



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: January 12, 2006

SUBJECT: Plan Case No. 1966-S-05, Final Plat of Jarrett Acres Subdivision located at the 3400 block of East Oaks Road (County Road 1850N).

Introduction and Background

This case is a request by the Seaman family for approval of the Final Plat of a Major subdivision called Jarrett Acres Subdivision. This property is located in Somer Township within the City of Urbana's 1½ mile Extra Territorial Jurisdiction area. The property is located at approximately the 3400 block of East Oaks Road (County Road 1850N). The property is jointly owned by three members of the family. They wish to create a subdivision that will split the existing 11.4 acre tract into three equal sized lots. The three lots will then be used for rural residences by the family members.

Ordinarily subdivisions of this size would be reviewed and approved administratively as a minor subdivision; however the petitioners wish to lay out the three lots in such a way that they would require a waiver to the subdivision code. According to the subdivision ordinance whenever there is a request for a waiver the subdivision is by definition no longer eligible for review as a Minor development.

On January 5, 2006, the Urbana Plan Commission conducted a meeting to consider the case. The Commission voted 7-0 to recommend approval of the Final Plat including waivers as requested.

Discussion

It would be possible to create three parallel lots of equal size and street frontage. However the petitioners prefer not to lay out the lots that way because they would be extremely long and narrow(166' x 990'). That configuration would severely impact the appeal of the lots, as well as require the demolition of an existing barn that would be bisected by a new property line. The petitioners wish to create three equal sized lots with two directly fronting on the road and the third in a "flag" lot configuration including an access drive connecting to the road and the rest of the lot behind the other two lots. The Urbana Subdivision and Land Development Code (Section 21-37.B.7.b) requires that the length of the access portion of the lot (the "flag pole") shall not exceed three and one-half (3.5) times the minimum lot width required in that zoning district. The owners propose an access drive flag "pole" of 660 feet in length where the ordinance would permit a length of only 525 feet. A flag lot configuration is the most logical solution to create three lots of equal area but that are not unreasonably long and narrow.

A second waiver would also be necessary from the subdivision ordinance requirement to prepare a Preliminary Plat. The requirement to prepare a Preliminary Plat is intended for subdivisions that include significant changes to topography, installation of public infrastructure (such as public roads and utilities), and increases in impervious surfaces (such as parking lots, roads, and roofs) that would cause increased rates of stormwater runoff. In this case there are only three lots, each greater than three acres, which are intended for single-family homes, with no public infrastructure, no significant changes to topography, and no significant changes to stormwater runoff. Therefore waiver of the Preliminary Plat requirement is appropriate.

Land Use & Zoning Designations

The site is currently zoned Champaign County AG-2 Agriculture. The proposed development will create three lots of approximately 3.5 acres each for single-family homes. Low density rural residential development is permitted by the County zoning ordinance in AG-2 areas. The 2005 Urbana Comprehensive Plan identifies this area as appropriate for agricultural compatible land uses. The proposal for low density rural residential development is generally consistent with the goals of the Comprehensive Plan for this area.

Access

The three lots of Jarrett Acres Subdivision will have access directly from Oaks Road. The proposed flag access drive will conform to the Urbana Subdivision and Land Development Code requirement of a minimum 20 foot width. Sidewalks will not be required until such time as the lots are annexed into the City of Urbana and the City Engineer determines that the area has developed to an extent that warrants their installation. A sidewalk construction deferral will be stated on the plat. There is a dedication of 40 feet of public right-of-way on Oaks Road stated on the plat.

Drainage

There is an existing drainage swale on the site running from the west to the east. The owners report the swale is not a creek and has never had flowing water. The Urbana City Engineer has determined that the subdivision of the lots will have minimal impact on site drainage and should not significantly change runoff from the site.

Utilities

The plat has been reviewed by the appropriate agencies for utilities. Each lot will be served by private septic systems and well water. The final plat delineates all the appropriate easements for utilities.

Waivers

The petition for approval of a Major Plat identifies two requested waivers:

- A Waiver to allow the flag portion of Lot 3 to be 660 feet which exceeds the maximum limit of 3.5 times the minimum lot street frontage.

