



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Laurel Lunt Prussing, Mayor

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

DATE: July 12, 2007

SUBJECT: Plan Case No. 2040-S-07, Preliminary Plat for Washington Square Second Subdivision located on the east side of the 1100 block of Philo Road

Introduction

Edward Salfelder, Sr. and Edward Salfelder, Jr. are requesting Preliminary Plat approval for a subdivision of property they own on the east side of the 1100 block of south Philo Road. The subject property is a 2.54 acre tract of vacant property that has a B-3, General Business District zoning designation.

Background

The area between Washington Street and Philo Road including the subject property was approved in a 1972 Preliminary Plat and General Plan known as the Washington Square Subdivision. The subdivision of the area from Washington Street to the subject property was also approved that year in a Final Plat called Washington Square First Subdivision. The original 1972 plan called for Washington Square to extend south from Washington Street and end in a cul-de-sac in the middle of the subject property. Over the years the sale of part of the area to Illinois Power for a sub-station and railway spur abandonment allowing access to Philo Road, has resulted in Washington Square never being extended into the subject property.

This case was reviewed by the Urbana Plan Commission at their July 5, 2007 meeting. Commissioners discussed the petitioners request for deferral of sidewalk construction on the property. The Plan Commission voted 4 ayes and 1 nays to forward the Preliminary Plat for Washington Square Second Subdivision to City Council with a recommendation of approval.

Discussion

The proposed development will create two lots for commercial development and an outlet containing a detention basin for stormwater runoff from the two lots. It is anticipated that Lot 1 will be occupied by a Family Dollar store and that Lot 2 will be marketed for future commercial development.

The 2005 Urbana Comprehensive Plan identifies this tract as appropriate for “*Community Business*” intended to serve the immediately adjacent neighborhoods. The proposal appears to be generally consistent with the 2005 Urbana Comprehensive Plan and is consistent with the existing zoning classification for the parcel.

Access

Access to the site will be from new driveways to Philo Road. Lot 1 will have two access drives and Lot 2 will be permitted one driveway. There will be a cross access agreement to allow shared use of the drives from one lot to the other. Urbana Public Works Department has reviewed the proposed location of driveways and found them acceptable.

Drainage

Stormwater runoff will be detained on site in the outlot detention basin. A stormwater management plan will be submitted and reviewed by the Urbana Public Works Department as required by the Subdivision and Land Development Code.

Utilities

The plats have been reviewed by the appropriate agencies for utilities. It does not appear that there will be any problems providing necessary utilities to the site. The final plat will delineate all the appropriate easements for utilities.

Deferrals and Waivers

The applicants have requested a deferral of the requirement to immediately construct a sidewalk on the east side of Philo Road. At this time there is no sidewalk on the east side of Philo Road on the adjacent lots. Consistent with other situations where sidewalks are not currently present on adjoining lots, deferral of sidewalk construction is recommended until such time as development or Philo Road improvements in the area warrant it, and construction of a continuous sidewalk both northwest and southeast of the property can be arranged. The Final Plat will contain a notation that when the City Engineer determines it is necessary the owners (including their successors) will be required to install the sidewalk in front of the property within 90 days at their own expense.

In addition the Preliminary Plat identifies one waiver:

- Waiver of the requirement to construct roadway improvements for Philo Road.

The granting of the waiver is to be considered based on meeting 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; and
3. The waivers would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan.

City Engineering review of the potential impact of the development has determined that improvements to Philo Road are not necessary due to this development. There would be no harm caused to other properties, or negative impacts to health safety and welfare.

Summary of Findings

1. The proposed Preliminary Plat for the Washington Square Second Subdivision is consistent with 2005 Urbana Comprehensive Plan land use and roadway designations for the site.
2. The proposed Preliminary Plat would be consistent with existing zoning designations for the site.
3. The proposed Preliminary Plat would allow for the establishment of new commercial uses on the subject property to serve the adjacent neighborhoods.
4. With the exception of the proposed waiver of roadway improvements to Philo Road, the proposed plat meets the requirements of the Urbana Subdivision and Land Development Code.
5. The requested waiver will not cause harm to the neighborhood or pose a negative impact to the public health, safety and welfare.
6. Consistent with other situations where sidewalks are not currently present on adjoining lots, deferral of sidewalk construction is recommended.

