement with the city of Urbana. As per the reasons given in the request for waiver of the sanitary sewer requirement, it is likely that Brickhouses Road Subdivision will not be located in the City of Urbana for many decades into the future. It will remain a rural subdivision in Champaign County. The Maintenance agreement requires the subdivision to purchase and maintain insurance indemnifying the City of Urbana from all liability, obligation and claims, but the subdivision will not be located in the city of Urbana. It would seem the more likely beneficiary of such an insurance policy would be the municipality in which the property is located.

Additionally, provisions in the agreement are written to address a typical subdivision stormwater detention basin, which requires more regular maintenance than ours will. Brickhouses Road stormwater detention capacity is being provided by a privately owned pond, that has a much greater capacity than is required for stormwater detention. It is being developed as a habitat pond, with methods prescribed by the Department of Natural Resources and the Illinois Environmental Protection Agency. Activities such as dredging, mowing and spraying, as outlined in the maintenance agreement are not desirable for a habitat pond, and should not be necessary. The owners of the pond will bear all the costs associated with the habitat establishment and maintenance. There is no common property in the subdivision, but the covenants do call for the establishment of a Homeowner's Association to enforce the covenants and maintenance of the stormwater drainage system. This maintenance would refer to keeping the drainage pipes, channels and inlets clear and in good repair, and correcting any problems with water quality due to runoff pollutants and sediment. The natural pond has safeguards against such potential problems, such as vegetative filter strips and shoreline buffer strips. In the event the natural safeguards prove to be insufficient, the Homeowner's Association (in which the pond owners are members) can be held responsible to remedy the situation.

*Deborah Johnson*  
1/22/07

## BRICKHOUSES ROAD SUBDIVISION

Additional Waiver requested:

Section 21-41

Subsection A and A6

Page 46

Sanitary Sewers

Please note: We maintain that Brickhouses Road subdivision is exempt from this requirement as stated in 21-41A,

This requirement shall not apply to any new development which lies outside the boundaries of the Urbana-Champaign Sanitary District and cannot be provided with sanitary sewer service by a sanitary district or public utility.

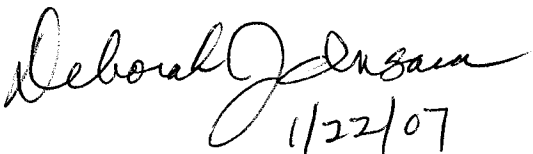
The engineering department is interpreting this to say the planning area (not the service area) of the UCSD. If it was intended that the planning area of the UCSD be included in this requirement, there would have been no reason to include this stated exemption in the development code.