- A Waiver of the requirement to provide a Preliminary Plat with topographic profiles and a stormwater management plan.

Under Section 21-7.B of the Urbana Subdivision and Land Development Code, the consideration of granting waivers shall be based on the following criteria:

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 waivers would not harm other nearby properties;
3. The waivers would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan;

The plat has been transmitted for review to outside agencies and no significant comments have been made. The request for waiver of the maximum flag pole length regulation was reviewed and found acceptable by Urbana Planning staff, the Champaign County Planning and Zoning staff, the Urbana City Engineer, and the Urbana Fire Chief. The request for a waiver of the Preliminary Plat requirement has been reviewed and found acceptable by the Urbana City Engineer and Urbana Planning staff. These requests for waivers should have no significant impact on the surrounding area, and will not be detrimental to the public health, safety, and welfare.

Summary of Findings

At the meeting on January 5, 2006 the Urbana Plan Commission adopted the following findings:

1. The proposed Final Plat for the Jarrett Acres Subdivision is generally consistent with the 2005 Urbana Comprehensive Plan's land use and roadway designations for the site.
2. The proposed subdivision would be consistent with existing Champaign County AG-2 Agriculture zoning designation for the site.
3. With the exception of the proposed waivers the proposed plat meets the requirements of the Urbana Subdivision and Land Development Code.
4. The requested waivers should not pose a negative impact to the neighborhood.
5. The requested waivers should not be detrimental to the public health, safety, and welfare.

Options

The City Council has the following options in Plan Case 1966-S-05. The City Council may:

- a. Approve of the proposed Final Plat as proposed with waivers.
- b. Deny the proposed Final Plat.

Recommendation

Based on the evidence in the discussion above and presented at the meeting conducted on January 5, 2006, the Urbana Plan Commission voted 7-0 to recommend that the City Council **APPROVE** the Final Plat of Jarrett Acres Subdivision in Plan Case No. 1966-S-05 including waivers as requested. City planning Staff concurs with this recommendation.

Prepared by:

Paul Lindahl, Planner I

CC:

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Ken Mathis
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Supervisor
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Urbana, IL 61802

Attachments:

Draft Ordinance
Draft Minutes of January 5, 2006 Urbana Plan Commission hearing
Proposed Final Plat of Jarrett Acres Subdivision
Petition for Subdivision Waivers
Aerial Map

ORDINANCE NO.2006-01-007

An Ordinance Approving A Final Subdivision Plat
(Jarrett Acres Subdivision - Plan Case No. 1966-S-05)

WHEREAS, John, Marjorie, and Mark Seaman have submitted a Final Plat for Jarrett Acres Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the Final Plat for Jarrett Acres Subdivision identifies the planned subdivision of the tract into three single-family rural residential parcels; and

WHEREAS, the Final Plat for Jarrett Acres Subdivision meets the requirements of the Urbana Subdivision and Land Development Code with the exception of two identified waivers; and

WHEREAS, the waivers to the Urbana Subdivision and Land Development Code include a waiver to allow the access drive "flag pole" portion of Lot 3 to be 660 feet long which exceeds the maximum limit of 3.5 times the minimum lot street frontage, and a waiver of the requirement to provide a Preliminary Plat with topographic profiles and stormwater management plan; and,

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

WHEREAS, the waiver of the maximum flag pole length regulation was reviewed and found acceptable by Urbana Planning staff, the Champaign County Planning and Zoning staff, and the Urbana Fire Chief; and,

WHEREAS, waiver of the Preliminary Plat requirement has been reviewed and found acceptable by the Urbana City Engineer and Urbana Planning staff; and,

WHEREAS, The Final Plat for Jarrett Acres Subdivision complies with the 2005 Urbana Comprehensive Plan; and,

WHEREAS, The City Engineer has reviewed and approved the Final Plat for Jarrett Acres Subdivision; and,

WHEREAS, in Plan Case 1966-S-05, the Urbana Plan Commission, on January 5, 2006 recommended approval (7-0) of the Final Plat for Jarrett Acres Subdivision along with the waivers;

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

Section 1. The Final Plat for Jarrett Acres Subdivision attached hereto is hereby approved as platted.