Options

The City Council has the following options with regard to the Preliminary Plat:

- a. Approve the Preliminary Plat of Washington Square Second Subdivision with the deferral and waiver as requested; or
- b. Approve the Preliminary Plat of Washington Square Second Subdivision without the deferral and/or waiver requested; or
- c. Deny the Preliminary Plat of Washington Square Second Subdivision. In the case of denial the City Council must make findings of how the proposed subdivision does not meet the requirements of the Subdivision and Land Development Code.

Recommendation

Staff concurs with the Plan Commission recommendation to **APPROVE** the Preliminary Plat of Washington Square Second Subdivision with the deferral and waiver as requested.

A Final Plat consistent with the Preliminary Plat is under preparation and will be presented to City Council for review in the near future.

Prepared by:

Paul Lindahl, Planner I

cc:

Edward Salfelder, Sr. and
Edward Salfelder, Jr.
706 Jeffery Lane
Mahomet, Il 61853

Westmore Realty Group, LLC
Shawnee National Properties Attn: Pat Boehler
335 Consort Drive
St. Louis, MO 63011

Vegrzyn, Sarver and Assoc., Inc.
Attn: Wesley Meyers
P.O. Box 3697
24 E. Green Street Suite 18
Champaign, IL 61826

Joseph Pavia
123 W. Main St.
P.O. Box 987
Urbana, IL 61803

Attachments:

Draft Ordinance approving Preliminary Plat of Washington Square Second Subdivision
Draft Minutes of July 5, 2007 Plan Commission Hearing
1972 General Area Plan and Preliminary Plat
Location and Aerial Map
Proposed Preliminary Plat of Washington Square Second Subdivision

**An Ordinance Approving A Preliminary Subdivision Plat
(Washington Square Second Subdivision - Plan Case No. 2040-S-07)**

WHEREAS, Edward Salfelder, Sr. and Edward Salfelder, Jr. have submitted a Preliminary Plat of Washington Square Second Subdivision to be located on a 2.54 acre tract of vacant property on the east side of the 1100 block of south Philo Road; and,

WHEREAS, the Preliminary Plat of Washington Square Second Subdivision identifies the division of the tract into two commercial lots and an outlot for a drainage basin; and,

WHEREAS, the Petitioners have requested a deferral of the requirement to construct sidewalks on the property, and a waiver to the Urbana Subdivision and Land Development Code requirement to provide roadway improvements to the Philo Road public right-of-way; and,

WHEREAS, the Preliminary Plat of Washington Square Second Subdivision meets the requirements of the Urbana Subdivision and Land Development Code with the exception of the requested waiver; and,

WHEREAS, the City Engineer has reviewed the requested deferral and waiver and has determined that they will not negatively affect the public health, safety, or general welfare; and,

WHEREAS, The Preliminary Plat of Washington Square Second Subdivision complies with the 2005 Urbana Comprehensive Plan; and,

WHEREAS, The City Engineer has reviewed and approved the Preliminary Plat of Washington Square Second Subdivision; and,

WHEREAS, in Plan Case 2040-S-07, the Urbana Plan Commission, on July 5, 2007, voted four ayes and one nay (4-1) to recommended approval of the Preliminary Plat of Washington Square Second Subdivision along with the requested deferral and waiver.

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

Section 1. The Preliminary Plat of Washington Square Second Subdivision attached hereto, along with the requested deferral and

waiver from the requirements of the Urbana Subdivision and Land Development Code, is hereby approved.

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 _____, 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 A Preliminary Subdivision Plat (Washington Square Second Subdivision - Plan Case No. 2040-S-07)" 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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: July 5, 2007
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Tyler Fitch, Ben Grosser, Lew Hopkins, Bernadine Stake, James Ward
MEMBERS EXCUSED: Jane Burris, Michael Pollock, Marilyn Upah-Bant, Don White
STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary
OTHERS PRESENT: Wes Meyers; Ed Salfelder, Sr.

NEW PUBLIC HEARINGS

Plan Case No. 2040-S-07: A request by Edward Salfelder for Preliminary Plat approval for Washington Square Second Subdivision comprising a 2.54-acre tract zoned B-3, General Business Zoning District, and located on the east side of the 1100 block of South Philo Road.