### 6. What practical difficulties...

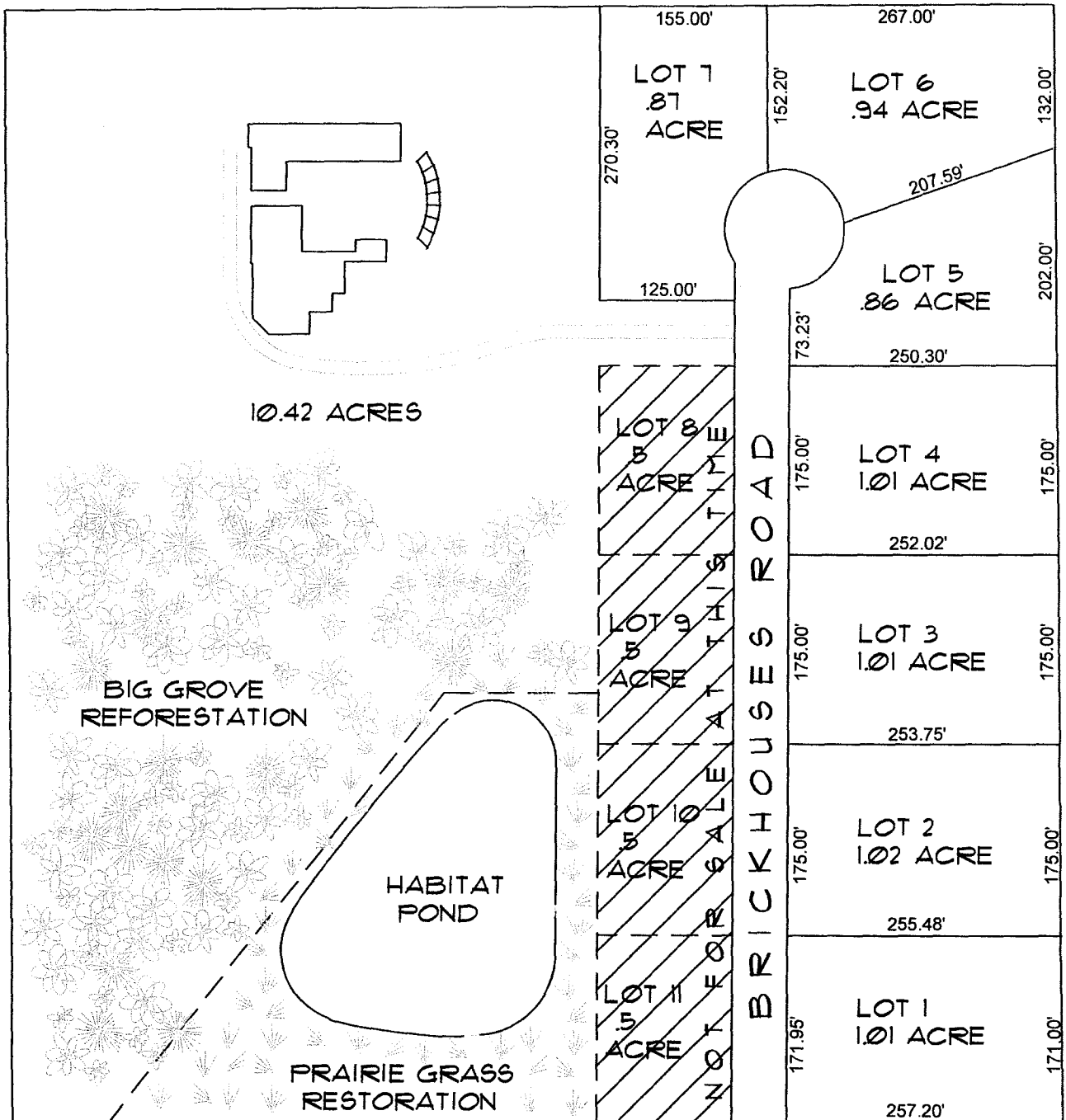
This is a *rural* subdivision that is located in unincorporated Champaign County and it is our intention that it remain that way. Soil analysis has indicated that the land is "better than typical" for septic systems in Champaign County. We do not desire to connect to the UCSD. Our location between U of I's Brownfield Woods and the adjacent U of I owned farmland, and the existence of many rural residential properties and a large 100 year flood zone are significant to the likely lack of development requiring sewers in our area. I had a long conversation with Mike Little, Director of Engineering for UCSD on January 3<sup>rd</sup> of this year, and he told me that Brickhouses Road Subdivision is located in a watershed that drains from the north to the Saline Branch Ditch at its south side. It is a watershed that will require another regional pumping station and that at the present time, no planning work has yet been done on this station or the interceptor for the watershed. A sewer main would have to get within 350 feet before we would be required to connect to it. That is highly improbable, in the next 50 years or so.

### 7. What effects will the waiver(s) requested have on present and...

The waiver would cause no negative impact on the subdivision or the lands adjacent. Urbana's future land use map shows the adjacent area to the south labeled as *Rural Residential: Preserve natural amenities with limited conservation residential development*. We are just extending that district a bit to the north. Our Subdivision plans include 7 acres of wildlife habitat, prairie grass restoration, and reforestation of the trees of the "Big Grove". Not putting in sewer pipes will have the positive benefit of discouraging urban development in a sensitive, natural area.

  
1/22/07

EX: "H"



BRICKHOUSES ROAD SUBDIVISION

AIRPORT ROAD

HIGH CROSS ROAD ↑

Ex "I"

October 10, 2006

Dear Members and Staff of the Urbana Planning Commission:

As part of our application for Preliminary and Final Plat Approval for a subdivision located in Champaign County but within the ETJ of Urbana, I have included a draft of your "Storm Water Detention Basin Easement and Operation – Maintenance Agreement revised by our attorney, Lott Thomas, of Thomas, Mamer, and Haughey, for your approval. Our subdivision presents an unusual arrangement for the storm water detention basin, and it was necessary to make some changes to your usual agreement to accommodate these unique features.