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 _____, 2006.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2006.

Laurel Lunt Prussing, Mayor

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: January 5, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Laurie Goscha, Benjamin Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward

MEMBERS EXCUSED: Jane Burris, Don White

STAFF PRESENT: Elizabeth Tyler, Community Development Director; Robert Myers, Planning Manager; Paul Lindahl, Planner I; Matt Wempe, Planner I; Tony Weck, Recording Secretary

OTHERS PRESENT: Tom Berns, Mark Seaman, Paul Tatman, Carl Webber

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

The meeting was called to order at 7:32 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the 12/8/05 meeting were approved with no changes by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

 Letter from Don Flessner supporting Plan Case No. 1966-S-05

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 1871-A-03: Request to revise an approved Annexation Agreement for the Prairie Winds Development located on the south side of Colorado Avenue approximately 394 feet east of Philo Road.

Paul Lindahl, Planner I, presented the staff report for the proposed Annexation Agreement revision case to the Plan Commission. He began with a brief description of the background of the case. He showed the site plan and the requested changes. He talked about the purpose for the proposed changes and summarized staff findings. Mr. Lindahl presented and reviewed staff's recommendation, which was as follows:

City staff recommended that the Plan Commission forward this case to the Urbana City Council with a recommendation for approval as presented.

With the Staff Report presented, Mr. Pollock opened a public hearing regarding this Plan Case. Ms. Stake inquired as to the amount of open space that would be included in the revised Annexation Agreement. Mr. Lindahl answered that plenty of open space would remain a part of the development. The question was also posed with regards to buffering between the parking lot and adjacent residences. Mr. Lindahl answered that greenery of a sufficient size and nature would be planted so as to effectively screen off the parking lot from the view of adjacent residences.

The petitioner, Paul Tatman addressed the Commission briefly, showing photos of a similar development that his firm had completed in Decatur, Illinois. Mr. Grosser addressed one question to Mr. Tatman regarding the screening of any garbage collection facilities on the grounds. Mr. Tatman answered that any dumpsters would be screened off by appropriate fencing.

With no further comment coming from the Commission or petitioner, Mr. Pollock closed the public hearing. Mr. Ward moved that the Plan Commission forward the request for revision to the City Council with a recommendation for approval as presented. Ms. Goscha seconded the motion. Roll call was taken and was as follows:

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

The motion was passed by a vote of 7-0. The anticipated date of City Council consideration is January 17, 2006.

Plan Case No. 1966-S-05: Final Plat of Jarrett Acres Subdivision located at the 3500 block of East Oaks Road (County Road 1850N).

Mr. Lindahl presented the staff report for the proposed Final Plat to the Plan Commission. He began with a brief discussion on the layout of the subdivision. The manner in which the petitioners wish to lay out the three lots would require a waiver to the subdivision code. According to the Subdivision Ordinance, whenever there is a request for a waiver, the subdivision is by definition no longer eligible for review as a Minor development. Mr. Lindahl showed the site plan and the desired layout. He talked about the purpose for the proposed layout and summarized staff findings. Mr. Lindahl further presented and reviewed staff's recommendation, which was as follows:

City staff recommended that the Commission forward this case to the City Council with a recommendation to approve the Final Plat of Jarrett Acres Subdivision including waivers as requested.

Mr. Pollock opened a public hearing regarding this Plan Case and invited any of the petitioners to address the Commission. Mark Seaman, an owner of one of the lots in the proposed subdivision spoke briefly, thanking the Commission for its consideration. Mr. Myers stated that he understood the property had been acquired through inheritance and that it was being subdivided for the three heirs. Mr. Pollock responded that this was correct. Mr. Myers further stated that he believed this was a factor in the subdivision ordinance waiver. Dividing the property equally infers that the three lots would be of equal size. Rather than creating three very long and narrow lots of equal size and road frontage, the proposed use of a flag lot allowed three equal sized lots which were useful.