Paul Lindahl, Planner I, presented this case to the Plan Commission. He gave a brief background of the subject property. He discussed how the proposed subdivision plat relates to the 2005 Comprehensive Plan. He also talked about access, drainage, utilities and deferrals and waivers for the proposed subdivision. He summarized staff findings and read the options of the Plan Commission. He presented staff's recommendation, which is as follows:

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to approve the Preliminary Plat of Washington Square Second Subdivision with the waiver as requested.

Ms. Stake inquired as to how many blocks would be located along the railroad. Mr. Lindahl replied that there is about 530 feet which equals about one block. The City's Engineering Division has indicated two addresses would be assigned to the location.

Ms. Stake asked for clarification as to why there was a change from the original plat submitted in 1972. Mr. Lindahl stated that the petitioner thought he would have a cul-de-sac that would come down from Washington Street at the north. The reason for the cul-de-sac was because the former

railroad tracks still existed along the east side of Philo Road. However, the railroad has since been vacated and the right-of-way sold to adjacent land owners. Currently, the most logical access to and from the proposed development is from Philo Road, which is where the petitioners wish to have it.

Acting Chair Grosser asked if the driveway between the Silver Bullet and the property to the east is actually a street. Mr. Lindahl said yes, it is a public right-of-way, but functions more as a parking lot. The City Engineering Division is aware of this. Because adjacent lots take access to it, there really is not an opportunity to vacate the street. He noted that there will be a hammerhead turnaround constructed at the end of Washington Square .

Mr. Hopkins asked about the access drive on the west side of the proposed property. Mr. Lindahl pointed out that this is an access easement. Boomerang and the Silver Bullet have easement rights to this access. It is not a public right-of-way.

Mr. Hopkins wondered if this easement would be altered by the proposed replat. Mr. Lindahl said no. It would not be altered.

Mr. Fitch noted that some of the power lines in this area hang pretty low. Does Ameren IP have any issues with this development. Mr. Lindahl stated that the proposed subdivision plat has been sent out for review to Ameren IP and the other agencies. If Ameren IP has any concerns about their power lines or about construction that might interfere with their power lines, then they will contact the builders at that time.

Ms. Stake asked if there are homes located across Philo Road. Mr. Lindahl said yes. Ms. Stake commented that she did not understand why they do not want sidewalks. Mr. Lindahl explained that there is a sidewalk on the side of the street where the residential homes are. At this time, if the City required the petitioner to install sidewalks, they would go from nowhere to nowhere, because there is no sidewalk in front of the old Tri-Star building farther to the north and there is no sidewalk to the south or east of the proposed site. Ms. Stake did not understand why the petitioner would not want a sidewalk to make future businesses locating on the proposed site to be more accessible for people/customers. Mr. Lindahl replied that the City would certainly like to have a sidewalk that goes all the way up and down Philo Road. But until the City Engineer determines that sidewalks are necessary to complete a connection to other sidewalks, City staff would agree to a deferral of sidewalk construction until that time. Ms. Stake remarked that without a sidewalk, people will not walk there. She stated that we should be encouraging people to walk. If one person constructs a sidewalk, then the next property owner will as well.

Mr. Grosser questioned if the Plan Commission wanted sidewalks installed, then what the options for the City for adjacent properties. Mr. Lindahl answered that because the sidewalks would be in the public right-of-way, sidewalks would be constructed at the City's expense. The only opportunity that City staff has to get the land owners to build sidewalks is a subdivision. Robert Myers, Planning Manager, added that in the proposed subdivision plat, the petitioner is only asking for a deferral and not a waiver. If sidewalks were built along this side of Philo Road, then the petitioner would still have to build their portion at their own expense to connect with what the City is building nearby.

With no further questions for City staff, Acting Chair Grosser opened the case to hear input from the public.

Wes Meyers, of Vegrzyn, Sarver and Associates, Inc., stated that he is the engineer for the proposed subdivision plat. He said that they also represent Shawnee National Properties, which is one of the prospective lot purchasers. They are looking to purchase Lot 1 of the proposed subdivision to construct a Family Dollar store.

To supplement what Mr. Lindahl presented in the staff report, he stated that the former railroad right-of-way has reverted to private ownership and allowed access to the proposed site to be reversed. He also noted that on older plats there is a temporary turnaround easement shown at the end of the Washington Square stub street. He recalls that the preliminary plat states that the turnaround is to be vacated once the street is extended. Technically, he does not believe it to be an officially dedicated right-of-way. It was only meant to serve as a temporary turnaround until this subdivision is developed.

