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DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: The Urbana Plan Commission

FROM: Kevin Garcia, Planner II

DATE: August 28, 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.

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. 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. Properties that fall within the boundary are subject to additional land use regulations, per Section XIII-4 of the Urbana Zoning Ordinance. These ensure that any development within or near the Boneyard Creek floodplain does not adversely affect neighboring properties, such as by increasing impervious surfaces and making 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. The new flood insurance maps 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 new floodplain

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

² 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.

information, the City Council and Mayor have asked City staff to "make any necessary modifications to the Boneyard Creek Overlay District".

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.

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.

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³ City Council and Mayor Goals 2014-2017 (Goal 7.6.b)

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. Most of the properties that are proposed for removal from the district lie in one of those two areas. 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. Of the 21 properties proposed for addition to the Boneyard Creek Overlay District, 19 are in the area just described.

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.

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

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⁴ See Exhibit A

⁵ See Exhibit B

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.

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.

Public Outreach

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 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.

Summary of Staff 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.

⁶ http://urbanaillinois.us/zoning/boneyard_creek_district

- 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 Plan Commission has the following options with respect to Plan Case No. 2239-M-14:

- 1. forward this case to City Council with a recommendation for approval as presented herein;
- 2. forward this case to City Council with a recommendation for approval as modified by specific suggested changes; or
- 3. forward this case to City Council with a recommendation to deny the proposed amendment.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission make a recommendation to City Council to **APPROVE** the proposed map amendment as presented herein.

Attachments: Exhibit A: Map – Differences in the Boneyard Creek Floodplain

Exhibit B: Map – Proposed New Boneyard Creek District Boundary

Exhibit C: Bonus Provisions in the Boneyard Creek District

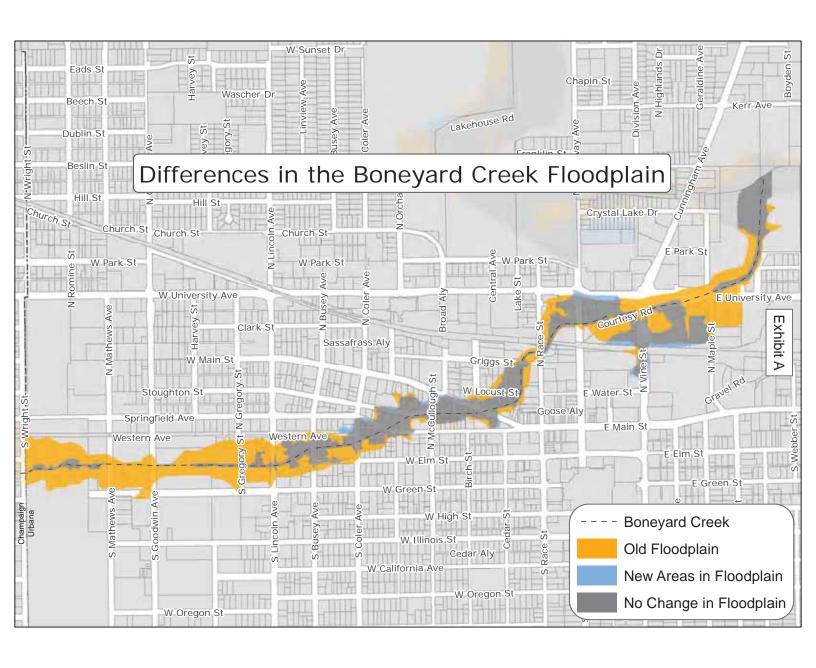
Exhibit D: Q & A on the Boneyard Creek District

