



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, Ph.D., FAICP, Community Development Director

**DATE:** September 11, 2014

**SUBJECT: Plan Case 2239-M-14:** A request by the Urbana Zoning Administrator to adjust the boundaries of the Boneyard Creek District based on recently adopted FEMA flood maps.

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#### **Introduction & Background**

Plan Case 2239-M-14 is a request by the Urbana Zoning Administrator to adjust the boundaries of the Boneyard Creek Overlay District by adding 21 parcels and removing 50 parcels from the district.<sup>1</sup> The Boneyard Creek Overlay District was originally a recommendation of the Boneyard Creek Master Plan of 1978, and was officially amended into the Urbana Zoning Ordinance in 1979, along with procedures and standards for development and redevelopment within the district. The Boneyard Creek Overlay District is comprised of all properties that are wholly or partially within the Boneyard Creek's 100-year floodplain.<sup>2</sup> Being an overlay district, properties within the boundary are subject to land use regulations in addition to the requirements of the underlying zoning, per Section XIII-4 of the Urbana Zoning Ordinance. These additional regulations help ensure that development proposed near the Boneyard Creek and its floodplain does not adversely affect neighboring properties (such as development that would increase stormwater runoff to the creek and make downstream flooding more likely).

Since the early 1960s, many successful efforts to reduce flooding along the Boneyard Creek have been undertaken in Urbana and in Champaign. As a result, flood hazards have been reduced significantly in both cities. Until recently, the most up-to-date flood maps for the Boneyard Creek were from 1981. The City of Urbana, the City of Champaign, and the University of Illinois Urbana-Champaign, working with the Federal Emergency Management Agency (FEMA), hired a consultant to model and remap the floodplain surrounding the Boneyard Creek. New flood insurance rate maps (FIRMs) were approved by FEMA in October, 2013. The flood insurance maps are used to determine areas that are susceptible to flooding and mandate additional regulations (e.g. raised buildings, flood-proofing, not allowing basements) for any developments that may occur within flood-prone areas. As a result of having this

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<sup>1</sup> The specific properties to be added or removed from the Boneyard Creek District can be found in Exhibit G.

<sup>2</sup> The term "100-year floodplain" refers to the area expected to be flooded during a storm that has a one-in-one-hundred (one percent) chance of occurring in any given year.

new floodplain information, the City Council and Mayor have asked City staff to “*make any necessary modifications to the Boneyard Creek Overlay District*”.<sup>3</sup>

A great deal of effort has been expended over the last half-century on improving the Boneyard Creek. These efforts include projects in the early 1960s to divert floodwaters, protect stream banks, and locate and reduce pollution. In the 1970s, the Boneyard Creek Commission was formed and developed the first Boneyard Creek Master Plan in 1978, which recommended the creation of the Boneyard Creek Overlay District (1979). More recent efforts include the second Boneyard Creek Master Plan (2008), which is designed to “transform the Boneyard Creek from a highly urbanized drainage ditch into...a destination for the local community”. The 2008 Master Plan is narrower in scope than the 1978 Master Plan, focusing on improving the portion of the Boneyard Creek that winds through downtown Urbana. Work is currently being completed on the first major construction project from the 2008 Master Plan, a \$7.9 million section of public parkland, paths, and connections to surrounding businesses from Griggs Street to Broadway.

The Boneyard Creek Overlay District was created to help meet the objectives of the 1978 Boneyard Creek Master Plan. The district is designed to improve the cultural, economic, and environmental significance of the Boneyard Creek, to reduce flood hazards and the mosquito population, to promote the creek as a recreational resource, and to incentivize private development while preserving property values. To accomplish these objectives, the district adds an additional layer of protection for properties around the creek, while also offering bonus provisions to property owners in an effort to allow them to develop their property in a way that will not adversely impact neighboring property owners.

On August 12, 2014 an open house on the Boneyard Creek Overlay District and the proposed boundary changes was held at the Urbana Civic Center. City staff invited 120 property owners, residents, and business owners to the meeting. At least 13 residents or property owners, two City of Urbana officials, and six staff members attended. At the meeting, staff presented on the proposed changes to the boundary, development regulations/Creekway Permit requirements, and bonus provisions available to property owners within the district. This information was also made available on a website<sup>4</sup> and was included in a mailing sent to all property owners whose property would either remain in or be added to the Boneyard Creek Overlay District, as proposed.

The Urbana Plan Commission held a public hearing on the proposed amendment at their September 4, 2014 meeting. City staff presented the case and answered questions from the Plan Commission regarding FEMA’s process of remapping floodplains, staff’s process of remapping the Boneyard Creek Overlay District, bonus provisions in the district, flood insurance requirements, and property values. Three property owners whose properties are proposed additions to the district spoke at the public hearing as well. All three property owners had concerns because the recently-adopted floodplain maps show a very small portion of their properties being in the 100-year floodplain. Staff explained that even though a small portion of their property may be touched by the floodplain, development on their property could add to flooding on neighboring and downstream properties. The district was created to include properties that would potentially affect the floodplain. At least one property owner was concerned that the remapping of the Boneyard Creek District would affect their flood insurance requirements. Staff explained that the Boneyard Creek Overlay District is entirely separate from flood

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<sup>3</sup> City Council and Mayor Goals 2014-2017 (Goal 7.6.b)

<sup>4</sup> [http://urbanaillinois.us/zoning/boneyard\\_creek\\_district](http://urbanaillinois.us/zoning/boneyard_creek_district)

insurance requirements. Being in the Boneyard Creek Overlay District will not affect flood insurance requirements, because those requirements are based on whether a building is located within the floodplain or not. Following the public hearing, the Plan Commission voted to recommend approval by a vote of 3 ayes and 1 nay.

### **Development Regulations in the Boneyard Creek District**

Development within the Boneyard Creek Overlay District requires a Creekway Permit, as stated in section XIII-4.D of the Urbana Zoning Ordinance:

#### *D. Creekway Permits Required*

1. No permits for construction, demolition, change of use classification or other zoning permits within the Boneyard Creek District shall be granted except in compliance with the provisions of this section.
2. It shall be unlawful to proceed with any construction, demolition, excavation, reconstruction, installation of poles, pipes, and other objects in the Boneyard Creek District without a Creekway permit.

Creekway Permit applications are reviewed by the Zoning Administrator, City Engineer, and Boneyard Creek Commissioner. The permit can be approved by the Zoning Administrator per Section XIII-4.G.3 of the Urbana Zoning Ordinance, or can be referred to the Urbana Plan Commission if the applicant requests modifications in excess to those authorized by Section XIII-4.G.3.

