



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: March 29, 2012

SUBJECT: Replat of Lot 455B Beringer Commons Subdivision No. 4 (Plan Case No. 2174-S-12)

Introduction

Richardson-Beck Limited Partnership is requesting Final Plat approval of a replat of Lot 455B of the Beringer Commons Subdivision No. 4. The replat is proposed on 1.31 acres of the eastern portion of the existing Beringer Commons Subdivision in northeast Urbana. Lot 455B was originally platted for condominium-style development and currently contains a residential “rowhouse” building with 10 side-by-side condominium-style units. It is being proposed for replatting to allow for common lot-line or townhouse-style development. The subdivision would add a total of 10 lots along Rutherford Drive backing on to High Cross Road.

With common lot-line development, each purchaser can own the land under their residential unit, rather than owning it in common with others. In recent years, the developer has replatted several lots elsewhere in the subdivision for common-lot line dwelling units in response to market demand. The developer is now proposing to replat Lot 455B as attached dwelling units on individual lots in order to respond to market demands for these units as well as the financing constraints now being placed on the purchasers of condominium units by lending institutions.

According to the Urbana Subdivision and Land Development Code, a final plat may be submitted directly to and approved by City Council provided the final plat is consistent with the preliminary plat. City Council is requested to review and approve the Replat of Lot 455B Beringer Commons Subdivision No. 4, as consistent with the approved Preliminary Plat and the Urbana Subdivision and Land Development Code.

Background

The Beringer Commons Subdivision was the subject of an annexation agreement approved by the City Council on August 4, 1991 (Ord. No. 9192-20). The agreement approved the preliminary plat of the entire 140-acre tract. On August 20, 2001, the City Council approved an amendment to the annexation agreement (Ord. No. 2001-08-096) authorizing revisions to the original preliminary plat.

Also passed at that time was a combination preliminary and final subdivision plat for Beringer Commons Subdivision No. 4 (Ord. No. 2001-08-097). In 2004, Lot 453 immediately southwest of Lot 455 was replatted and has subsequently been developed as common-lot line dwellings. In 2006, City Council passed an ordinance approving a subdivision plat that divided the subject parcel into ten common-lot-line parcels (Ord. No. 2006-05-60). After approval, the applicant withdrew the plat and it was never recorded. Instead the parcel was developed with condominium units on a single lot.

The proposed final plat is consistent with the preliminary plat for Beringer Commons approved by the City Council in that it would not alter the overall layout of the subdivision.

Discussion

Zoning

The subject lot is zoned R-4, Medium Density Multiple Family Residential. The single-family areas of the Beringer Commons Subdivision are zoned R-2, Single-Family Residential, while the common-lot line areas are zoned R-4, Medium Density Multiple Family Residential. The higher density residential areas in Beringer Commons are located in the southeast corner of the subdivision near the intersection of IL Route 130 and US Route 150. The two lots at the northwest corner of this intersection are zoned B-1, Neighborhood Business. The subject lot is immediately east of Lot 453 which was replatted to accommodate common-lot line development in 2004.

2005 Comprehensive Plan

The 2005 Urbana Comprehensive Plan classifies the future land use of the entire Beringer Commons Subdivision as “Residential – Suburban Pattern”. The proposed replat would be consistent with this designation.

Access

Access to the Beringer Commons subdivision is accommodated via several collector-level roads. Beringer Circle provides access off both US Route 150 and High Cross Road, and Abbey Road provides an additional access off of US Route 150. Each of the proposed lots would have driveway access from Rutherford Drive.

Bicycle paths are planned along US Route 150 and IL Route 130. Sidewalks are also in place or planned to connect the subdivision to future residential and commercial areas. Sidewalks already exist along both sides of Rutherford Road and along High Cross Road.

Drainage

Drainage will be accommodated within existing detention facilities in the subdivision.

Utilities

The plats have been reviewed by the appropriate agencies for utilities. At this time the site is equipped with all the necessary utilities. The final plat indicates the proper easements necessary for any repair of utilities.

Waivers

The preliminary plat for Beringer Commons Subdivision included a waiver from Section 21-36.A.1 of the Urbana Subdivision and Land Development Ordinance granted in 2001 for a reduced pavement width of 31 feet to 28 feet for Rutherford Drive which affects this area.