Regarding sidewalks, he feels that it would make sense to install sidewalks now if the City of Urbana was planning to install sidewalks to connect to it, but until that time comes, the sidewalk would be an isolated stretch of sidewalk that would only be accessible to and from the property. People using the sidewalk would either have to cross through someone's yard or walk in the public right-of-way.

With no other public input for this case, Acting Chair Grosser closed the public input portion of the hearing. He asked staff if they had any other comments, and if not asked the Plan Commission for any discussion and a motion.

Mr. Lindahl pointed out that City staff has been working with the applicant on the proposed subdivision for a while. If and when this Preliminary Plat is approved, the petitioner plans to submit the Final Plat for approval right away. He mentioned that unless that are significant changes or any additional requests for waivers, the Final Plat would go directly to the City Council for approval. It would not come back to the Plan Commission.

Mr. Myers noted that City staff has researched the temporary turnaround referred to by the applicant's engineer. Staff determined it was placed on the plat to reserve a place for fire truck turn around. But there was never any pavement constructed. It's just grass. Fire trucks do not work well on unpaved surfaces because they are so heavy that they can easily sink in the mud. The temporary turnaround was never used for that purpose, and the City's Fire Department today says that it's unnecessary. Because the street was never extended we a left today with a stub street, which is not the ideal situation, but we need to determine how to make the best of what we have. The hammerhead turnaround to be constructed by the applicant at the end of Washington Square is not ideal but is the best solution.

Mr. Ward moved that the Plan Commission forward this case to the City Council with a recommendation of approval of the Preliminary Plat along with the requested waiver. Mr. Fitch seconded the motion.

Mr. Fitch stated that this is currently a vacant lot across from the neighborhood and adjacent to other commercial properties. From a neighborhood perspective, he felt this would be a

preferable use compared to the vacancy. It will also bring some economic potential to the corner, which is a higher traffic area. Therefore, he is in favor of it.

Ms. Stake stated that she is going to vote against it this time because of the deferral for the sidewalks. She feels that if we require the sidewalks to be constructed now, then the other connecting sidewalks will be developed as well.

Mr. Ward commented that he plans to support the motion. As Mr. Fitch said, this is an area that needs economic development. It is near the Philo Road Business District, and it has been a goal of the City to promote development in this area. This would lead to that.

As far as the sidewalk situation, he believes that all the protections are in the agreement. Any time the City decides to install sidewalks in this area, the agreement allows the City Engineer to require the petitioner to build sidewalks on the proposed site. He did not feel that the Plan Commission is in a position to instruct the City Council whether or not to budget to put sidewalks in any particular area. The City Council makes that decision in all due time.

Ms. Stake remarked that she is excited as well about getting more businesses in the City of Urbana. She is just concerned about the sidewalk. The City should have required them in all the other places, and then we would not have this problem.

Acting Chair Grosser agreed that not having a sidewalk is a problem. He believes that there will be pedestrian traffic to and from the proposed Family Dollar store. It would be ideal to have a sidewalk to be able to cross the street to go to it. However, if there are only sidewalks along the proposed site, then people will have to jaywalk to get to it anyway. He thinks the City should consider building sidewalks on the adjacent properties and ask the petitioner to build a sidewalk on the proposed site.

Ms. Stake commented that the City is trying to make places more walkable. If we do not have walkable places, then people will drive.

