



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: April 12, 2007

SUBJECT: Plan Case No. 2019-S-06, Combined Preliminary and Final Plats of Brickhouses Road Subdivision

Introduction

This case is a request by Deborah and Michael Insana for approval of combined Preliminary and Final Plats of Brickhouses Road Subdivision. The proposal is for a development of 12 single family residential lots on a 24-acre tract of land located within the City’s mile and one-half extra-territorial jurisdiction (ETJ) area.

Please refer to the previous staff memoranda and attachments for discussion of site conditions, subdivision regulations, requested waivers, and the City and petitioners’ perspectives on the case.

Summary of Public Meetings

At its meeting on February 22, 2007, the Urbana Plan Commission voted unanimously 8-0 to recommend approval of the Combined Preliminary and Final Plat of Brickhouses Subdivision with certain conditions and waivers.

At its meeting on March 19, 2007, the Urbana City Council forwarded the case to the Committee of the Whole for further discussion of conditions specific to the case and the requested waivers.

At its meeting on March 26, 2007, the City of Urbana Committee of the Whole recommended approval (6-1) of the Combined Preliminary and Final Plats for Brickhouses Road Subdivision with a modified set of certain waivers and conditions stated at the end of this memo.

Waiver Criteria

Urbana Subdivision and Land Development Ordinance Section 21-7.A “Intent” (of waivers) states:

“It is the intent of this section, when appropriate and when a specific case of hardship is shown, to allow a waiver from the strict compliance with the provisions of this chapter. It is recognized that restrictions governing the development of land may not, under some specific

circumstances, be fairly and equally applied to unusual or abnormal development conditions. Further it is the intent of this section to establish weighing criteria to determine the validity of a specific hardship upon which requests for waivers can be considered. Waivers are not intended to be used as a means of circumventing or evading the purposes of this chapter or any other requirement which regulates land developments.”

Section 21-7.B “Criteria” (of waivers) states that City Council may grant waivers upon finding that all the conditions below apply:

- 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 requested waiver would not harm other nearby properties;
- 3) The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan.

Section 21-7.C “Conditions” (of waivers) states that in granting a waiver, the Plan Commission and City Council may consider:

- the proposed uses and plans for development of the property;
- the nature of surrounding proposed or existing development;
- any pertinent environmental factors; and
- the property's designated use under the Urbana Official Comprehensive Plan.

In granting waivers the City Council may impose any requirements or conditions and restrictions the Council deems essential to protect the public health, safety and welfare. The Council may require said conditions be included in a plat, owner's certificate, deed, lease or other document of conveyance.

Options

The City Council has the following options for the Combined Preliminary and Final Plats of Brickhouses Road Subdivision in Plan Case 2019-S-06:

- a. Approve the plat with the requested waivers, along with any necessary conditions; or
- b. Approve the plat with some of the requested waivers, along with any necessary conditions; or
- c. Deny the plat. If denied, the Council must state specific findings whereby the plat is deficient.

Council Discussion

At its meeting on March 26, 2007, the Urbana Committee of the Whole discussed the case and then voted in separate motions on the requested waivers.

Passed unanimously by voice vote were motions to recommend approval of:

- 25-foot street pavement with no parking on either side of the street
- Waiver of sidewalks on the west side of Brickhouses Road and deferral of sidewalks on the east side of Brickhouses Road, around the cul-de-sac of Brickhouses Road, and along the north side or Airport Road with construction to occur when sidewalks are constructed elsewhere along Airport Road in the vicinity of the subdivision.

Defeated by a voice vote was a motion to allow waiver of installation and capping of sewer mains and laterals. Staff noted that should the Illinois Environmental Protection Agency (IEPA) not grant a permit for said sewer installation, then a condition shall be added to the Covenants of the Subdivision to require the establishment of a Special Services Area to pay for said improvements at such time as they may be permitted.

Council also discussed the need to impose certain limitations upon the subdivision to ensure that it will be constructed and maintained as a “conservation-style” subdivision, since said approach was a major rationale for the request and granting of the waivers and deferrals from the standards of the Subdivision Ordinance.