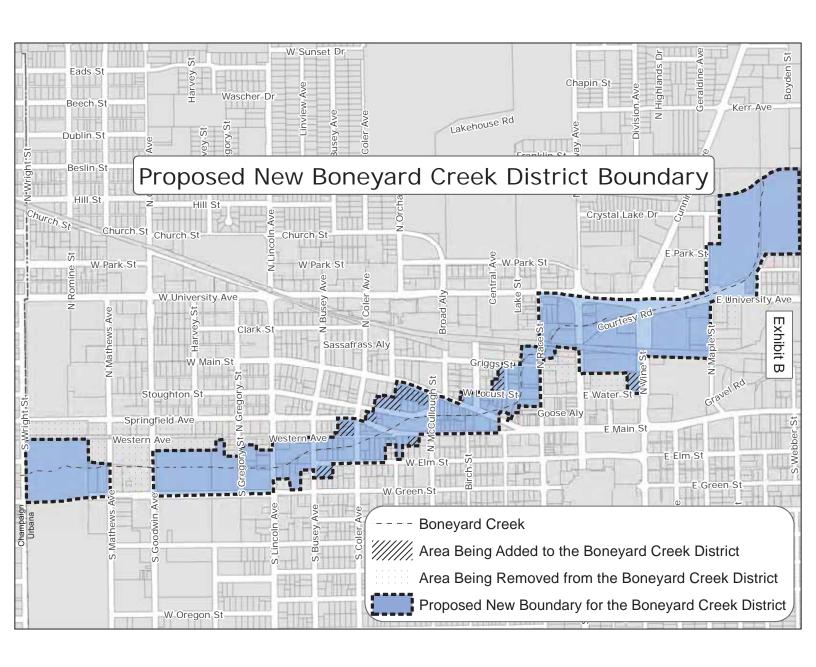
Exhibit E: List of Properties Proposed to be added to or removed from the Boneyard

