



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

MEMORANDUM

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: February 13, 2004

SUBJECT: Plan Case No. 1881-S-04, Combination Preliminary and Final Plat of The Ridge Subdivision. Southwest corner of Amber Lane and Myra Ridge Drive.

Introduction

The Atkins Group is requesting both preliminary and final plat approval for The Ridge Subdivision. The Ridge is proposed to be a Common-Lot Line Development with five triplex buildings and five duplex buildings. All of the units will be on separate, subdivided lots as allowed under the provisions of Common-Lot Line development in the Urbana Zoning Ordinance and Urbana Subdivision and Land Development Code. The development will be similar to the neighboring Common-Lot Line development to the east called The Vistas. The Vistas, also developed by The Atkins Group, are exclusively two-unit Common-Lot Line developments. The Ridge will contain a mix of two-unit and three-unit models.

Background

History of the Site

The development is proposed on Lots 103 and 104 of the Eastgate Subdivision. The property was originally annexed into the City of Urbana in 199x as part of the Tabin Annexation Agreement. The Tabin Annexation Agreement encompassed XX acres and includes the property adjacent to this site owned by Meijer. Upon annexation the property proposed for development was zoned R-4, Multi-Family Residential. The Tabin annexation was followed by a major subdivision plat called Eastgate Subdivision. The Ridge is proposed on Lots 103 and 104 of the original Eastgate Subdivision.

Land Use, Zoning, and Comprehensive Plan Designations

The table below indicates zoning, land use and comprehensive plan designations adjacent to the site. In general, the area has been planned for a mixture of medium-density residential and commercial uses. Other development in close proximity to the site includes two-unit common-lot line development to the east (The Vistas), an Assisted Living Facility to the north (Canterbury Ridge), apartments to the northeast (Amber Pointe Apartments), and a church to the northwest (St. Matthew Lutheran Church). Currently the Meijer tract to the west is undeveloped although Meijer Stores, Inc. has approval to construct a superstore on the property. The property immediately to the south along Myra Ridge Drive is zoned commercial and there are no approved development plans at this time. The property to the south is also owned by The Atkins Group.

COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE TABLE

| Direction | Comprehensive Plan | Zoning | Land Uses |
|------------------|---------------------------|-------------------------------|--|
| Site | Residential | R-4, Multi-Family Residential | Proposed Common-Lot Line Residential Development. |
| North | Residential | R-4, Multi-Family Residential | Assisted Living Facility / Canterbury Ridge |
| East | Residential | R-4, Multi-Family Residential | Common-Lot Line Residential Development (The Vistas) |
| South | Residential | B-3, General Business | Undeveloped |
| West | Commercial | B-3, General Business | Undeveloped. Approved for a Meijer Superstore. |

Discussion

Requirements for Common-Lot Line Developments

In 1995 the Urbana Zoning Ordinance and Urbana Subdivision and Land Development Code were amended to create provisions for “Common-Lot Line Dwelling Units”. A Common-Lot Line Dwelling is defined in the Zoning Ordinance as follows:

Dwelling, Common-Lot Line: A dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being

located on its own separate lot and within a common-lot-line development approved by the City of Urbana. Each common-lot-line dwelling unit is legally eligible for separate ownership through a transfer of fee simple title.

The Zoning Ordinance distinguishes between two-unit common-lot line and multi-unit common lot line developments (three or more units). Minimum lot sizes and widths are established accordingly (see attachment). For two-unit common-lot line dwellings the minimum lot requirements include 3,000 square feet in lot area and a 30-foot minimum lot width per unit. Multi-unit common-lot line dwellings (three units or more) are required to contain a minimum of 20-foot in lot width and a minimum of 2,000 square foot of lot area per unit. The Zoning Ordinance also specifies requirements for building codes as well as perpetual agreements for the maintenance of common grounds.

The Ridge will function similar to The Vistas development to the east. Homebuyers purchase the lot and dwelling unit via fee simple title. The subdivision will contain restrictions and covenants that regulate how the property is used. Within the covenants are provisions for a homeowners association which requires annual dues from owners. The dues pays for exterior maintenance of the lots and units. Homeowners are responsible for the maintenance of the interior of the units. This arrangement is similar to most condominium development except that in some cases condominium developments owners purchase only the interior of a unit and not a lot that has been subdivided. In the case of common-lot line developments, the buyer purchases and owns both the lot and the unit.