### **Bonus Provisions**

Properties that are within the Boneyard Creek Overlay District can take advantage of six bonus provisions designed to encourage development that is compatible with the goals of the 1978 and 2008 Boneyard Creek Master Plans. In exchange for receiving bonus provisions, property owners may be required to dedicate a portion of their property to the City for the public use per Section XIII-4.E.11 of the Urbana Zoning Ordinance.

The six bonus provisions available are:

1. Development Rights Transfer – Floor/height maximums can be increased by transferring rights from adjacent properties
2. Extra Lot Size – area used for computation can include the space between the property line and the center of the Boneyard Creek
3. Yards – waiver of yard requirements
4. Height – additional story allowed
5. Parking – off-site parking allowed within 600-feet of the property
6. Mixed Uses – mixed use buildings allowed, residential allowed in all zoning areas

For full explanations of these bonus provisions, see Section XIII-4.F of the Urbana Zoning Ordinance. Appendix C shows visual representations of each bonus provision.

## **Proposed Changes**

The proposed changes to the Boneyard Creek Overlay District are based on the differences between the 1981 flood rate insurance maps (FIRM) and the updated 2013 FIRM. The area of the 100-year floodplain for the Boneyard Creek in Urbana shrunk by slightly more than 50 percent between 1981 and 2013. Most of the reduction in the floodplain occurred in two places: from where the Boneyard Creek enters Urbana on the U of I campus to where it crosses Coler Avenue, and around the Boneyard Creek east of Race Street.<sup>5</sup> Most of the properties that are proposed for removal from the district lie in one of those two areas.<sup>6</sup> While some reduction in the floodplain has occurred between the Western Avenue/Coler Avenue intersection and where the Boneyard Creek crosses Race Street, that area has seen the smallest reduction in the floodplain, and minor expansion in some places.<sup>4</sup> Of the 21 properties proposed for addition to the Boneyard Creek Overlay District, 19 are in the area just described.<sup>5</sup>

The process of redrawing the boundary for the Boneyard Creek Overlay District was both simple and consistent with the guidelines for creating the original boundary of the district. Using the newly-approved floodplain data from FEMA, staff selected any parcel that was touched by the 100-year floodplain. Those parcels were included in the district boundary. Any parcels that were formerly within the district but did not touch the new floodplain were removed from the district.

While the Boneyard Creek Overlay District boundaries are based on flood insurance maps, the district is in no way connected to flood insurance requirements. The district only guides land use and development around the Boneyard Creek. A property can be within the Boneyard Creek Overlay District because it touches the 100-year floodplain, while a building on the property may be outside the floodplain and may not be at risk for flooding. The building in that case would not be required to carry flood insurance; however, any development on the property would be subject to the rules of the Boneyard Creek Overlay District because development could adversely affect the floodplain and neighboring properties.

For a very small number of odd-shaped and/or large parcels that were included in the proposed district, the boundary was adjusted to eliminate pieces of the parcel that were well away from the 100-year floodplain. For example, there is a 144-acre parcel owned by the University of Illinois that stretches from Western Avenue to Pennsylvania Avenue. Only the northern portion of the parcel between Green Street and Western Avenue touches the Boneyard Creek floodplain; the boundary was adjusted to only include the part of the parcel north of Green Street.

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<sup>5</sup> See Exhibit A

<sup>6</sup> See Exhibit B

## City Council and Mayor Goals 2014-2017

The following actions from the City Council and Mayor Goals pertain to the Boneyard Creek District:

### **Goal 3 Economic Development and Entrepreneurship**

Objective 1: Urbana must continue to grow and attract new jobs and opportunities. The city should work to enhance development corridors to the north and the east, and attract new high-tech jobs.

*Action E: Continue implementation of Downtown Plan. Take advantage of Boneyard project to attract new mixed-use development to vacant lots, underdeveloped areas.*

### **Goal 4 Vibrant Business Districts**

Objective 2: Continue implementation of Boneyard Creek Master Plan.

### **Goal 7 Quality of Life**

Objective 6: Promote best practices in Planning and Development

*Action B: Alert property owners of recent changes in the flood zone for the Boneyard and Saline creeks. Make any necessary modifications to the Boneyard Creek Overlay District.*

## Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

### **Goal 6.0 Preserve natural resources (including air, water, and land) and environmentally sensitive areas in the community.**

#### *Objectives*

6.1 Protect sensitive areas, such as wooded areas, major drainageways, and areas of topographic relief.

6.4 Preserve natural amenities in new development through innovative development regulations and design.

6.5 Encourage development that protects and enhances the area's natural features, such as wooded areas, creeks, and hilly terrain.

### **Goal 7.0 Protect and beautify existing waterways.**

#### *Objectives*

7.1 Protect the floodway of the Boneyard Creek.

7.2 Ensure that development regulations protect floodways and major drainageways.

7.3 Redevelop parts of Boneyard Creek to provide natural and public amenities.

**Goal 8.0 Minimize the impact of natural and man-made disasters.**

*Objectives*

8.1 Promote construction that reduces the effects of high winds, ice storms, flooding, etc.

**Goal 36.0 Protect both developed and undeveloped areas from increases in runoff and localized flooding.**

*Objectives*

36.1 Protect life and property from storm and floodwater damage.

36.2 Reduce the impacts of development on stormwater conditions through regulations, including appropriate provisions for detention and conveyance.

**Summary of Findings**

1. The Zoning Administrator is proposing a map amendment to the Zoning Ordinance to adjust the boundaries of the Boneyard Creek Overlay District based on recently adopted FEMA flood maps.
2. The Boneyard Creek Overlay District was recommended by the Boneyard Creek Master Plan of 1978, and was established in 1979.
3. The Boneyard Creek Overlay District includes all properties that are wholly or partially within the 100-year floodplain of the Boneyard Creek.
4. In October, 2013, the Federal Emergency Management Agency (FEMA) approved new flood insurance rate maps (FIRM) for the Boneyard Creek, which include the boundaries of the 100-year floodplain.
5. The Boneyard Creek Overlay District boundary should be adjusted to incorporate the new 100-year floodplain from the recently-adopted FIRMs.
6. Outreach efforts to inform residents and property owners have been conducted, including holding an Open House, establishing a Boneyard Creek District webpage with informational materials, and sending letters and an information packet to the owners of properties that will be included within the boundary of the adjusted Boneyard Creek Overlay District.
7. The proposed changes to the Boneyard Creek Overlay District are consistent with many of the goals and objectives of the 2005 Comprehensive Plan and the current City Council and Mayor Goals.
8. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

## Options

The Urbana City Council has the following options regarding Plan Case No. 2239-M-14:

1. Approve the proposed boundaries of the Boneyard Creek District;
2. Approve the proposed boundaries of the Boneyard Creek District with specific suggested changes; or
3. Deny the proposed boundaries of the Boneyard Creek District.