With this new final plat the owner is requesting a waiver from the requirement to provide individual sewer connections to each lot (Section 21-41.C.6). The site was developed as a multi-family condominium building with one connection to the sanitary sewer main serving all ten units. The sanitary sewer line actually runs beneath the existing rowhouse units. To provide individual connections to the sanitary sewer at this point would require excavation below the slab on which the units are built. In order to allow for service to all of the proposed lots, the Owner’s Certificate will include a permanent maintenance easement across all properties. Staff supports this proposed waiver of the Subdivision Ordinance requirements.

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 existing placement of the sanitary sewer lines underneath the dwelling units creates a site-specific difficulty in providing for individual sanitary sewer extensions, as the development has already been built.

- 2. The granting of the requested waiver would not harm other nearby properties;

The granting of the requested waiver would not harm other nearby properties. Adjoining lots have also been developed for common lot-line dwellings.

- 3. The waiver 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 waiver would 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. The Owner's Certificate will include a permanent maintenance easement across all properties to ensure that the common sewer line is maintained. Granting of the waiver would avoid disruption of the existing structures on the property and allow for the units to be successfully marketed and financed for owner occupancy.

Summary of Findings

1. A Combination Preliminary Plat/ Final Plat for Beringer Commons Subdivision No. 4 was approved on August 20, 2001 by Ordinance Number 2001-08-097.
2. The Developer of Beringer Commons Subdivision, Richardson-Beck Limited Partnership, is requesting approval of a Replat of Lot 455B of Beringer Commons Subdivision No. 4 in order to allow for common-lot line sales of the residential units existing on this property.
3. The proposed Final Plat for the Replat of Lot 455B Beringer Commons Subdivision No. 4 is consistent with the approved Preliminary Plat adopted under Council Ordinance No. 2001-08-097.
4. The proposed Final Plat is consistent with the 2005 Comprehensive Plan land use designation of "Residential – Suburban Pattern" for the site.
5. The proposed Final Plat would be consistent with existing zoning designations for the site.
6. The proposed Final Plat meets all technical requirements of the Urbana Subdivision and Land Development Code, with the exception of a waiver for pavement width that was previously granted by the Preliminary Plat approval, and a new waiver from the requirement to provide individual sanitary sewer connections for each lot.
7. The waiver from the requirement to provide individual sanitary sewer connections for each lot is necessary due to the placement of the existing sewer line below the existing units. The waiver meets the criteria established in the Urbana Land Development and Subdivision Code.

Options

The City Council has the following options in this case:

- a. The City Council may approve the Final Plat along with the requested waiver; or
- b. The City Council may deny approval of the Final Plat. If denied, the City Council must state findings by where the plat is deficient.

Staff Recommendation

Staff recommends approval of the Final Plat for Replat of Lot 455B Beringer Commons Subdivision No. 4, along with the waiver to allow for continuation of a common sanitary sewer line on the property, subject to the provision of a permanent maintenance easement across all of the proposed lots.

Prepared by:

Jeff Engstrom, Planner II

Cc: Richardson-Beck Ltd Partnership Tom Jordan Paul Cole
 1606 Willow View Rd #1A 1610 Broadmoor Dr 411 W University Ave
 Urbana IL, 61802 Champaign, IL 61821 Champaign, IL 61820

Attachments: Exhibit A: Draft Ordinance Approving a Final Plat
 Exhibit B: Preliminary and Final Plats of Beringer Commons No. 4
 Exhibit C: Location Map
 Exhibit D: Zoning Map

ORDINANCE NO. 2012-04-032

An Ordinance Approving a Final Subdivision Plat
(Replat of Lot 455B Beringer Commons Subdivision No. 4 - Plan Case 2174-S-12)

WHEREAS, a Combination Preliminary/Final Plat for Beringer Commons Subdivision No. 4 was approved by the Urbana City Council on August 20, 2001 by Ordinance Number 2001-08-097, including the granting of a waiver from the standards of the Urbana Land Development and Subdivision Code to allow for a 28-foot paved width for Rutherford Drive; and

WHEREAS, Richardson-Beck Limited Partnership has submitted a Final Subdivision Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4 to allow for individual sales of ten attached dwellings that have been built upon the property; and

WHEREAS, the petitioner has requested an additional waiver from the standards of the Urbana Land Development and Subdivision Code to allow for a common sanitary sewer line connection for the individual lots; and

WHEREAS, The Final Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4 is consistent with the preliminary plat approved by Ordinance 2001-08-097; and

WHEREAS, The Final Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4 meets the requirements of the Urbana Subdivision and Land Development Code with the exception of the previously granted and requested waivers; and

WHEREAS, the City Engineer has reviewed the requested waiver and has determined that it will not negatively affect the public benefit or general welfare; and,

WHEREAS, The City Engineer has reviewed and approved the Final Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4.