Subdivision Layout and Access

The Ridge proposes 25 lots that would contain ten structures. Five of the structures will contain three units and five structures will contain two units. Most of the lots and units will take access to a new public street to be called Lydia Court West. Lydia Court West will extend from the existing Myra Ridge Drive and Lydia Court intersection. Lydia Court West will end in a cul-de-sac. Considering that the site is located immediately east and adjacent to a large parcel of land zoned commercial and approved for an intense business use, it would not be appropriate to extend the local residential street to the parcel. Eight of the twenty-five units will take access directly to Myra Ridge Drive or Amber Lane. The remaining 17 units will take access from the proposed Lydia Court West.

The developer has requested a waiver to allow Lydia Court West to be a 50-foot right-of-way along with a 25-foot wide street measured from back of curb to back of curb. Currently the Urbana Subdivision and Land Development Code requires a 60-foot wide right-of-way and a 31-foot wide roadway for new residential local roads. In this case the waiver request may be justified since the road will serve as access to only 17 units and will not connect to any other developments. On-street parking is proposed to be restricted to one side only. However, every

unit will contain a two-car garage along with spaces to park in the driveways so it is not anticipated that there will be heavy demand for on-street parking.

The Urbana Subdivision and Land Development Code requires sidewalks on both sides of Lydia Court West. The developer has requested a waiver to allow construction of a sidewalk on the entire west side of the road and only on part of the east side (see attachment). The developer indicates that the waiver is justified because many of the units actually front on Amber Land and Myra Ridge Drive and that residents in those units would not use the a sidewalk within the development. Both Amber Land and Myra Ridge Drive already contain sidewalks. At this time city staff is working with the developer to explore alternative sidewalk layouts that will best serve the development and considers the most likely pedestrian routes. Additional information on this topic will be presented at the February 19, 2004 Plan Commission meeting.

Drainage

Stormwater runoff for the development will be directed to the regional detention provided for the Eastgate Subdivision. An existing drainage basin is located behind the developing common-lot line units on Amber Lane and Lydia Court directly east of this site (see attached map). Runoff will be collected in storm sewers and directed across Myra Ridge Drive at two locations. The stormsewers continue east and outlet into the basin. As with all preliminary and final subdivision plats, final stormwater management plans must be approved by the City Engineer prior to any construction on the site. At this point the preliminary drainage concepts have been reviewed and are considered to be adequate.

Utilities

As is customary with proposed subdivisions, copies of the plat have been sent to the various utility agencies for their review and comment. At this point there are no concerns with providing utilities to the site. The site is located in an area that is easily served by sanitary sewer, water, power, phone, cable, etc. The final plat indicates easement lines where utilizes will be provided.

Waivers

The developer is requesting two individual waivers from the Subdivision and Land Development Code. The following waivers are requested:

1. Waiver from Table A to allow the reduction of the right-of-way and pavement width for Lydia Court West. Request to reduce the required right-of-way width from 60 feet to 50 feet. Request to reduce the required street width from 31 feet to 25 feet.

Today's consensus is that streets should be narrower in residential subdivisions because this leads to slower traffic speeds and safer pedestrian conditions. This waiver request is consistent

with the request granted for newer subdivisions. In this case the waiver is justified because the development will be a low traffic generator and will not connect to other development that could increase traffic on the street.

2. Waiver from Section 21-37(A)1 requiring sidewalks on both sides of the street. The developer is proposing a sidewalk entirely on the west side of Lydia Court West and partially on the east side.

This waiver is proposed considering the fact that many of the units will take access from Myra Ridge Drive and Amber Lane which both currently contain sidewalks. The developer also desires to keep as much green space in the front yards as possible. The proposed sidewalk network anticipates pedestrian needs within the development. At this time city staff is reviewing this proposal and may suggest an alternative layout considering expected pedestrian routes in the area. Regardless, a waiver from the requirement to provide a sidewalk along the both sides of Lydia Court West may be justified in conjunction with an alternative system that will best serve the residents of the development.