## Recommendation

The Urbana Plan Commission on September 4, 2014, by a vote of 3 ayes and 1 nay, recommended **APPROVAL** of the proposed boundaries of the Boneyard Creek District as presented. City staff likewise recommends approval.

Prepared by:

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Kevin Garcia, AICP  
Planner II

Attachments: Exhibit A: Map – Differences in the Boneyard Creek Floodplain  
Exhibit B: Map – Proposed New Boneyard Creek District Boundary  
Exhibit C: Map – Properties Proposed for Addition to the Boneyard Creek District  
Exhibit D: Bonus Provisions in the Boneyard Creek District  
Exhibit E: Q & A on the Boneyard Creek District  
Exhibit F: List of Properties Proposed to be added to or removed from the Boneyard  
Creek Overlay District  
Exhibit G: Public Meeting Announcement  
Plan Commission Minutes - 9/4/2014 (Draft)

CC: Clark Bullard, Boneyard Creek Commissioner

ORDINANCE NO. 2014-09-090

AN ORDINANCE AMENDING THE ZONING MAP  
OF THE CITY OF URBANA, ILLINOIS

(Adjusting the boundaries of the Boneyard Creek Overlay District -  
Plan Case 2239-M-14)

**WHEREAS**, the City Council heretofore did on June 25, 1979, pursuant to Ordinance No. 7879-106, establish the Boneyard Creek Overlay District ("District"); and

**WHEREAS**, the District's boundaries are based on proximity to the Boneyard Creek and the surrounding floodplain; and

**WHEREAS**, changes in federal floodplain maps have prompted the City of Urbana ("City") to adjust the District's boundaries based on a new 100-year floodplain; and

**WHEREAS**, after due publication, a public hearing was held by the Urbana Plan Commission on September 4, 2014, concerning the petition filed by the Urbana Zoning Administrator in Plan Case 2239-M-14 to adjust the District's boundaries; and

**WHEREAS**, the Urbana Plan Commission voted 3 ayes to 1 nay to forward the case to the Urbana City Council with a recommendation to approve the District boundary adjustment as herein provided; and

**WHEREAS**, the findings of the Plan Commission indicate that approval of the District boundary adjustment will promote the general health, safety, and welfare of the public; and

**WHEREAS**, the proposed District boundary adjustment is consistent with the City of Urbana 2005 Comprehensive Plan, the Boneyard Creek Master Plan, and the Urbana City Council and Mayor Goals 2014-2017; and

**WHEREAS**, after due consideration, the City Council finds that the best interests of the City are served by approving new District boundaries.

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

**Section 1.**

The Official Zoning Map of the City of Urbana, Illinois, is herewith and hereby amended to adjust the boundaries of the Boneyard Creek Overlay District as follows:

The following real property shall be added to the Boneyard Creek Overlay District:



<u>PIN</u>	<u>ADDRESS</u>
912108363004	511 W MAIN ST
912108363005	509 W MAIN ST
912108363006	507 W MAIN ST
912108363007	505 W MAIN ST
912108363008	503 W MAIN ST
912108363009	501 W MAIN ST
912108364002	611 W STOUGHTON ST
912108380015	404 W MAIN ST
912108383005	301 W GRIGGS ST
912108383008	304 W LOCUST ST
912108383009	302 W LOCUST ST
912108364005	609 W STOUGHTON ST
912108363025	604 W STOUGHTON ST
912108461009	203 N VINE ST
922117104005	705 W SPRINGFIELD AV
922117104006	103 N COLER AV
922117104007	101 N COLER AV
922117104009	704 W WESTERN AV
922117104010	702 W WESTERN AV
922117106017	711 W ELM ST
922117110026	505 W SPRINGFIELD AV

The following real property shall be removed from the Boneyard Creek Overlay District:

<u>PIN</u>	<u>ADDRESS</u>
912108384012	300 W MAIN ST
912108453007	117 N RACE ST
912108453008	115 N RACE ST
912108453009	113 N RACE ST
912108453010	111 N RACE ST
922117102007	810 W GREEN ST
922117102017	201 S BUSEY AV
922117102018	205 S BUSEY AV
922117102019	802 W GREEN ST
922117110008	3 BUENA VISTA CT

922117110012 6 BUENA VISTA CT  
 922117110025 508 W ELM ST  
 922117130017 302 W SPRINGFIELD AV  
 922117139001 224 W MAIN ST  
 922117139002 222 W MAIN ST  
 922117139003 220 W MAIN ST  
 912108480011 601 E UNIVERSITY AV  
 912108456004 221 N BROADWAY AV  
 912108457019 221 N BROADWAY AV  
 912108457020 217 N BROADWAY AV  
 912108457021 208 N RACE ST  
 912108480016 501 E UNIVERSITY AV  
 912108480017 402 N MAPLE ST  
 912108461012 108 E WATER ST  
 932118226022 UNIVERSITY OF ILLINOIS - WESTERN AV AND GREGORY ST  
 932118226015 UNIVERSITY OF ILLINOIS - MATHEWS AV AND GOODWIN AV  
 932118226015 UNIVERSITY OF ILLINOIS - WESTERN AV AND GOODWIN AV  
 932118226025 UNIVERSITY OF ILLINOIS - WESTERN AV AND GREGORY ST  
 932118401001 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND WRIGHT ST  
 (AREA NORTH OF WESTERN AVENUE ONLY)  
 932118226023 UNIVERSITY OF ILLINOIS - WESTERN AV AND GREGORY ST  
 932118203003 UNIVERSITY OF ILLINOIS - GREEN ST AND GOODWIN AV  
 932118226016 WESTERN AV AND HARVEY ST  
 932118226039 UNIVERSITY OF ILLINOIS - WESTERN AV AND GOODWIN AV  
 932118226009 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND HARVEY ST  
 932118226038 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND GOODWIN AV  
 932118226024 WESTERN AV AND GREGORY ST  
 932118203004 UNIVERSITY OF ILLINOIS - WESTERN AV AND MATHEWS AV  
 932118203004 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND MATHEWS AV  
 932118226010 SPRINGFIELD AV AND HARVEY ST  
 932118203001 UNIVERSITY OF ILLINOIS - WESTERN AV AND WRIGHT ST  
 932118203004 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND MATHEWS AV  
 932118203001 UNIVERSITY OF ILLINOIS - WESTERN AV AND MATHEWS AV  
 932118203001 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND GOODWIN AV  
 932118203004 UNIVERSITY OF ILLINOIS - SPRINGFIELD AV AND GOODWIN AV  
 932118203004 UNIVERSITY OF ILLINOIS - GREEN ST AND GOODWIN AV  
 912108452015 GRIGGS ST AND WOOD ST