Having no further comment from the Commission or the petitioners, Mr. Pollock closed the public hearing. Ms. Goscha moved that the Commission forward Plan Case No. 1966-S-05 to the City Council with a recommendation to approve. Ms. Stake seconded the motion. Roll call was taken and was as follows:

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

The motion was passed by a vote of 7-0. Consideration of these cases with the requested waivers by the City Council is anticipated on January 17, 2006.

Plan Case No. 1970-M-05: Request by Howard Wakeland for a zoning map amendment to rezone 1010-1026 West Main Street, and 1011 West Clark Street from B-3U, General Business – University to CCD, Campus Commercial District

Plan Case No. 1971-SU-05: Request by Howard Wakeland for a Special Use Permit to establish *Multi-family Residential*, and *Professional & Business Office* uses as part of a mixed use development at 1010-1016 West Main Street, and 1011 West Clark Street.

By unanimous vote, consideration of these cases was continued until the next Plan Commission meeting.

Plan Case No. 2005-A-13: Annexation Agreement for a 26.7-acre tract of property, located along the south side of Interstate 74, generally east of the eastern terminus of Killarney Street and generally north of the northern terminus of Country Club Drive/Urbana Golf & Country Club.

Plan Case No. 1972-M-05: Request to rezone a 5.4-acre tract of property located south of Interstate 74, generally east of the eastern terminus of Killarney Street and generally north of the northern terminus of Country Club Drive from Champaign County C-R, Conservation-Recreation Zoning District to City, R-4, Medium Density Multiple Family Residential Zoning District upon annexation.

The staff reports for these cases were presented together by Matt Wempe, Planner I. Mr. Wempe began by giving a brief introduction and background on the case. Aerial views of both parcels to be annexed were shown and Mr. Wempe discussed, among other things, the tax benefits to the City of Urbana of the annexation and development of these parcels. Mr. Wempe further presented and reviewed staff's recommendation, which was as follows:

City staff recommended that, with regards to both Plan Case NO. 2005-A-13 and 1972-M-05, the Commission forward this case to the City Council with a recommendation to approve the proposed Annexation Agreement as presented.

The public hearing regarding these Plan Cases was then opened by Mr. Pollock. Charlie Farner and Steve Snyder addressed the Commission on the particulars of the Planned Unit Development. Mr. Ward inquired as to the length of the access drive to the development. Ms. Tyler stated that the length of the drive was not seen as problematic by the City Engineer and that a second access point was not seen as warranted. Mr. Grosser expressed concern with regards to tree conservation in the area and Mr. Snyder responded that as many trees as possible would be preserved. Tom Berns further commented that many of the trees near the development, which lie along the Saline Branch, have been there since the Branch was constructed in approximately 1902. Concern was also expressed by the Commission with regards to emergency access to the development, especially considering that there would be only the one access road to it. Mr. Berns responded that, while it may not be desirable, fire trucks and other emergency vehicles could simply drive across the grass to get to the building in the event of an emergency. Mr. Snyder also noted that the building would be fully equipped with fire sprinklers and would be of a fire resistant design.

Having no further comment from the Commission or petitioners, Mr. Pollock closed the public hearing and Ms. Stake moved that the Commission forward Case No. 2005-A-13 to the City Council with a recommendation to approve. Mr. Grosser seconded the motion. Roll call was taken and was as follows:

| | | | | | |
|-------------|---|-----|---------------|---|-----|
| Ms. Goscha | - | Yes | Ms. Stake | - | Yes |
| Mr. Grosser | - | Yes | Ms. Upah-Bant | - | Yes |
| Mr. Hopkins | - | Yes | Mr. Ward | - | Yes |

Mr. Pollock - Yes

The motion was passed by a vote of 7-0. It is anticipated that the City Council would consider the case at their January 23, 2006 meeting.

In the matter of Case No. 1972-M-05, Ms. Stake moved that the Commission forward the case to the City Council with a recommendation to approve. Mr. Grosser seconded the motion. Roll call was taken and was as follows:

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

The motion was passed by a vote of 7-0. The anticipated date for City Council consideration of this case is January 23, 2006.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers briefed the Commission on upcoming projects as well as those currently underway by Planning Staff.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Robert Myers, Planning Division Manager
 Urbana Plan Commission