According to the Urbana Subdivision and Land Development Code, the petitioner must justify the granting of a waiver from strict compliance with the Code by showing that the waiver meets the following criteria. These criteria are identified and discussed below:

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;
 - *The size and intensity of the development will be small and therefore a narrower right-of-way and street width is justified.*
 - *An alternative sidewalk network that does not specifically meet the requirements of the code but provides adequate access for residents of the development is justified.*
2. The granting of the waivers would not harm other nearby properties;
 - *The granting of the waivers should not be harmful to neighbors.*
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 granting of the requested waivers should not cause any harm to the public health, safety and welfare of the community and would not be contrary to the objectives and goals set forth in the Comprehensive Plan.*

Summary

1. The proposed Preliminary and Final Plat would be consistent with Comprehensive Plan land use and roadway designations for the site.
2. The proposed Preliminary and Final Plats would be consistent with existing zoning designations for the site.
3. The proposed Preliminary and Final Plat would allow for the establishment of a residential development that is consistent with the established development to the east and consistent with the land uses planned for in the area.
4. With the exception of the proposed waivers as discussed above, the proposed plat meets the requirements of the Urbana Subdivision and Land Development Code.
5. The requested waivers to allow a 50-foot wide right-of-way and a 25-foot wide street should not pose a negative impact to the neighborhood.
6. The requested waiver from the requirements of providing a sidewalk on both sides of the street can be justified with an alternative sidewalk layout the best serves the anticipated pedestrian needs of the development.

Options

The Plan Commission has the following options in this case:

- a. forward this case to City Council with a recommendation for approval of the proposed Preliminary and Final Subdivision Plats of The Ridge, along with the requested waivers;
or
- b. forward this case to City Council with a recommendation for denial of the proposed Preliminary and Final Subdivision Plats of The Ridge, along with the requested waivers.

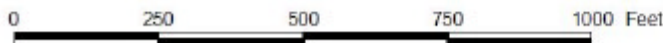
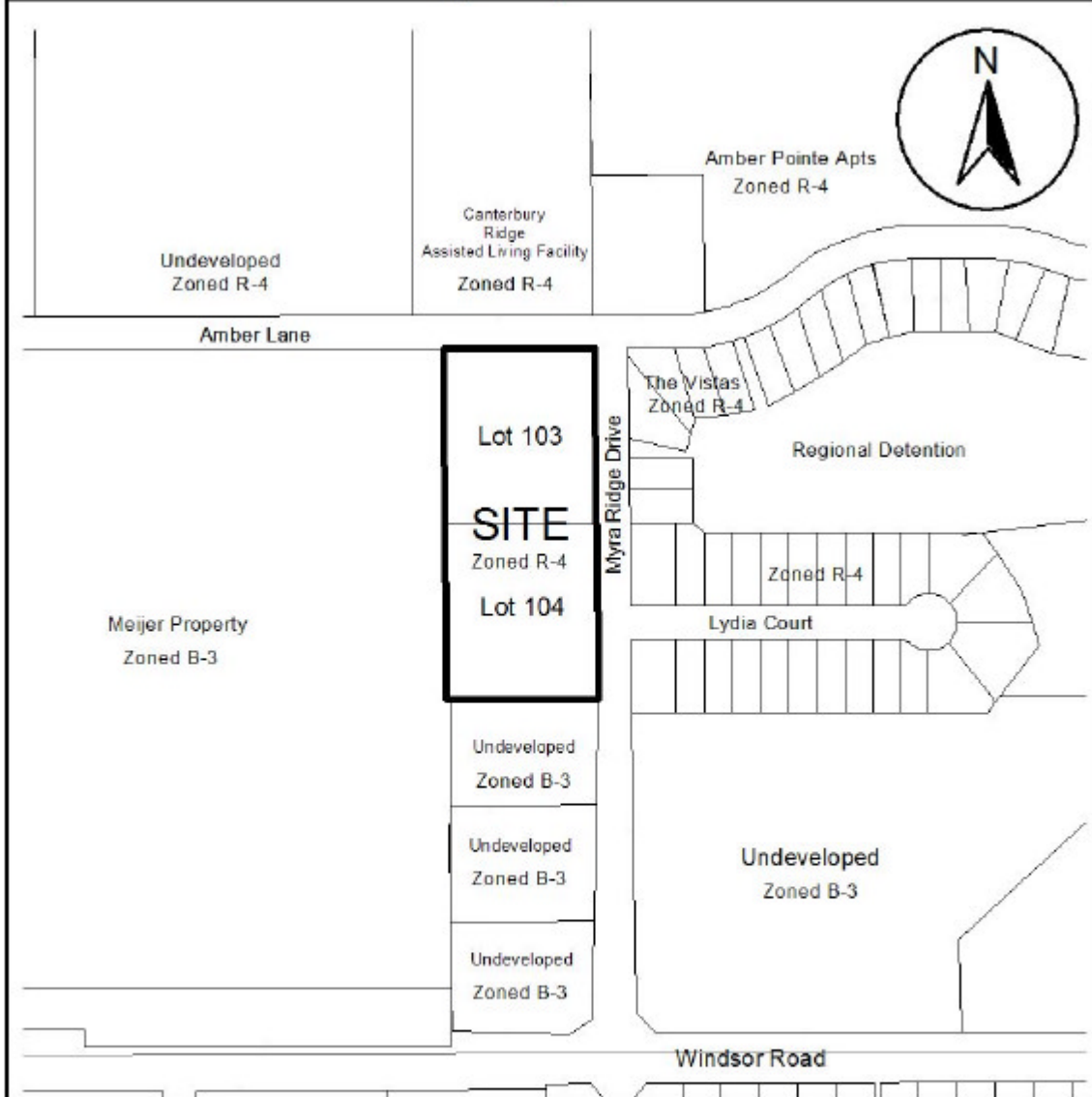
Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to approve the Preliminary and Final Plats of The Ridge Subdivision along with the requested waivers.