912108456005 BROADWAY AV AND RAILROAD TRACKS NORTH OF WATER ST  
912108457025 GRIGGS ST AND RACE ST  
912108456008 GRIGGS ST AND RACE ST  
932118203002 UNIVERSITY OF ILLINOIS - GREEN ST AND MATHEWS AV

**Section 2.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTAINED:

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

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

# Differences in the Boneyard Creek Floodplain

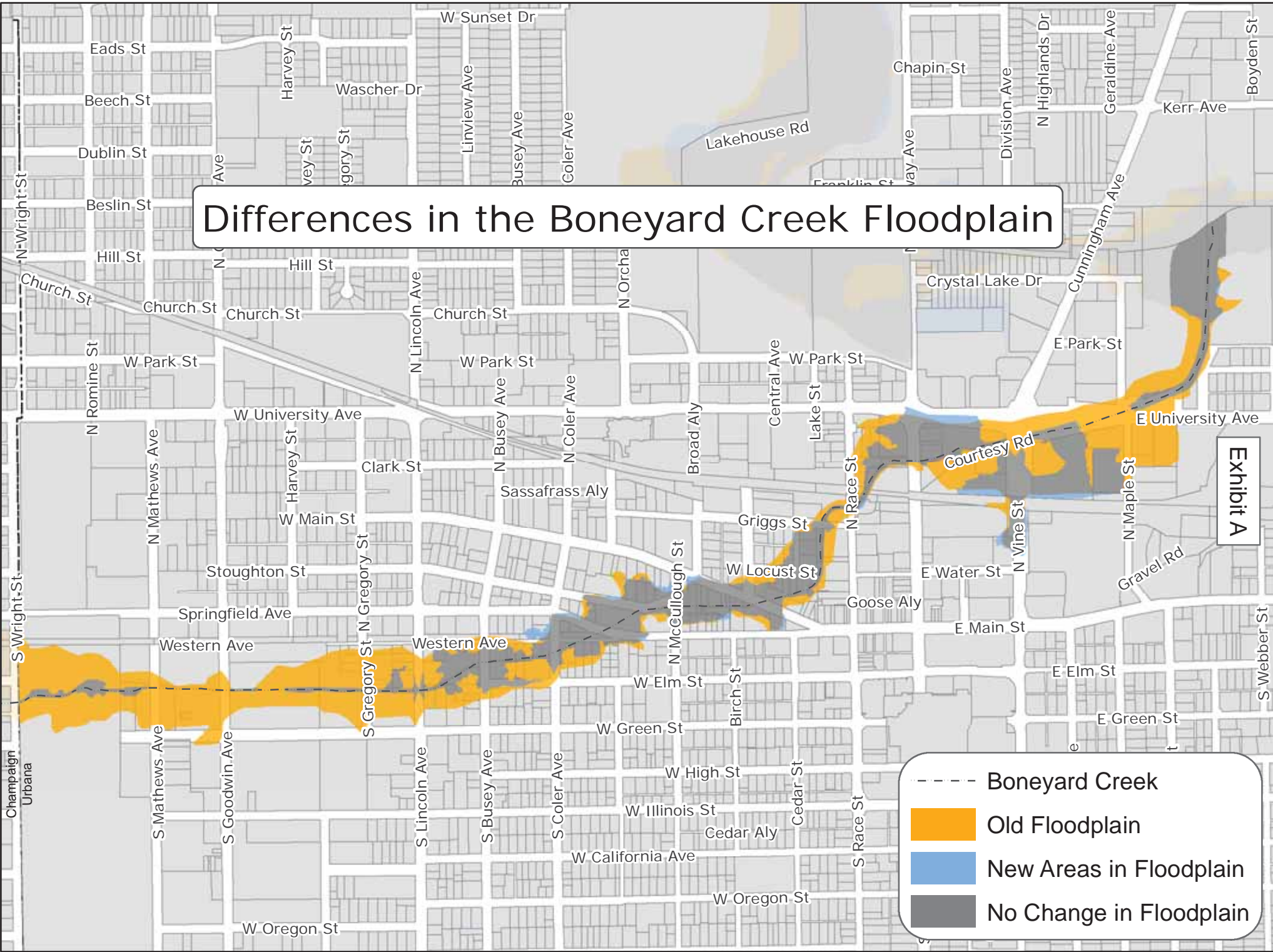


Exhibit A

- Boneyard Creek
- Old Floodplain
- New Areas in Floodplain
- No Change in Floodplain