Creek Overlay District

Exhibit F: Public Meeting Announcement and Materials

CC: Clark Bullard, Boneyard Creek Commissioner



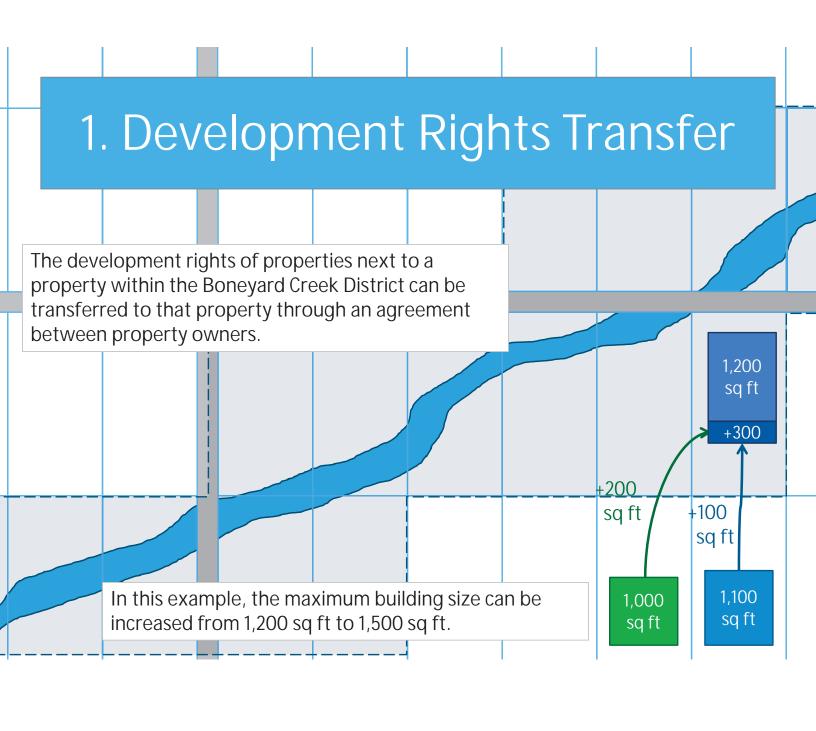


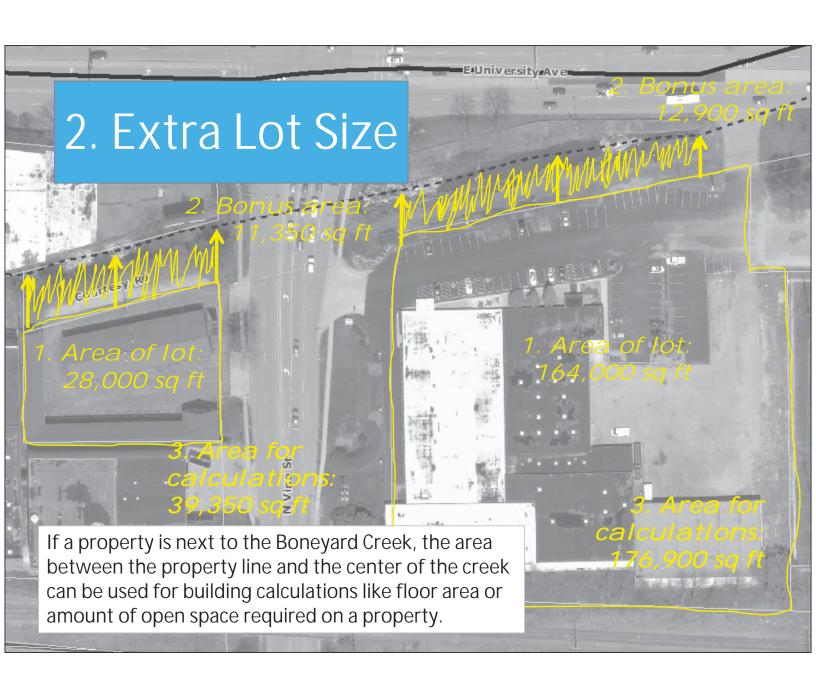
Bonus Provisions in the Boneyard Creek District

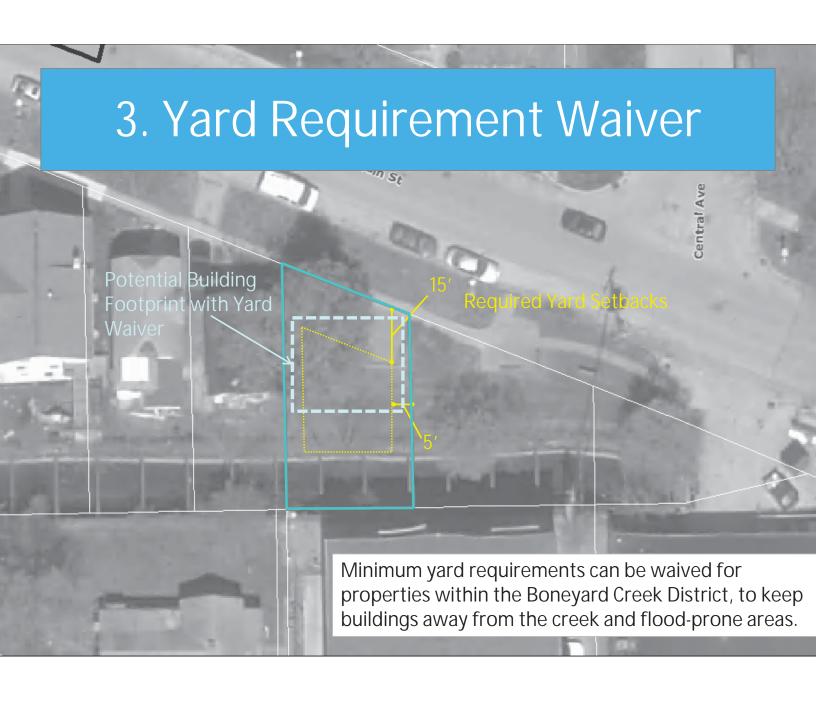
Full descriptions of these provisions can be found in Section XIII-4.F of the Urbana Zoning Ordinance http://urbanaillinois.us/zoning