c: Mike Martin, The Atkins Group
Mark Dixon, The Atkins Group
Bill Sheridan, HDC

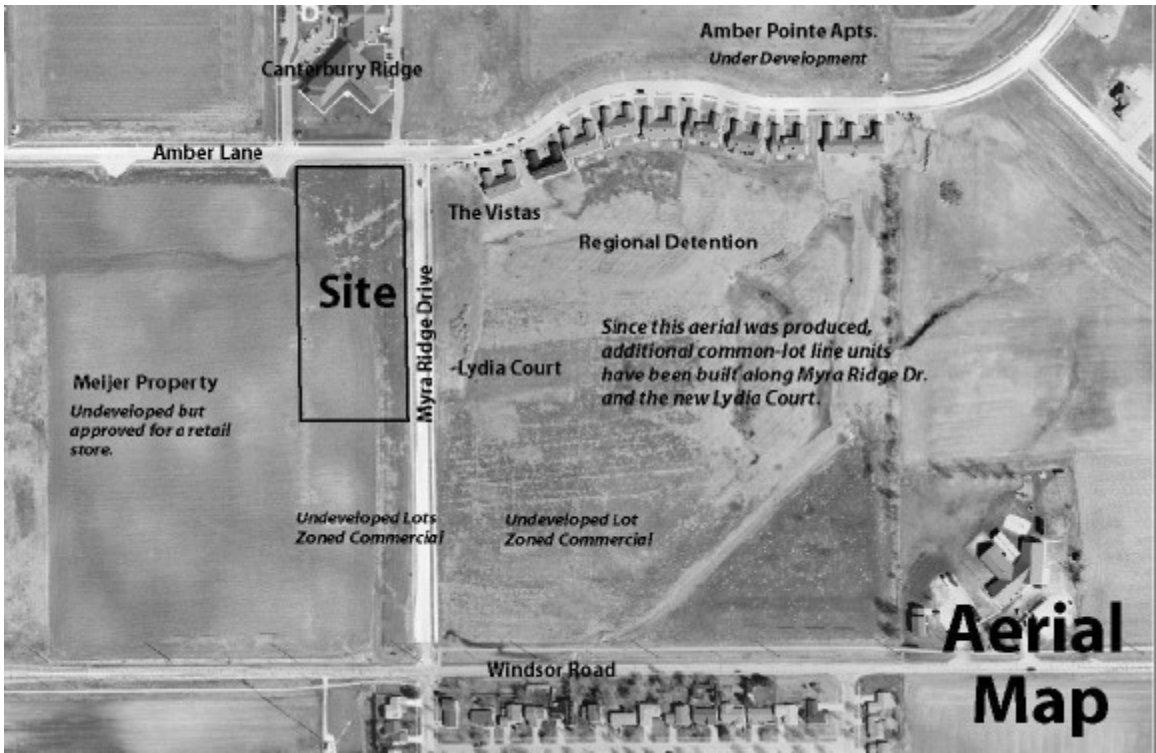
Attachments: Proposed Preliminary and Final Plats (not in digital format)
Location and Zoning Map
Aerial Map
Preliminary Building Layout Plan (not in digital format)
Proposed Sidewalk Connection Plan (by Developer) (not in digital format)
Regulations on Common-Lot Line Developments from Urbana Zoning Ord.