# Properties Proposed for Addition to the Boneyard Creek District

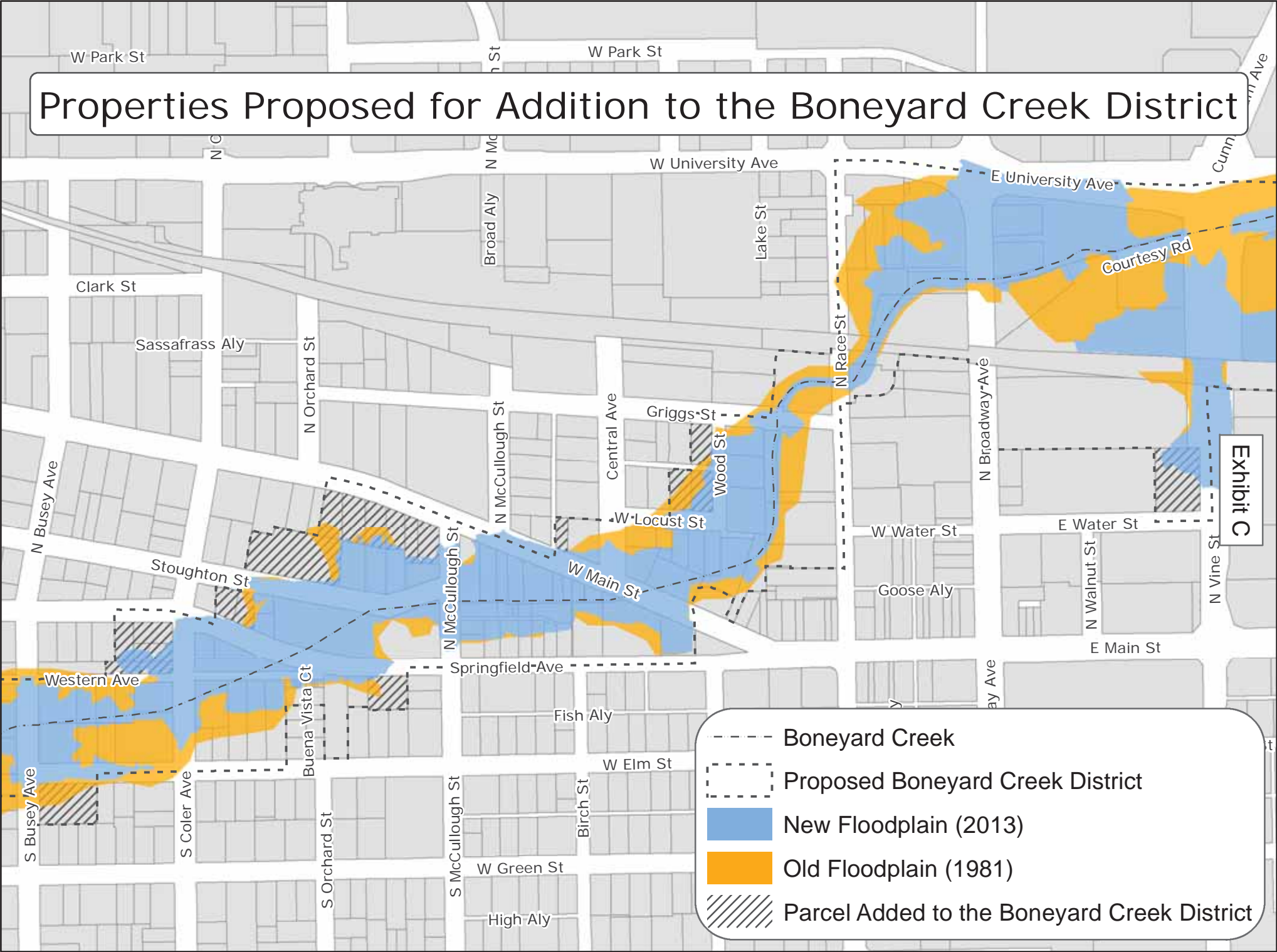


Exhibit C

# Bonus Provisions in the Boneyard Creek District

Full descriptions of these provisions can be found  
in Section XIII-4.F of the Urbana Zoning Ordinance

<http://urbanaininois.us/zoning>

# Bonus Provisions

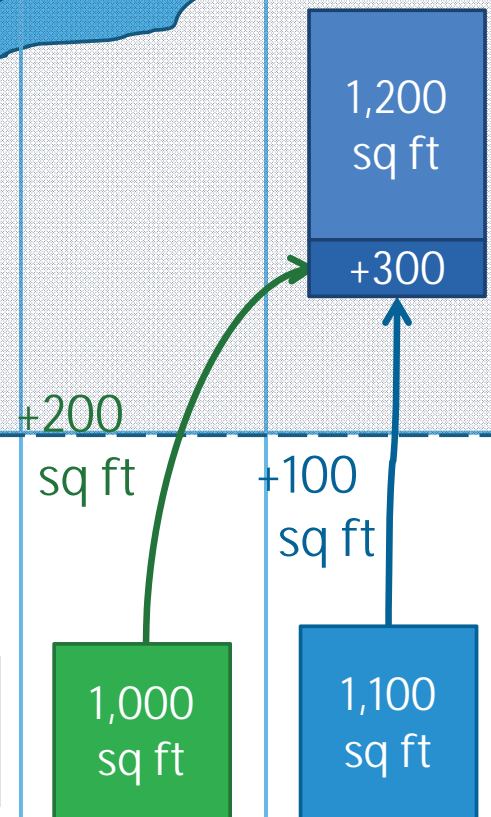
1. Development Rights Transfer
2. Extra Lot Size
3. Decreased or Waived Yard Requirements
4. Increased Height
5. Off-site Parking
6. Mixed Uses



# 1. Development Rights Transfer

The development rights of properties next to a property within the Boneyard Creek District can be transferred to that property through an agreement between property owners.

In this example, the maximum building size can be increased from 1,200 sq ft to 1,500 sq ft.



## 2. Extra Lot Size

2. Bonus area:  
11,350 sq ft

1. Area of lot:  
28,000 sq ft

3. Area for  
calculations:  
39,350 sq ft

2. Bonus area:  
12,900 sq ft

1. Area of lot:  
164,000 sq ft

3. Area for  
calculations:  
176,900 sq ft

If a property is next to the Boneyard Creek, the area between the property line and the center of the creek can be used for building calculations like floor area or amount of open space required on a property.



# 3. Yard Requirement Waiver

Potential Building Footprint with Yard Waiver

Required Yard Setbacks

15'

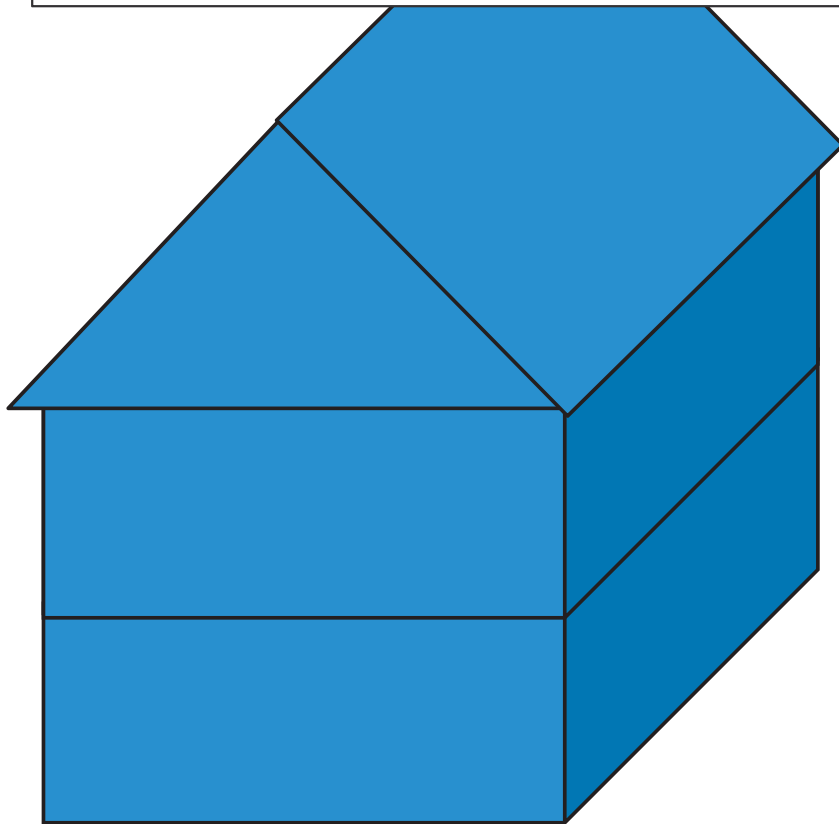
5'

Minimum yard requirements can be waived for properties within the Boneyard Creek District, to keep buildings away from the creek and flood-prone areas.