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

Section 1. The Final Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4 attached hereto is hereby approved contingent upon satisfying the Conditions specified in Section 3. of this Ordinance.

Section 2. The Final Plat for Replat of Lot 455B of Beringer Commons Subdivision No. 4 complies with the requirements of the Urbana Subdivision and Land Development Code with the exception of the following waiver which is hereby granted:

1. Waiver of Section 21-41.C.6 to allow the existing single sanitary sewer connection serving all ten lots, rather than the minimum required one connection per lot.

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

1. The Owner's Certificate for the proposed subdivision shall grant a mutual maintenance easement for the sanitary sewer connection in order to allow for any needed repairs.

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 _____, 2012.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2012.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

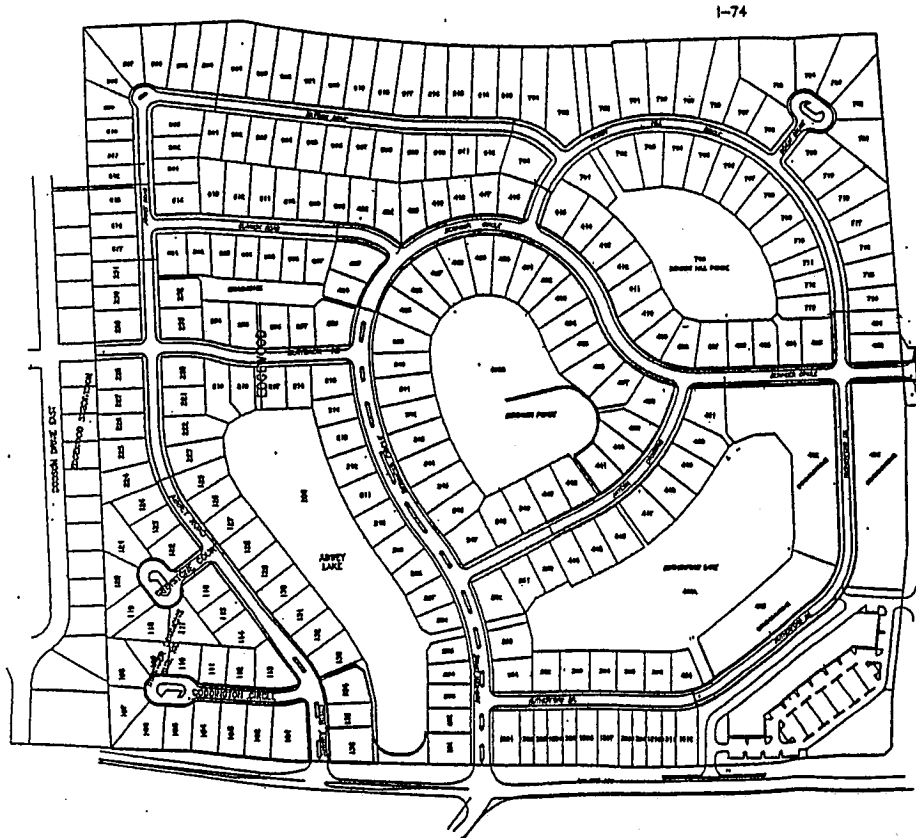
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Approving A Final Subdivision Plat (Replat of Lot 455B Beringer Commons Subdivision No. 4 - Plan Case 2174-S-12)" 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 _____, 2012, 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 _____, 2012.