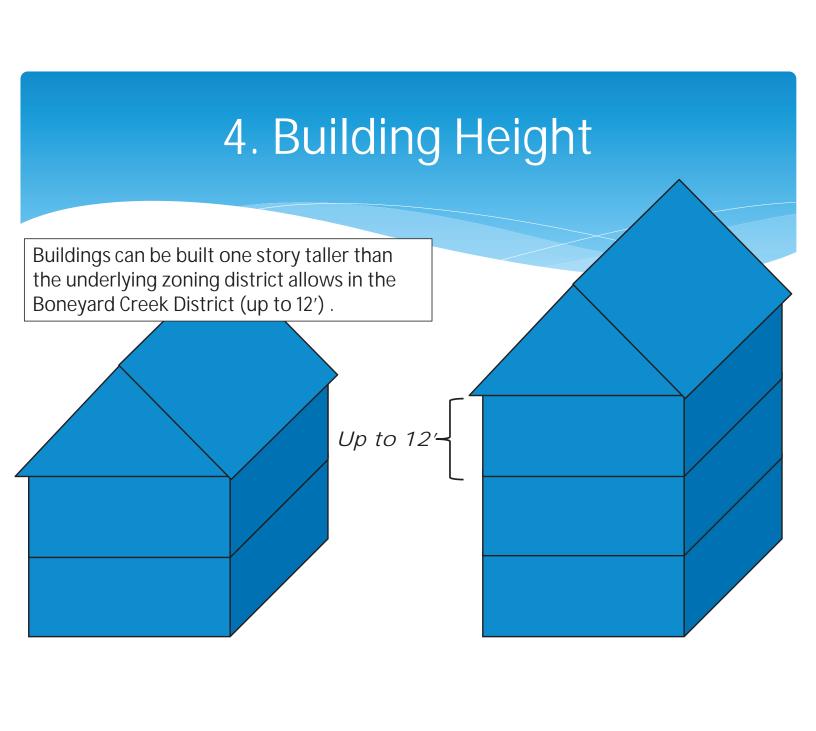
Bonus Provisions

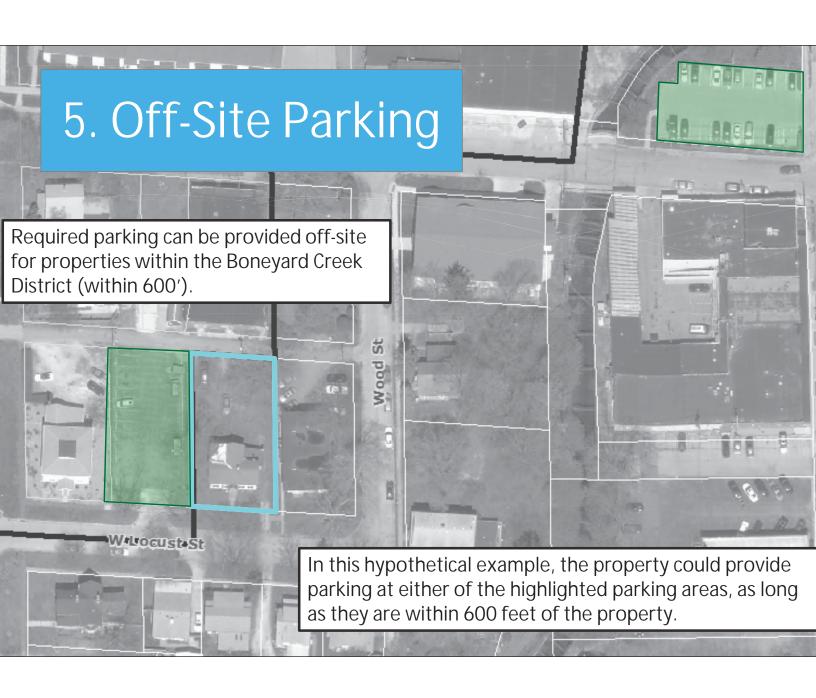
- 1. Development Rights Transfer
- 2. Extra Lot Size
- 3. Decreased or Waived Yard Requirements
- 4. Increased Height
- 5. Off-site Parking
- 6. Mixed Uses





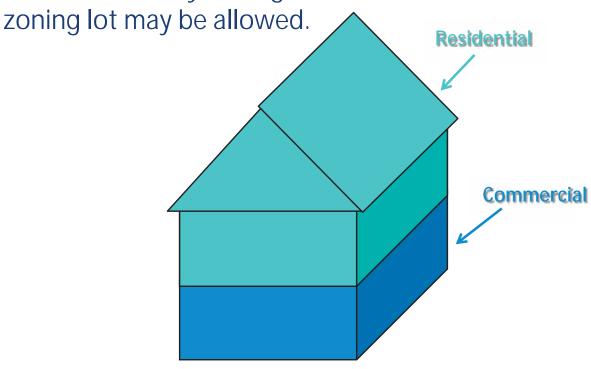






6. Mixed Uses

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



Boneyard Creek District: Q & A

Q. What is the Boneyard Creek District?

A. The idea to create a special district to enhance development around the Boneyard Creek was first proposed in the Boneyard Creek Master Plan of 1978. Later that same year, the Boneyard Creek District was created, its boundaries were formalized, and development rules were written for the District. The general goals of the District are to develop the creek as a cultural, economic, and environmental asset for the city. The Boneyard Creek District promotes development that reduces flood hazards, improves water quality, and prevents land uses that negatively affect water runoff.