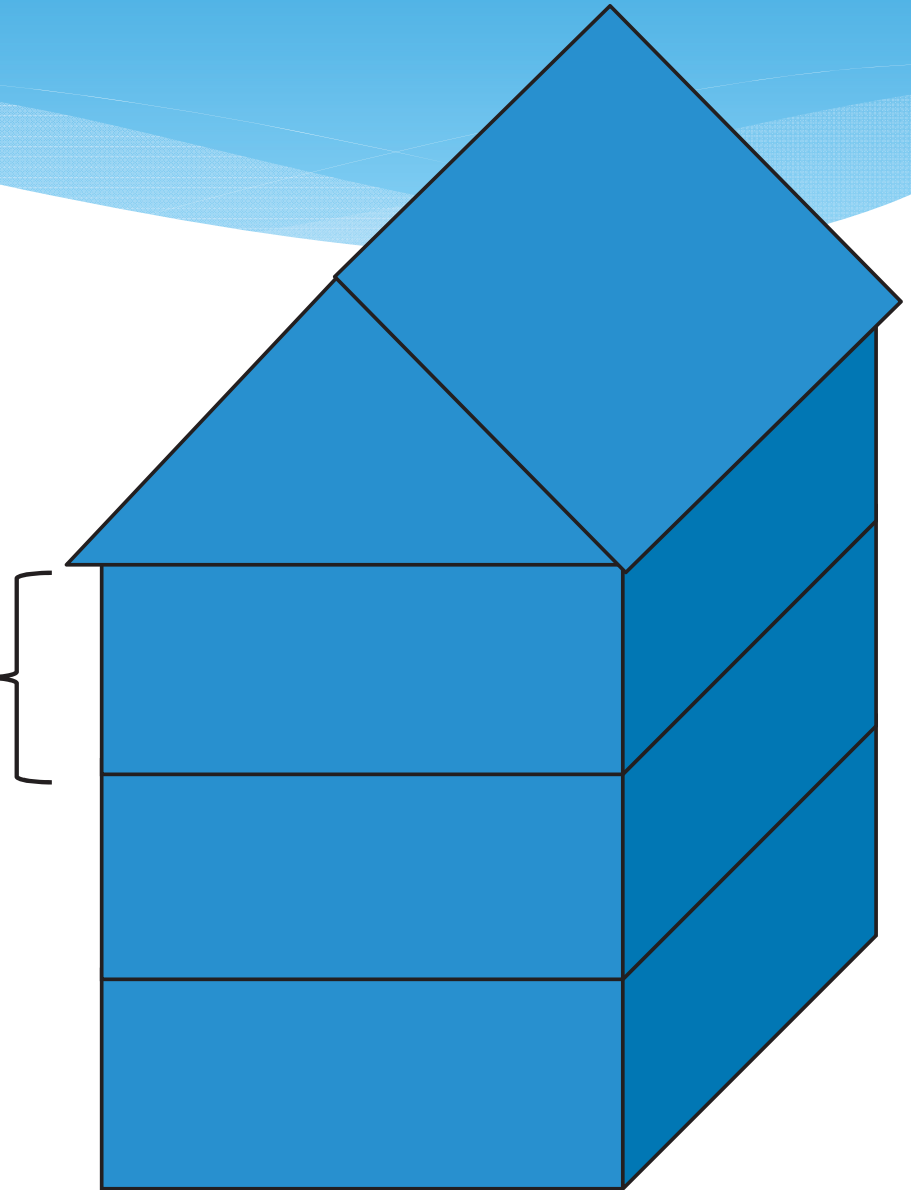
Central Ave

# 4. Building Height

Buildings can be built one story taller than the underlying zoning district allows in the Boneyard Creek District (up to 12').