Location and Zoning Map



Petitioner: The Atkins Group
Southwest corner of Amber Lane
and Myra Ridge Drive
1881-S-04 The Ridge Subdivision Preliminary and Final Plat

Prepared February 13, 2004 by Community Development Services



ARTICLE V. USE REGULATIONS

Section V-9. Regulations for Common-Lot-Line Dwelling Units

Common-lot-line dwelling units, as defined in Article II and as permitted in Table V-1 of this Ordinance, shall be allowed in conformance with the following restrictions:

A. Subdivision of Land

1. The fee simple transfer of ownership of a portion of a lot improved with a rowhouse or townhouse or duplex for the purpose of establishing separate ownership of common-lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this Ordinance and to the provisions of Section 21-19 in Chapter 21 of the Urbana City Code. Each lot shall contain no more than one common-lot-line dwelling unit.
2. After a common-lot-line subdivision has been recorded, the lots shall be developed exclusively for common-lot-line dwelling units and for no other type of development. Any change in the type of development on said platted lot(s) may require approval of a new subdivision plat.

B. General Provisions

1. The provisions of the BOCA National Building Code, as adopted by the City of Urbana, shall apply to common-lot-line dwelling units rather than the provisions of the BOCA National Existing Structures Code, even if a structure exists at the time the subdivision is recorded.
2. All common-lot-line dwelling units shall have an Owner's Certificate providing for a form of maintenance agreement for the perpetual maintenance of the common-lot-line dwelling units as specified in Section 21-19-D of Chapter 21 of the Urbana City Code.
3. All fee simple transfers of ownership that were approved by the City of Urbana prior to May 1, 1993 shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision plat to be established as common-lot-line dwelling units.

C. Development Regulations

1. Platted lots which contain common-lot-line dwelling units shall be subject to and comply with the standards set forth in Article VI and Table VI-1 of this Ordinance, except as provided in this section. Each lot which contains a common-lot-line dwelling unit shall be considered separately and independently from adjoining common-lot-line dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), front yards, and rear yards.
2. The standards for minimum lot area and lot width for common-lot-line dwelling units shall be as follows:
 - a) For a common-lot-line building which contains three (3) or more dwelling units: Each lot shall have a minimum lot area of two thousand (2,000) square feet and a minimum street frontage of twenty (20) feet.

- b) For lots that are zoned R-2 or R-3 and were originally platted before December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of three thousand (3,000) square feet and a minimum street frontage of thirty (30) feet.
 - c) For lots that are zoned R-2 or R-3 and were originally platted after December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of four thousand five hundred (4,500) square feet and a minimum street frontage of forty (40) feet.
 - d) For lots that are zoned R-4, R-5, R-6, R-6B, B-2 or MOR, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of three thousand (3,000) square feet and a minimum street frontage of thirty (30) feet.
3. For the purpose of calculating side yards, a dwelling unit on the end of a common-lot-line building shall have a single side yard which conforms to the standards for side yards for the zoning district in which the building is located as set forth in Table VI-1 and Section VI-5 of this Ordinance. No side yards shall be required for interior lots in a common-lot-line subdivision. (Ord. No. 9293-109, § V-9, 5-17-93)