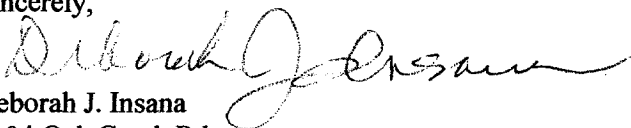
The storm water detention basin is part of a habitat restoration project. As a former Kansas State University Extension Master Gardener, and a plant propagator for the Friends of the University of California at Davis Arboretum, I have long been interested in doing a project like this. We are the owners of the land where the pond will be developed. Our land was once part of "the Big Grove", one of the few native woodland areas of Champaign County. We will be retaining ownership of 13 acres of this property, and restoring the native woodlands and prairie grasses to the property.

We are including a pond in our habitat area. We had soil investigations performed in the area where the pond will be located. These investigations revealed a significant sand layer approximately 4-5 feet below the existing grade and corresponding low ground water level. Because we want to provide an acre of surface water for the wildlife pond, the potential for storm water detention capacity in our pond is around 17 acre feet. Runoff from a 100 year storm event for the entire 24 acre parcel and some contributing areas to the north is calculated to be about 3.65 acre feet. It appeared that this was the best way to manage the storm water, rather than build one specifically for the subdivision drainage needs.

But instead of being *owned* by the homeowner's association as is typical for a storm water detention pond that serves a subdivision, we will continue to be the sole owners of the pond. In order to develop the habitat, we have to restrict access to it; the pond will not be available to the residents of the subdivision as is typical. We will plant the banks of the pond with native prairie grasses that are much more effective at bank stabilization than typical bluegrass sod and riprap. Water that drains from the subdivision will first be channeled through a vegetative filter strip 15 feet wide and 30 feet long to help remove pollutants and sediment before the water reaches the pond. These practices have been promoted by the Illinois Environmental Protection Agency, Departments of Natural Resources and university research groups around the country for years now (see attached publications), but not too many jurisdictions are using them to build better, low-maintenance, detention basins that can double as habitat for our ever disappearing flora and fauna.

The revised maintenance agreement provides for the Homeowner's Association to be ultimately responsible for insuring that the storm water draining system works as it was designed to. But it also provides a way to transfer responsibility for developing and maintaining the habitat and pond to the owners of the pond, because it does take time and the ability to control the conditions, for a project like this to be successful.

Sincerely,



Deborah J. Insana  
1104 Oak Creek Rd  
Mahomet, IL 61853  
217-586-7473

Paul Lindahl

November 14, 2006

NOV 16 2006

Elizabeth H Tyler, PhD, AICP  
City of Urbana Community Development Services  
400 S Vine St  
Urbana, IL 61801

Dear Ms. Tyler:

Thank you for attending the meeting yesterday, with my engineers and I, and the engineering and planning departments. I do not think the unique qualities of our project have been communicated to all the parties involved, but I believe I detected a hint of understanding from you that this is not a "typical" Urbana city subdivision, as it would seem the engineering department would like to view it. I hope you do not mind that I present these characteristics to you directly, and perhaps you can share this information with the others involved, so that my request for waivers can be considered fairly. I included some of this with my application package that I gave to Paul Lindahl, but as I understand, he did not pass on the revised storm water maintenance agreement, perhaps he did not circulate the other support materials, either.

The most significant feature of our new subdivision is the fact that, about one third of it will be restored to the "Big Grove" woods and prairie grass landscape and wildlife habitat that existed there before it was cleared for farming. Goal 3.2 of Urbana's 2005 Comprehensive plan is to "Promote new developments that are unique and capture a 'sense of place'" and 3.1 states "Encourage an urban design for new development that will complement and enhance its surroundings." We designed our subdivision to encompass the urban characteristics of houses clustered on a cul-de-sac collector street, to blend in with the eventual urban community it will someday be a part of, but for the present and likely several decades into the future, our subdivision will be a rural one.

Our location east of High Cross Rd, is an area that is surrounded by *rural development*. This development, together with a 100 year flood plain and the presence of University of Illinois properties on both the east and west sides of ours, virtually guarantees there will be no further development in our area for many years. The CCRPC-CUUATS High Cross/IL 130 Corridor study did not even discuss improvements to Airport Rd *east* of High Cross. I spoke with a planner from the C-U Sanitary district some months ago about the potential for sewers in our area, and he said it's not even on their radar, they are focusing their efforts in other places. When sewers do come to our area, the main will likely come in from the east and we would be at the *end* of that line. ALL indications are that our subdivision will remain a rural subdivision in Champaign County for decades to come.