The Urbana Council Committee of the Whole then voted 7-1 to recommend **APPROVAL** of the Combined Preliminary and Final Plats of Brickhouses Subdivision with the waivers and conditions as set forth below:

1. Waiver of Section 21-36.A.1 and Table “A” entitled “Minimum Street and Alley Design Standards” to allow Brickhouses Road, a local residential street, to be constructed with a pavement width of 25-feet rather than the minimum required 31-feet.
2. Waiver of Section 21-37.A.1 to allow no construction of sidewalks on the west side of Brickhouses Road rather than on both sides of the street.
3. Waiver of Section 21-37.A.1 to allow the eventual construction of sidewalk to be limited to the seven lots on the east side of Brickhouses Road and around it’s cul-de-sac.
4. Deferral of construction of sidewalks on the north side of Airport Road until such time as the City Engineer determines that increased development in the area justifies it and/or improvements to Airport Road occur.
5. Deferral of construction of sidewalks on the seven lots on the east side of Brickhouses Road and around it’s cul-de-sac until such time as City Engineer determines increased development in the area justifies it and/or improvements to Airport Road occur.

6. The condition (in the interests of public safety to maintain access by emergency vehicles) that no parking is allowed on either side of Brickhouses Road and signs must be installed stating such.
7. The condition that necessary improvements be made to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.
8. The owner/developer shall apply for an IEPA sanitary sewer construction permit. If the IEPA issues a construction permit the owner/developer is required to install the sanitary sewer. If the IEPA rejects an application for a technical reason (wrong diameter sewer, need another manhole, etc.) the owner/developer's engineer shall amend and resubmit the application. If the IEPA does not issue a construction permit for a non-technical reason, then the owner/developer will not be required to install the public sanitary sewer at this time but the necessary subdivision covenant language, a note on the face of the plat and language in the owner's certificate shall be in place which provides for the consent to establish a special service area to pay for the construction of sanitary sewers in the subdivision at such time as service is required by a governing authority (i.e. UCSD, City of Urbana, IEPA) or such time as a public sanitary sewer is located within 350 feet of the boundary of any portion of this subdivision.
9. The condition that the Owners Certificate, and the subdivision Covenants and Restrictions include provisions to create a permanent conservation easement on the 10.43-acre Lot 12 and 2.72-acre Outlot 13 detention basin, in order to ensure the continued preservation of these areas with forest restoration on the southern four acres of Lot 12 and prairie grass and a natural habitat pond on Outlot 13.

Prepared by:

Paul Lindahl, Planner I

Attachments:

Draft Ordinance Approving Brickhouses Road Subdivision

Preliminary Plat -

(Requirements met by Site Engineering Plan Sheet 4 of 15 entitled: "Grading-Paving Plan and Erosion Control Plan")

Final Plat

CC:

Michael F. and Deborah J. Insana
1104 Oak Creek Road
Mahomet, IL 61853

ZAMCO, Inc.
Attn: Rex Bradfield
1602 E. University Ave.
Urbana, IL 61802

Meyer Capel Attorneys
Attn: Jenny Park
P.O. Box 6750
306 West Church Street
Champaign, IL 61826-6750

H:\Planning Division\001-ALL CASES(and archive in progress)\02-PLAN Cases\2006\2019-S-06, Brickhouses Sub, Insana Airport Rd (Major)\CC stuff 4-02-07\Brickhouses CC Memo 4-2 v 2 all FINAL.doc

ORDINANCE NO. 2007-03-029

An Ordinance Approving
Combined Preliminary and Final Subdivision Plats
(Brickhouses Road Subdivision - Plan Case No. 2019-S-06)

WHEREAS, The Corporate Authorities of the City of Urbana are empowered by Illinois Municipal Code Article 11 Divisions 12 and 15 (65/ILCS 5/11-12 and 5/11-15) to approve subdivision plats; and,

WHEREAS, The City of Urbana has subdivision plat jurisdiction within the Extra Territorial Jurisdiction (ETJ) area contiguous to and within one and one-half miles beyond the corporate limits; and,

WHEREAS, Under Section 21-7 of the City's Subdivision and Land Development Code the City Council is empowered to grant waivers from the requirements of the code; and,

WHEREAS, Deborah and Michael Insana (acting as trustees of the Michael F. Insana and Deborah J. Insana Trust Dated February 28, 2005), have submitted Combined Preliminary and Final Plats for Brickhouses Road Subdivision in general conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, in Plan Case 2019-S-06, the Urbana Plan Commission, on February 22, 2007, recommended approval (8-0) of the Combined Preliminary and Final Plats for Brickhouses Road Subdivision along with certain waivers and conditions; and,