The boundary of the Boneyard Creek District is made up of all properties that are touched by the 100-year floodplain. (The 100-year floodplain represents an area that has a 1-in-100 chance of flooding in a given year.)

Q. Why is the District being remapped?

A. The Federal Emergency Management Agency (FEMA) last mapped flood zones on a national level in the 1980s. That was the last time flood zones were mapped around the creek, until recently. A lot has changed since the 1980s.

Recently, the City of Urbana, the City of Champaign, and the University of Illinois partnered to remap certain areas in the Urbana-Champaign area, including the Boneyard Creek. All three agencies had undertaken efforts since the 1960s to reduce flooding along the Boneyard Creek, and the remapping was partly an effort to create new maps to show the improvements that had been made. The new flood maps were officially approved by FEMA in October, 2013. Since the City of Urbana now has these new, more accurate flood maps, the City is required to redraw the boundaries of the Boneyard Creek District.

Q. What effect does the District remapping have on my property?

A. If you are receiving this letter, your property was already within, or is being added to, the Boneyard Creek District. The remapping changed, and actually shrunk, the area around the Boneyard Creek that is prone to flooding. However, the paths of waterways are impossible to control or predict exactly over time, as new development causes changes in runoff patterns. While the total flood-prone area shrunk, some areas that were not flood-prone in the 1970s are flood prone now. That is why some properties that were not within the Boneyard Creek District using the old flood maps are being added to the District now.

Q. What does it mean to have a property in the Boneyard Creek District?

A. The Boneyard Creek District is an "overlay district", which means that there are special rules that "overlay", or modify, the standard zoning regulations for properties within the district. Due to the sensitive nature of the Boneyard Creek and the flooding issues that can arise from building near the creek, all construction within the Boneyard Creek District requires a Creekway permit. The Creekway permit requirement is designed to make sure that construction within the District helps meet the goals of the District and does not cause harm to other property owners (e.g. by increasing flood risks).

Q. Are there any benefits to being in the District?

A. Yes! One of the main goals of the Boneyard Creek District is to reduce flood risk along the Boneyard Creek by preventing buildings and structures that will make flooding worse. The City of Urbana realized that this goal, and the required Creekway Permit process, can limit the usefulness of properties within the District. Special development bonuses were created to allow for more intensive use of the areas that will not add to flooding problems along the creek. For instance, buildings in the Boneyard Creek District can be built one story taller than the underlying zoning district allows, so that buildings can be built away from the creek without sacrificing floor space.

In total, there are six development bonuses that can be used for properties within the Boneyard Creek District: *Development Rights Transfer; Extra Lot Size; Yards; Height; Parking; Mixed Uses.* City staff will present information on each of these bonuses at the public meeting on August 12th, and will also be available to explain them to you if you have questions. Explanations for each bonus can be found in Article XIII-4.F of the Urbana Zoning Ordinance. The Zoning Ordinance can be downloaded at http://urbanaillinois.us/zoning.

For more information, please visit http://urbanaillinois.us/zoning/boneyard_creek_district.