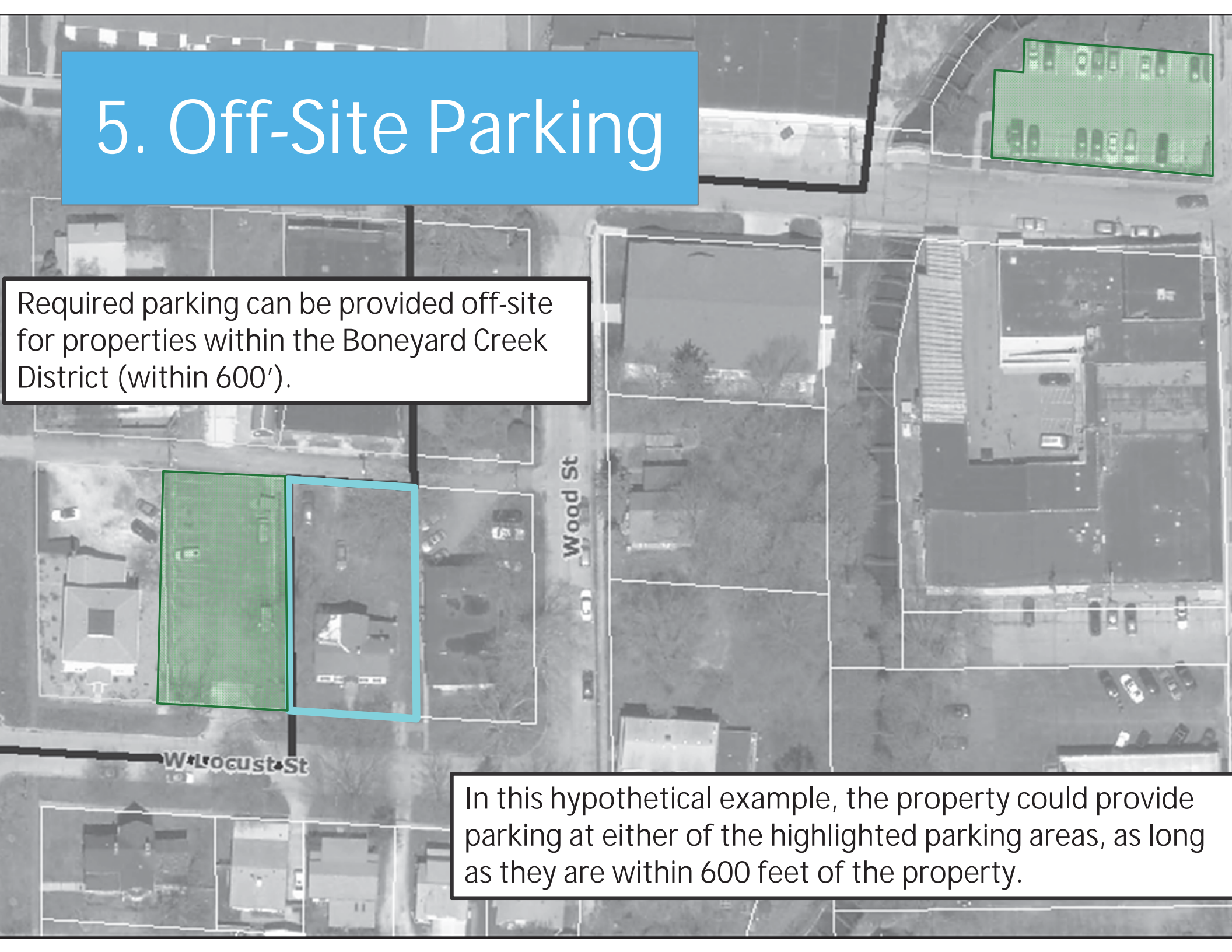
*Up to 12'*



# 5. Off-Site Parking

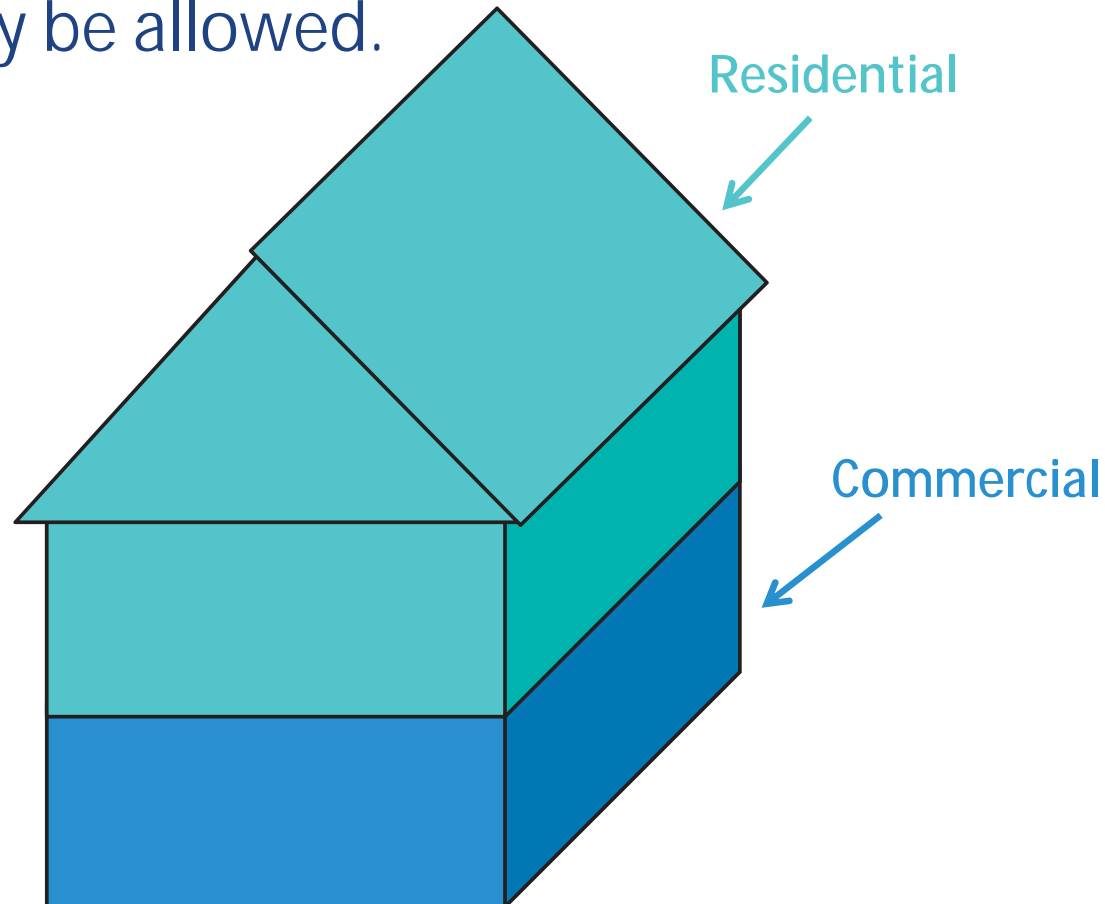
Required parking can be provided off-site for properties within the Boneyard Creek District (within 600').

In this hypothetical example, the property could provide parking at either of the highlighted parking areas, as long as they are within 600 feet of the property.



# 6. Mixed Uses

Within the Boneyard Creek District, residential uses may be allowed in *any* zoning district, and mixed uses on a zoning lot may be allowed.



**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** September 4, 2014

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

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

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**MEMBER PRESENT:** Maria Byndom, Andrew Fell, Tyler Fitch, Dannie Otto

**MEMBERS EXCUSED:** Lew Hopkins, Bernadine Stake

**STAFF PRESENT:** Jeff Engstrom, Interim Planning Manager; Kevin Garcia, Planner II; Teri Anandel, Planning Administrative Assistant

**OTHERS PRESENT:** Steve & Nancy Cox, Charlotte Golden, Carol McKusick, Ross & Leslie McNeil, Mark Nilges, Rhonda Phinisee

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**NEW PUBLIC HEARINGS**

**Plan Case No. 2239-M-14: A request by the Urbana Zoning Administrator to adjust the boundaries of the Boneyard Creek District based on the recently adopted Federal Emergency Management Agency (FEMA) flood maps.**

Chair Fitch opened this public hearing. Kevin Garcia, Planner II, presented this case to the Plan Commission. He began by giving a background and introduction on the history of the Boneyard Creek Boundary. He reviewed the development regulations in the Boneyard Creek District. He talked about the bonus provisions available to the owners of properties in the district and explained the proposed changes to the district. He stated that the proposed request comes from the City Council and Mayor Goals 2014-2017 and how the 2005 Comprehensive Plan relates to the request. He mentioned that City staff reached out to the public by holding an open house on August 12, 2014. He read the options of the Plan Commission and presented City staff's recommendation for approval.

Chair Fitch asked the Plan Commission if there were any questions for City staff.

Mr. Otto expressed his astonishment that the floodplain map shrunk rather than expand. He wondered if this is due to the detention ponds. How does the Federal Emergency Management Agency (FEMA) figure the calculations? Mr. Garcia replied that they probably use some advanced models. He knows that they look at the elevations, permeable surfaces and detention



basins. Mr. Engstrom added that he believed the reduction is mostly due to the upstream additional flood capacity and the detention basins because there were not very many topographic changes within the University of Illinois campus. Mr. Otto commented that it is very dramatic in that there is such a clear line west of Lincoln Avenue and then when you get beyond Lincoln Avenue to the east, then all of a sudden it starts resembling more of the historic floodplain. How properties are affected is of interest to the City because there are pretty severe restrictions on what can be done within the floodplain. It seems like the University of Illinois and the land owners west of the U of I have free reign along the Boneyard Creekway.