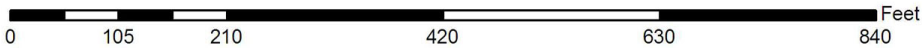
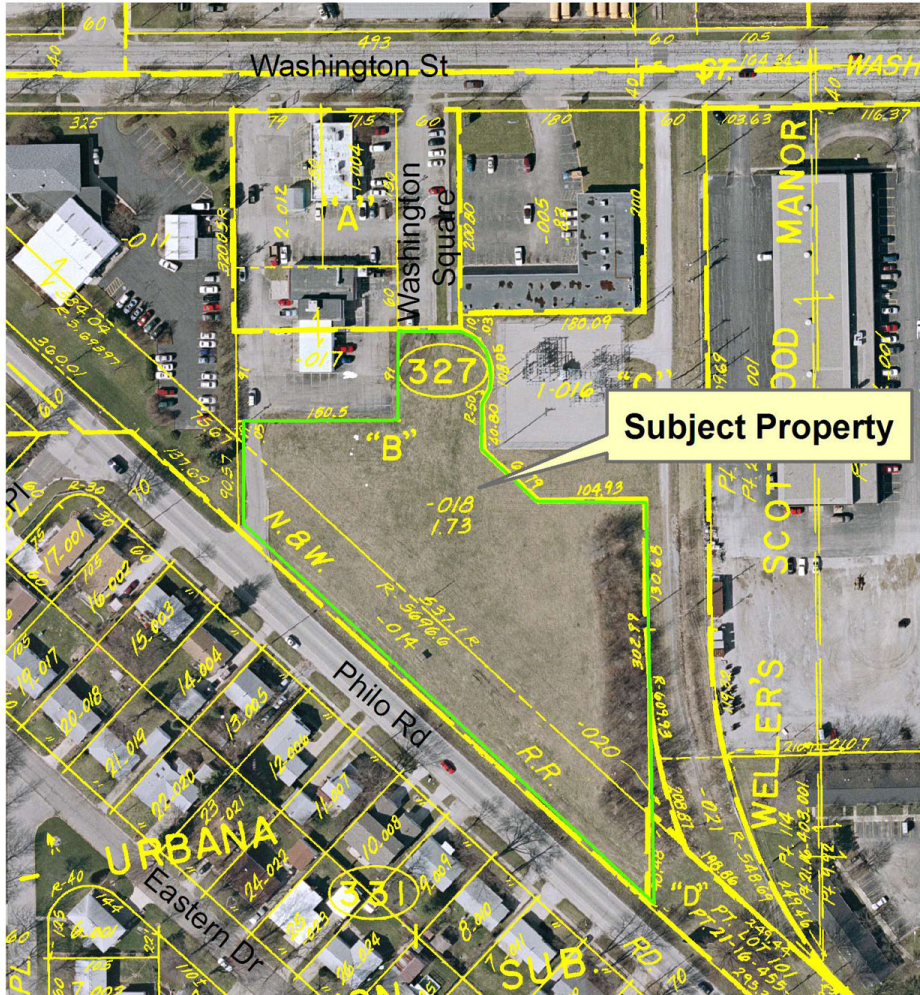
Acting Chair Grosser restated the motion and asked for a roll call. The roll call was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Ms. Stake	-	No
Mr. Ward	-	Yes			

The motion was approved by a vote of 4-1.

Mr. Myers noted that the proposed case would go before the City Council on July 16, 2007. He also noted that if a Final Plat is submitted that does not deviate substantially from the Preliminary Plat, then it would be forwarded directly to the City Council for review and possible approval.