The waiver process exists because it is recognized that "one size fits all" is not always the best way to proceed. I believe in sidewalks, but isolated strips of concrete out in the country are not really sidewalks. They are not providing any additional benefit to the neighborhood. The underused 25 foot runway of concrete street would serve very well for neighbors wishing to walk to their neighbor's houses. At such a time when a sidewalk system occurs on Airport Road, where perhaps a person could walk down to the bus stop at



Brownfield Road, it would be reasonable to install the sidewalks along Brickhouses Road. This contingency is covered in The Covenants submitted with our application. Concerning our 25 foot wide street, I seriously doubt that parking on the street would ever be an issue (there is enough room for 7 cars to park in front of each house located on the straight part of the street). If we put up *no parking* signs, who would enforce them? The Sheriff? We chose to make our cul-de-sac diameter larger than the minimum to facilitate on street parking, emergency vehicles, and snow removal. This seems like a reasonable place to expend extra concrete, a wider street and sidewalks to nowhere, do not.

Likewise, the unnecessary installation of sewer pipes that realistically cannot be used for decades, is an unreasonable and wasteful expense. My contractor, who has been installing sewer pipes for a half century, estimates this would cost about \$30,000. He says the cost would be similar whether they were installed in an existing development or a new development. As a standard practice now, they pour the street first and bore under it to install the pipe. Construction practices and standards change over time. At that very meeting, Gale Jamison mentioned to my contractor that SDR35 pipe is no longer acceptable as a sewer pipe. Why require us to put in a pipe that may be obsolete, or damaged unknowing by work on other utilities and left to deteriorate undetected for decades, before a connection is even possible? Our subdivision soils have been tested for septic suitability and the results indicate they are better than typical conditions in Champaign County. There are no problems anticipated for continued use of standard septic systems in our development.

Goal 16.0 of the Urbana 2005 Comprehensive Plan is to "Ensure that new land uses are compatible with and enhance the existing community." Objective 16.2 states that the objective is to "Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city." Our land is in one of those environmentally sensitive areas. The existing community is *rural*. Our restoration project is significant to the area. Please don't force us to spend \$24,000 on sidewalks, and \$30,000 on sewer pipes that are unnecessary at the present. We would like to devote these resources to the restoration project, which is the more appropriate place to spend the money at this time. When the urban development engulfs our area; then will be the appropriate time to install the urban amenities.

Please help communicate this plan to the staff of community development and engineering. The waiver process exists for a reason; our rural subdivision is a perfect example of the kind of development that should be granted waivers.

Thank you for your consideration.



Debbie Insana  
1104 Oak Creek Rd  
Mahomet, IL 61853  
217-586-7473  
mfi@mchsi.com

cc: C Smyth, D Chynoweth, R Lewis, B Bowersox  
D Roberts, H Stevenson, L Barnes, L Prussing

November 14, 2006

This is a copy of the letter I sent to  
City Council members, along with the  
letter and info I sent you

Laurel Prussing  
400 S Vine St  
Urbana, IL 61801

Dear Mayor Prussing,

I have proposed a little project that will soon pass your way to be voted on at a city council meeting. You have encountered this project before, a "resolution of protest" vote regarding Champaign County rezoning of the property. The council voted not to protest, and I thank you for that.

In the many months of this journey, the many thousands of dollars spent and the mountain of paperwork that has been generated, the *essence* of the project got lost. Councils and committees who vote on it don't even know what prompted this development, or what I am trying to accomplish here.

We purchased this 24 acres of land to build our home on. Because I was a Kansas State University Master Gardener and a propagator for the Friends of the University of California at Davis Arboretum, the "Big Grove" heritage of the land sparked a yearning to restore the native landscape. But that takes money. We also wanted to extend the water main from the corner approximately 500 feet away. It helps to have access to a good supply of water when you are trying to restore a landscape. But that takes even more money. That is how our adventure in rezoning and subdivision platting began, to fund the restoration of a piece of the "Big Grove" to Champaign County.

The waivers we have requested are appropriate for this development, and necessary, for there to be any hope of this being a venture profitable enough to achieve the goal. *The Essence*.

I have enclosed a copy of a letter I wrote to Libby Tyler that explains in more detail, why the waivers are appropriate. She seemed to understand that this cross jurisdictional situation (county + city ETJ) needs to be looked at differently. The engineering and planning departments are worried about setting precedent, if waivers are granted. But if the precedent that is set leads to more restoration of our natural landscape and wildlife habitats, that would not be a bad thing, would it?

Thank you for taking the time to read these materials, and making an effort to understand that the waivers requested are important to the project.