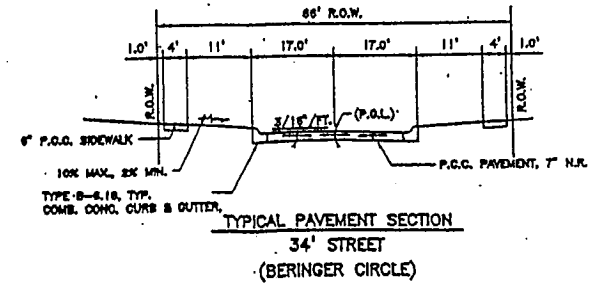
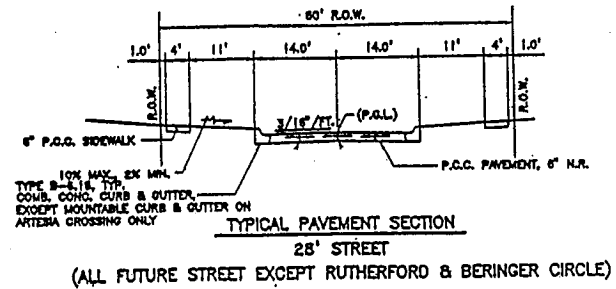
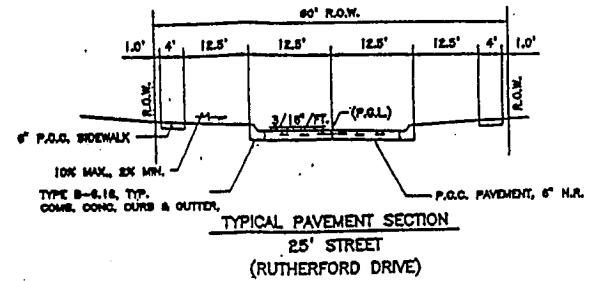
PRELIMINARY PLAT UPDATE BERINGER COMMONS

PART OF THE SE 1/4, SEC. 10, T.19N., R.9E. OF THE 3RD P.M.
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS

Exhibit "C"
Updated Preliminary Plat



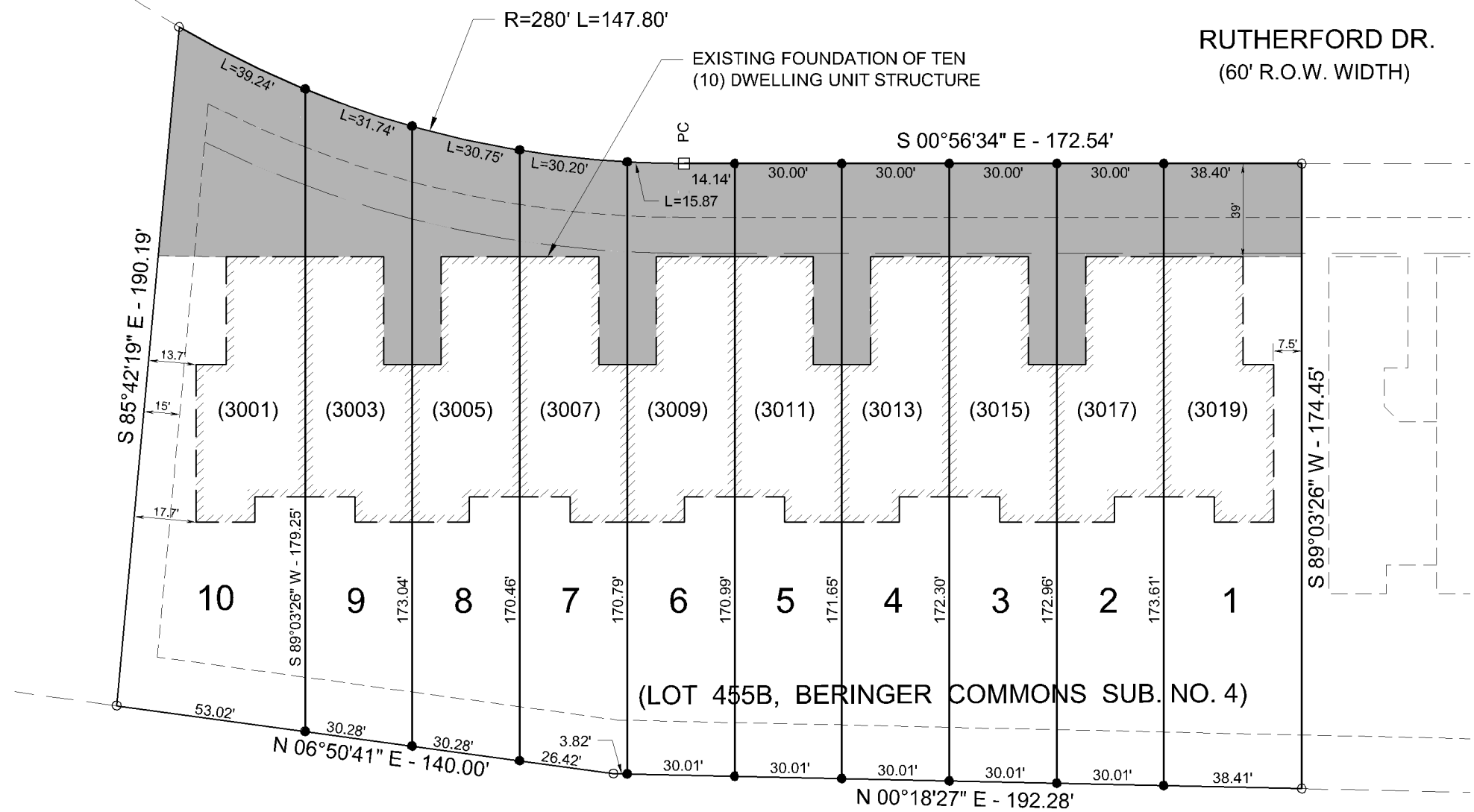
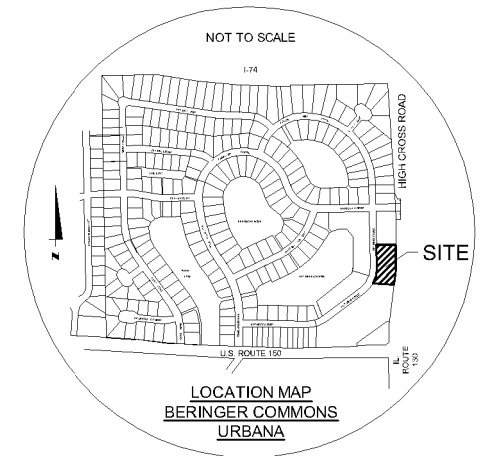
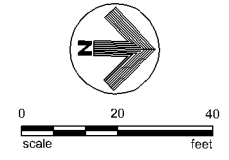
1-74