Chair Fitch questioned whether the study was done prior to the improvements being done on Urbana's side of the Boneyard Creekway. Will the improvements have any impact on the floodplain? Mr. Engstrom replied that the FEMA maps were done prior to the improvements that were done in Downtown Urbana. Perhaps down the road, if FEMA redoes the maps there may be an impact.

With no further questions for City staff, Chair Fitch opened the hearing up for public input. Ross McNeil approached the Plan Commission and stated that the corner of his property is touched by the floodplain, so he was surprised to see that his property was being included in the group of houses that have many restrictions. He understood that there are bonus revisions to go with being part of the Boneyard Creek District; but as an owner-occupied single-family residence, the bonus revisions do not interest him. Therefore, he does not see any benefit but he does see potential harm from the restrictions. He was curious why his property was included when the potential flooding has moved away from his house.

He commented that in the past the street was a little low. However, when the Urbana Park District made improvements to the Thornburn Center, the parking lot was designed with drainage in mind. It does a wonderful job of retaining water. The general area has had no water problems in years. Mr. Engstrom responded that there are some properties that are similar to Mr. McNeil's property in that they are barely touched by the floodplain. Basically, the reason for the district is to make sure that any development on properties near the floodplain does not impact the floodplain. Even though you might just have a sliver of the floodplain on your property, it could be possible that redevelopment (regrading of the property) could have an impact. This is something that the City just wants to be aware of and make sure there are no negative impacts. Mr. Ross understood this.

He mentioned that the three houses there including his are part of the Urbana Park District's long term plan, so this is one more reason for his property to not be included because at some point in the future it will probably be open park space.

Mark Nilges approached the Plan Commission to express curiosity about why his property was added to the floodplain as well. Mr. Engstrom replied that it is probably due to better modeling with software and better data on what the topography is. Mr. Nilges commented that his house is built up high and the backyard slopes down. Being included in the district will only devalue his property and raise his insurance.

Steve Cox approached the Plan Commission and stated that he had his lot surveyed in 2004 and found that only a small portion of the backyard was in the floodplain. Due to the survey, he received a refund for the flood insurance that the mortgage company required him to purchase in



2003. Mr. Engstrom explained that the Boneyard Creek District is only a zoning overlay district. It does not have anything to do with the actual FEMA Floodplain Insurance requirements. He understood the requirements to only apply if the floodplain touched the house or if the land owner builds into the floodplain. So, the overlay district will not affect the flood insurance requirements or lack thereof.

Mr. Cox inquired about the bonus revisions with regards to the extra lot size. Mr. Garcia explained that in terms of building calculations, the City could take the distance from the edge of the his property line to the middle of the Boneyard Creek into account when calculating the maximum square footage for buildable area.

Mr. Garcia went on to say that the provisions were first put into place in 1979 when the City first developed the Boneyard Creek District. Current City staff has found some issues with interpreting how the bonus provisions would work, so they have been discussing how to make the bonus provisions clearer or to rework them to make them more usable.

There was no further input from the audience, so Chair Fitch closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Otto stated that FEMA has restrictions on what can be built within the floodplain. FEMA is not concerned as long as the building does not touch the floodplain; however, the City flags the whole property even if only a corner of the property is inside the floodplain. This requires a landowner in the district to apply for a permit for what? Mr. Engstrom said mostly to check for changes in grading to make sure there would be no additional drainage into the floodplain area.

Mr. Otto asked if the building permit could possibly be approved by the Zoning Administrator without having a hearing if the proposed development did not change the topography back within the floodplain area. Mr. Engstrom said that is correct.

Ms. Byndom questioned if the value of a property would decrease because of being added to the floodplain area. Mr. Engstrom said probably not unless the potential buyer intended to develop the entire lot including the part of the lot that is located in the floodplain. In general, he did not think it would decrease the property values. In fact, there are the bonus provisions that would be beneficial to landowners who want to develop or redevelop their lots in the district.

Ms. Byndom asked if the landowner would need to publish that the property is located in the Boneyard Creek District when they go to sell the property. Chair Fitch answered that it would be published that the property is in the district, and it could have an impact on the sale depending on what a prospective buyer wants to do with the property. Mr. Otto added that lenders want to know if the building is in the floodplain, not so much the entire property. Floodplain maps are estimates of the topography, but there are actual publications that show the base flood elevation. A surveyor can establish that your house is above the base flood elevation, and then you will not need any floodplain insurance.

Chair Fitch asked if all the newly added properties are residential. Mr. Engstrom stated that they are primarily residential.

Chair Fitch stated that he would like to have more information about the properties that are only partially in the floodplain. Mr. Garcia showed a map indicating the old boundary (red), the new boundary (blue) and unchanged areas (purple).

Chair Fitch asked what the gain is to the City of Urbana of bringing these properties into the protection of the Creekway District. Mr. Engstrom replied that is just ensuring that any potential developments do not have a negative impact on the floodplain. Mr. Fitch asked if it would be possible to look at a provision that says we flag these as possible future Creekway extensions if there is a significant redevelopment. Mr. Engstrom said yes, but with the way that the proposed zoning map amendment was being presented it would be something that would require a future text amendment to the Zoning Ordinance. Mr. Garcia added that if the potential redevelopment would be something major, then the Plan Commission would have a public hearing. A minor development would be administratively reviewed.

Mr. Otto explained that the City does not have any control over the floodplain. FEMA determines the floodplain. If you look at the actual FEMA maps, they have foot-by-foot what the grade is as it goes downstream. A homeowner can pay a surveyor to determine if they are in or out of the floodplain. The proposed request is only adding and removing properties from the City's Boneyard Creek District, which flags property for review and consultation of future development plans. It does not change the FEMA Floodplain maps.

Mr. Otto stated that it makes sense to remove the properties that FEMA has determined to no longer be inside the floodplain. The question is should the City continue to use the old principle that if the corner of the property is within the floodplain to list the entire property. He sees it as being straight forward and not that onerous on the owners. It is not changing anything dramatically and is consistent with the way it was conceived 30 years ago.

Mr. Otto moved that the Plan Commission forward Plan Case No. 2239-M-14 to the Urbana City Council with a recommendation for approval as presented herein. Mr. Fell seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	No
Mr. Otto	-	Yes	Ms. Byndom	-	Yes

The motion passed by a vote of 3-1.

Mr. Engstrom stated that this case would be forwarded to the City Council on September 15, 2014.