WHEREAS, The Combined Preliminary and Final Plats for Brickhouses Road Subdivision meet the requirements of the Urbana Subdivision and Land Development Code with the exception of waivers stated herein; and

WHEREAS, The Combined Preliminary and Final Plats for Brickhouses Road Subdivision are generally consistent with the City of Urbana's 2005 Comprehensive Plan; and,

WHEREAS, the City Engineer has reviewed the requested waivers and has determined that those which are to be granted will not negatively affect the public benefit or general welfare; and,

WHEREAS, The City Engineer has reviewed and approved the Combined Preliminary and Final Plats for Brickhouses Road Subdivision with certain waivers and conditions as set forth herein.

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

Section 1. The Combined Preliminary and Final Plats for Brickhouses Road Subdivision as attached hereto are hereby approved contingent upon the Conditions specified in Section 3. of this Ordinance.

Section 2. The Combined Preliminary and Final Plats for Brickhouses Road Subdivision comply with the requirements of the Urbana Subdivision and Land Development Code with the exception of the following construction standard waivers and time deferrals which are hereby granted:

1. Waiver of the pavement width requirements of Section 21-36.A.1 and Table "A" entitled "Minimum Street and Alley Design Standards" to allow Brickhouses Road, a local residential street, to be constructed with pavement width of 25 feet, rather than the minimum required 31 feet.
2. Waiver of Section 21-37.A.1 to allow construction of no sidewalks on the west side of Brickhouses Road in front of Lots 8-11 only, rather than on both sides of the street.
3. Deferral of construction of sidewalks in front of Lots 1-7 until such time as the City Engineer determines that increased development in the area justifies its construction and/or the deferred sidewalk on the north side of Airport Road is constructed.
4. Deferral of construction of sidewalks on the north side of Airport Road until such time as the City Engineer determines that increased development in the area justifies it and/or improvements to Airport Road occur.

Said waivers from strict compliance with the provisions of the Urbana Subdivision and Land Development Code are appropriate due to unusual and abnormal development conditions, and furthermore are justified by conditions of topography and other site specific reasons, by the waivers granted herein not harming nearby properties, and by not negatively impacting the public health, safety and welfare, so long as the conditions required by Section 3. of this Ordinance are met.

Section 3. In granting the waivers specified in Section 2. of this Ordinance, the following conditions for subdivision plat approval are deemed essential to protect the public health, safety and welfare and are hereby imposed and required for approval:

1. The condition (in the interests of public safety to maintain access by emergency vehicles) that no parking be allowed on either side of Brickhouses Road and that signs be installed stating such.
2. The condition that necessary improvements be made to the intersection of Airport Road and Brickhouses Road to facilitate safe access and egress, as specified by the Urbana Township Road District Commissioner.
3. The condition that the owner/developer shall apply for an Illinois Environmental Protection Agency (IEPA) sanitary sewer construction permit. If the IEPA issues a construction permit the owner/developer is required to install the sanitary sewer. If the IEPA rejects an application for a technical reason (wrong diameter sewer, need another manhole, etc.) the owner/developer's engineer shall amend and resubmit the application. If the IEPA does not issue a construction permit for a non-technical reason, then the owner/developer will not be required to install the public sanitary sewer at this time but the necessary subdivision covenant language, a note on the face of the plat and language in the owner's certificate shall be in place which provides for the consent to establish a special service area to pay for the construction of sanitary sewers in the subdivision at such time as service is required by a governing authority (i.e. UCSD, City of Urbana, IEPA) or such time as a public sanitary sewer is located within 350 feet of the boundary of any portion of this subdivision.

4. The condition that the recorded Owners Certificate, and the subdivision Covenants and Restrictions will create a permanent conservation easement on the 10.43-acre Lot 12 and 2.72-acre Outlot 13 detention basin, which will ensure the continued preservation of these areas with forest restoration on the southern four acres of Lot 12 and prairie grass and a natural habitat pond on Outlot 13, and furthermore that these requirements be reviewed and approved by the City of Urbana's Administrative Review Committee based on these principles.

Section 4. 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 _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled

"An Ordinance Approving Combined Preliminary and Final Subdivision Plats (Brickhouses Road Subdivision - Plan Case No. 2019-S-06)"

which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2007, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2007.