



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **memorandum**

**TO:** The Urbana Plan Commission

**FROM:** Paul Lindahl, Planner I

**DATE:** December 30, 2005

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

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### **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. The property is located at approximately the 3500 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.

### **Discussion**

It would be possible to create three parallel lots of equal size with street frontage. However the petitioners prefer not to lay out the lots that way because they would be extremely long and thin (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 of the zoning district the lot is located in. 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 thin.

A second waiver from the subdivision ordinance requirement to prepare a Preliminary Plat would also be necessary. 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. No sidewalks are proposed within the development

### ***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 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**

1. The proposed Final Plat for the Jarrett Acres Subdivision is generally consistent with the 2005 Urbana Comprehensive Plan 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 Plan Commission has the following options in **Plan Case No. 1966-S-05**, a Final Plat of Jarrett Acres Subdivision with two waivers from the Urbana Subdivision and Land Development Code:

- a. forward this case to City Council with a recommendation for approval; or
- b. forward this case to City Council with a recommendation for denial.

## Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **APPROVE** the Final Plat of Jarrett Acres Subdivision including waivers as requested.

CC:

John Seaman  
1701 Alton Drive  
Champaign, IL  
61821

HDC Engineering, LLC  
Attn: Randy Evans  
2017 Charleston Ave.  
Mattoon, IL 61938

John Hall  
Champaign County  
Dept. of Planning and Zoning  
1776 East Washington  
Urbana, IL 61802

Ken Mathis  
Somerset Township  
Supervisor  
1869 South Forty  
Urbana, IL 61802

Attachments: Proposed Final Plat of Jarrett Acres Subdivision  
Petition for Subdivision Waivers  
Aerial Map



**PLAN COMMISSION**  
**Michael Pollock - Chair**

**TO:** Elizabeth Tyler, City Planner  
City of Urbana  
Community Development Department – Planning Division  
400 South Vine Street  
Urbana, IL 61801  
Phone (217) 384-2440 FAX (217) 384-2367

**PETITION FOR WAIVER OF SUBDIVISION REGULATIONS**

**DO NOT WRITE IN THIS SPACE**

**FOR OFFICE USE ONLY**

Date Filed 11/9/2005 Plan Case No. 1966-S-05  
Date set for UPC consideration 1/5/2005  
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 Jarrett Acres Subdivision
2. Name of applicant John Seaman, Marjorie Seaman, Mark Seaman (Phone) 217-351-7904  
Address 1701 Alton Drive Champaign IL 61821  
(street/city) (state) (zip code)
3. Owner of Record Orval Jarrett, Twilla Freeman, and Marjorie Seaman (nee Corray)  
Address 3711 East Oaks Road Urbana IL 61801  
(street/city) (state) (zip code)
4. Waiver(s) Requested: 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 of the zoning district the lot is located in.  
Section 21-14 requires a Preliminary Plat  
Section 21-37 Subsection B.7.b Page 44  
Section 21-14 Subsection \_\_\_\_\_ Page 23  
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?

*The original lot is 991 feet deep but only 500 feet wide. There is enough area for three lots over three acres but because the lot is relatively narrow there isn't enough linear road frontage for three lots to directly adjoin the road and meet the minimum width requirements of the Champaign County Zoning Ordinance. A flag lot configuration is the most logical solution but the length of the access drive would need to be longer than that permitted by the Urbana subdivision ordinance.*

*A subdivision of this size would ordinarily be a minor subdivision. 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 intended for single family homes, with no public infrastructure, no significant changes to topography, and no significant changes to stormwater runoff.*

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).

*The waivers should have no impact on adjacent property. The plat includes easements for public utilities if they are needed in the future.*

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

*The cost of creating a Preliminary Plat with topological contours and stormwater management calculations is an unnecessary burden in a subdivision of this size.*

*Creating a lot layout that meets the standard maximum length regulation for "flag" lot access drives would mean the lots would be of different sizes and illogical shapes, and would defeat the purpose of an equal divisions of the land among family members.*

8. Additional exhibits submitted by the petitioner:

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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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Signature of Applicant(s)

**AERIAL MAP  
with Proposed Lot Layout**

**EXHIBIT "C"**



**Jarrett Acres Subdivision**