The following properties are proposed to be added to the Boneyard Creek District:

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PIN
             ADDRESS
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
            604 W STOUGHTON ST
912108363025
912108461009 203 N VINE ST
            705 W SPRINGFIELD AV
922117104005
922117104006 103 N COLER AV
922117104009 704 W WESTERN AV
922117104010 702 W WESTERN AV
922117106017 711 W ELM ST
922117110026 505 W SPRINGFIELD AV
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The following properties are proposed to be removed from the Boneyard Creek District:

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PIN
             ADDRESS
912108384012 300 W MAIN 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
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- 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
- 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
- 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

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division 400 S. Vine Street Urbana, IL 61801 (217) 384-2440

July 29, 2014

NOTICE OF A COMMUNITY MEETING

To Whom It May Concern:

You are invited to an informational meeting regarding the Boneyard Creek District expansion on August 12th, 2014, from 6:00 PM to 8:00 PM at the Urbana Civic Center, located at 108 E. Water Street. As an owner of a property or business that will be added to the Boneyard Creek District, you are highly encouraged to attend this meeting to learn about the rules for development near the Boneyard Creek.

The Boneyard Creek District was established in 1978 in order to protect and enhance the creek as an amenity and as vital public infrastructure for flood control. The BYC District is based on the Boneyard Creek floodplain, as determined by the Federal Emergency Management Agency (FEMA). Recently, in conjunction with FEMA, the City of Urbana has remapped this flood plain to better reflect drainage patterns and flooding hazards, which has led to the remapping of the Boneyard Creek District.

As established by Section XI-13 of the Urbana Zoning, specific regulations are applied to the modification of structures, as well as to new development, in the Boneyard Creek District. These changes are overseen by the Boneyard Creek Review Commission. The Urbana Zoning Ordinance can be found at http://urbanaillinois.us/zoning. This additional level of oversight is intended to preserve the creek's vital significance to our community, as well as to minimize any potential adverse impacts on storm runoff.

At the August 12th, 2014 open house, staff from both the City of Urbana's Planning Division and Public Works Department will be hosting a presentation and Q and A session regarding the remapping of the Boneyard Creek District, and its implications for property owners. Light refreshments will be offered.

Enclosed with this letter, you will find an informational sheet detailing the need for the Boneyard Creek District, as well as the regulations that are applied within this district. This information can be found on the City web site at http://urbanaillinois.us/zoning/boneyard_creek_district.

We look forward to your attendance at the informational meeting on August 12th, 2014, from 6:00 PM to 8:00 PM at the Urbana Civic Center. If you have any questions regarding changes to the Boneyard Creek District, or this community meeting, please do not hesitate to contact Planning Division staff at (217) 384-2440.

Sincerely,

Jeff Engstrom, AICP

Interim Planning Division Manager

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



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The Boneyard Creek District was established in 1978 in order to protect and enhance the creek as an amenity and as vital public infrastructure for flood control. The BYC District is based on the Boneyard Creek floodplain, as determined by the Federal Emergency Management Agency (FEMA). Recently, in conjunction with FEMA, the City of Urbana has remapped this flood plain to better reflect drainage patterns and flooding hazards, which has led to the remapping of the Boneyard Creek District.

Section XI-13 of the Urbana Zoning Ordinance calls for specific regulations to be applied to the modification of structures, as well as to new development, in the Boneyard Creek District. These changes are overseen by the Boneyard Creek Review Commission. The Urbana Zoning Ordinance can be found at http://urbanaillinois.us/zoning. This additional level of oversight is intended to preserve the creek's vital significance to our community, as well as to minimize any potential adverse impacts on storm runoff.

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Sincerely,

Jeff Engstrom, AICP

Interim Planning Division Manager

Changes to the Boneyard Creek District and Floodplain

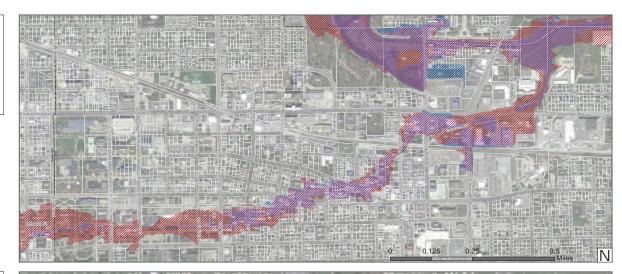
Official Floodplain

Area in Old Floodplain Only

Area in New Floodplain Only

Floodplain Unchanged

Parcel Boundary



Changes to the Boneyard Creek District and Floodplain

Boneyard Creek District

Area of Old Boneyard Creek District Only

Area of New Boneyard Creek District Only

Area in Both Old and New Boneyard Creek District

Parcel Boundary