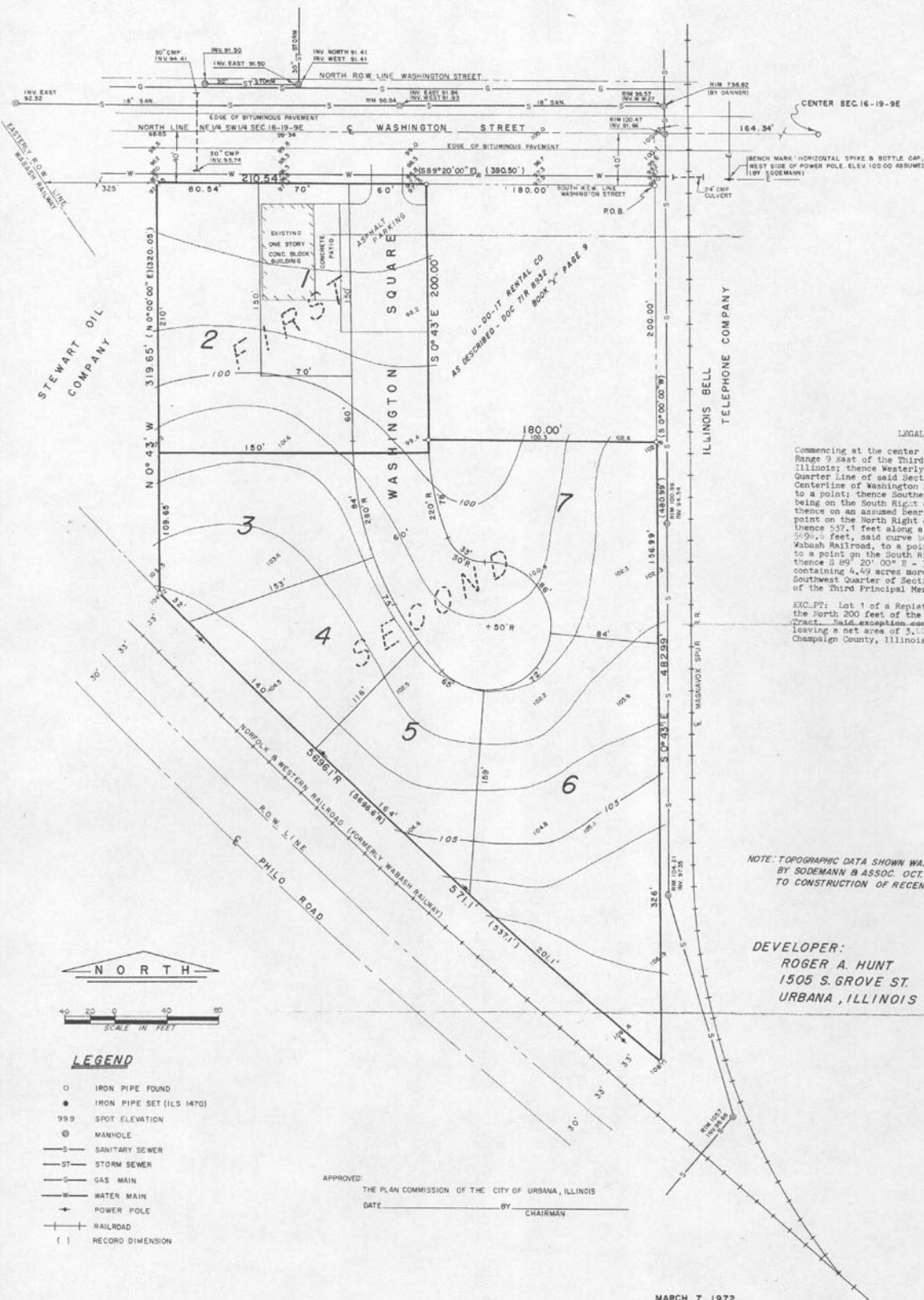
Location Map w/ Aerial Photo



Plan Case No. 2040-S-07,
 Subject: Preliminary Plat for Washington Square Second Subdivision
 Location: East side of the 1100 block of Philo Road
 Petitioners: Edward Salfelder, Jr. and Edward Salfelder, Sr.

GENERAL PLAN & PRELIMINARY PLAT OF WASHINGTON SQUARE SUBDIVISION URBANA, ILLINOIS

SOLO CUP
COMPANY



LEGAL DESCRIPTION

Commencing at the center of Section 1st, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence Westerly 1st 4th feet along the East-West Quarter Line of said Section 1st, said Quarter Line being the Centerline of Washington Street in the City of Urbana, Illinois, to a point; thence Southerly 40 feet to the point of beginning; thence on the South Right of Way Line of said Washington Street; thence on an assumed Bearing S 0° 00' 00" W - 80.99 feet to a point on the North Right of Way Line of the Wabash Railroad; thence S 57.1 feet along a curve to the right having a radius of 590.0 feet, said curve being the North Right of Way Line of the Wabash Railroad, to a point; thence N 0° 00' 00" E - 320.05 feet to a point on the South Right of Way Line of said Washington Street; thence S 89° 20' 00" E - 390.50 feet to the point of beginning, containing 4.49 acres more or less, and being situated in the Southwest Quarter of Section 1st, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois.

EXC. PT: Lot 1 of a Replat of the above described Tract being the North 200 feet of the East 180 feet of the above described Tract. Said exception containing 0.65 acres more or less, leaving a net area of 3.84 acres more or less, all situated in Champaign County, Illinois

NOTE: TOPOGRAPHIC DATA SHOWN WAS OBTAINED BY SODEMANN & ASSOC. OCT. 1966 PRIOR TO CONSTRUCTION OF RECENT IMPROVEMENTS.

DEVELOPER:
ROGER A. HUNT
1505 S. GROVE ST.
URBANA, ILLINOIS

APPROVED:
THE PLAN COMMISSION OF THE CITY OF URBANA, ILLINOIS
DATE _____ BY _____ CHAIRMAN

MARCH 7, 1972

CHARLES S. DANNER
CONSULTING ENGINEER
URBANA - CLINTON, ILL.