Sincerely,

Debbie Insana  
1104 Oak Creek Rd  
Mahomet, IL 61853  
mfi@mchsi.com 217-586-7473

RECEIVED

DEC 27 2006

URBANA PUBLIC WORKS  
URBANA, ILLINOIS

Ex "K"



URBANA &  
CHAMPAIGN  
SANITARY  
DISTRICT

1100 E UNIVERSITY AVENUE • PO BOX 669 • URBANA, IL 61803-0669 • Phone (217) 367-3409 • Fax (217) 367-2603

BOARD OF TRUSTEES  
Christopher Alix  
Diana Lenik  
Jerry Lyke

EXECUTIVE DIRECTOR  
Michael R. Little

December 21, 2006

Debbie Insana  
1104 Oak Creek Rd.  
Mahomet, IL 61853

Dear Ms Insana:

We are writing in response to your letter of December 11, 2006 regarding a rural subdivision you're developing in Champaign County.

As you requested, I would be happy to meet with you to discuss your particular issues regarding sanitary sewers. However, I wanted to take this opportunity to clarify a couple of points you raised in your letter. You referenced the clause in the Urbana code that provided a waiver of the sanitary sewer requirement in a rural subdivision "...which lies outside the boundaries of the Urbana-Champaign Sanitary District....." The boundary referred to is the UCSD Facilities Planning Area Boundary. This is the boundary established by the Illinois Environmental Protection Agency that defines the area within which UCSD can legally provide wastewater service. Based upon my recollection of where your proposed development is located, it is within that boundary.

Regarding your comment about obsolescence, and specifically your reference to SDR 35 pipe, that material was never allowed for sanitary sewer construction, only for service lines from the public main to the residence. Pipe materials will change from time to time, but the materials used for sanitary sewer lines have extremely long lives. As an example, one of the UCSD sewers was installed in 1898 and is still in use.

While I understand your comment that it could conceivably be decades before the public sewer system reaches your development, when it does, connection to the public system will be the safest, most economical method of wastewater treatment for the homes in that area. If sanitary sewers are not installed as part of the original development process, it will be much more expensive and disruptive to install them in the future. What the City of Urbana and UCSD are trying to avoid is creation of more future problem areas like those that already exist in our community. Rolling Acres Subdivision is a prime example. When it was developed 40 or more years ago, the public sewer system was several miles away and there were no plans to extend the system to the area of Rolling Acres. Sanitary sewers were not installed for future use and all of the homes were built with septic systems. Within the last 6 months, the public sewer has now

become available to that subdivision. However, the cost to install the sewer lines to serve the individual streets and lots is prohibitively expensive. As septic systems have failed, those property owners have been required to invest more money in an on-site system that they must maintain, instead of being able to connect to the public sewer at a fraction of the cost of installing, operating and maintaining an on-site system.

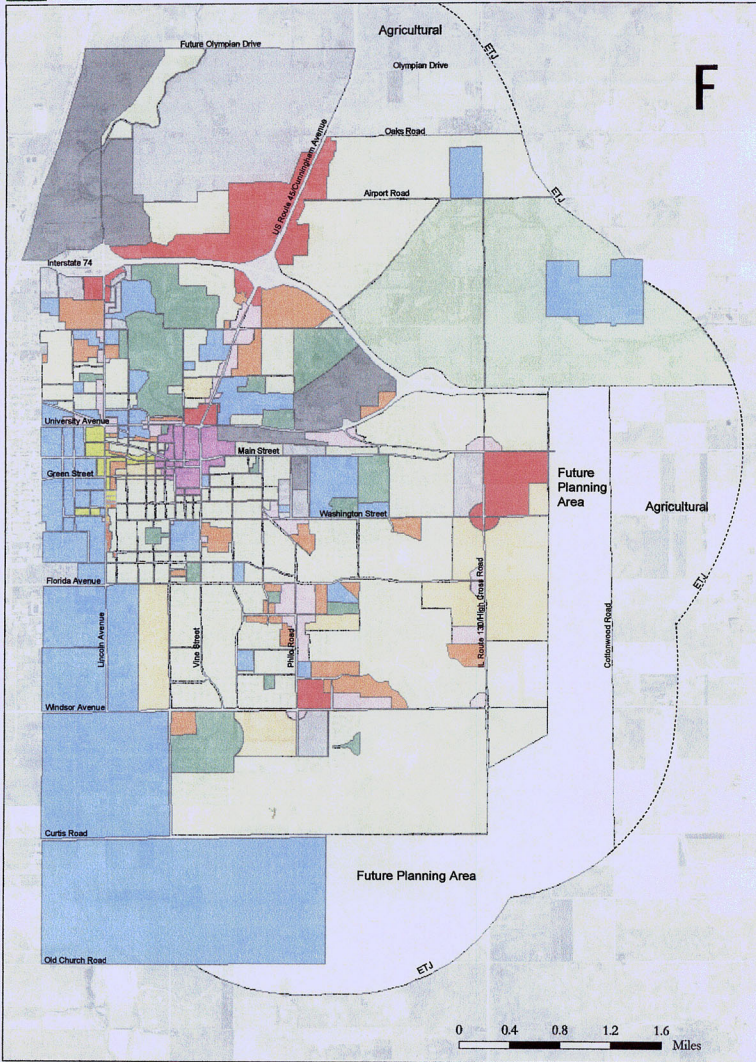
If you wish to meet with me to discuss these issues further, or have any questions, or require additional information, please contact me at 367-3409.

Sincerely,  
URBANA & CHAMPAIGN SANITARY DISTRICT



Michael R. Little, P.E.  
Executive Director

Cc: Urbana Public Works – Bill Gray ✓



**Future Land Use Categories**

- |   |   |  |
|---|---|--|
| <p><b>Residential</b><br/>Residential areas contain primarily single-family housing, but may contain a variety of compatible land uses. Urban development patterns are often focused in older neighborhoods, with an emphasis on transit-oriented development. Residential development patterns are focused in newer areas, with higher jobs served by a well-connected street network with pedestrian and bicycle facilities.</p> <p><b>Mixed Residential</b><br/>Mixed-Residential areas contain a variety of residential land uses and encourage pedestrian to achieve compatible development. Urban development patterns emphasize more intensive uses that result in higher density in neighborhood's character. Suburban development patterns are less intensive and allow a greater mix of uses. Such areas incorporate transit corridors.</p> <p><b>Multi-Family Residential</b><br/>Multi-Family areas consist of apartment complexes and other multi-story buildings in close proximity to business centers, recreation, and services. These areas should include provisions for transit service and pedestrian access.</p> <p><b>Rural Residential</b><br/>Rural Residential areas encourage large lots and sustained development to protect unique natural resources. Changeable County has zoning jurisdiction outside of city limits.</p> | <p><b>Regional Business</b><br/>Regional Business centers are high-visibility developments that range from "big boxes" to smaller neighborhood businesses. Site design should include facilities for pedestrians, bicycle and public transit, in addition to automobile traffic.</p> <p><b>Community Business</b><br/>Community Business centers are designed to serve the overall community and the immediate neighborhood. Developments should be located close to transit, with compatible land adjoining neighborhoods, incorporating pedestrian and bicycle traffic.</p> <p><b>Central Business</b><br/>Central Business areas are characterized by downtown Urbans and East Urbans. These areas consist of dense, high-density urban style development and architecture. Pedestrians, bicycle and transit access are required to ensure areas are walkable.</p> <p><b>Campus Mixed Use</b><br/>Campus Mixed Use areas promote urban-style development with a mix of commercial, office and residential uses. Design guidelines emphasize the pedestrian and public transit network over automobile traffic. Large-scale single-use development is discouraged in these areas.</p> | <p><b>Parks/Recreation</b><br/>Parks/Recreation areas include all parks, public recreation centers and golf courses not associated with residential development. Creation of new parks is encouraged in new development.</p> <p><b>Heavy Industrial</b><br/>Heavy Industrial areas are intense land uses heavily dependent on transportation facilities and significant amount of land and are primarily manufacturing and distribution uses.</p> <p><b>Light Industrial/Office</b><br/>Light Industrial/Office areas typically are planned developments that are less intensive than heavy industrial areas, including professional services, warehousing, and distribution facilities.</p> <p><b>Institutional</b><br/>Institutional areas may include governmental, educational, medical/religious, or university facilities, ranging from a single building to campus.</p> <p><b>Future Planning Area</b><br/>Areas within the city limits that have unmet potential for future growth and inclusion in regular updates to the Comprehensive Plan.</p> |
|---|---|--|

Note: Future Land Use Maps 88 and 89 identify special future land uses for the "Lancaster-Berry Corridor" in West Urtans. This area is bounded by Illinois Street on the north, Pennsylvania Avenue on the south, Lincoln Avenue on the west and Berry Avenue on the east.