Date of Preparation: 7/2/01

REPLAT OF LOT 455B

BERINGER COMMONS SUBDIVISION NO. 4
PART OF THE SE 1/4, SEC. 10, T.19N., R.9E. OF THE 3RD P.M.
CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS



PRESENTED FOR RECORDING BY:
CITY OF URBANA
400 S. VINE ST.
URBANA, IL 61801

SURVEYOR'S CERTIFICATE

I, THOMAS B. JORDAN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2014, DO HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE AT THE REQUEST OF RICHARDSON-BECK, LP AND MARY JEAN REINHART TRUST DATED JUNE 22, 2006, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND ORDINANCES OF THE CITY OF URBANA, OF PART OF THE SE 1/4, SEC. 10, T.19N., R.9E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 455B OF REPLAT OF LOT 455 N BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, RECORDED AS DOCUMENT NO. 2009R22589, DATED 07-28-2009, IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE,

FOR THE PURPOSE OF RESUBDIVIDING SAID LOT INTO TEN LOTS AS SHOWN ON THE ATTACHED PLAT. THE EASEMENTS DESIGNATED ON THE ATTACHED PLAT ARE DEDICATED AND REDEDICATED FOR PUBLIC USE. MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE ATTACHED PLAT AND THE SUBDIVISION SHALL BE KNOWN AS REPLAT OF LOT 455B, BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS,

I FURTHER CERTIFY THAT NO PART OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

I DO HEREBY DESIGNATE, IN ACCORDANCE WITH P.A. 87-0705 (THE PLAT ACT), CITY OF URBANA AS THE CORPORATION THAT MAY RECORD THIS FINAL PLAT OF WHICH A TRUE COPY HAS BEEN RETAINED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE.

SIGNED AND SEALED THE _____ DAY OF _____, 2012.

THOMAS B. JORDAN
ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. 2014
CHAMPAIGN, ILLINOIS
LICENSE EXPIRES NOVEMBER 30, 2012

NO VEHICULAR ACCESS SHALL BE ALLOWED TO HIGH CROSS ROAD

HIGH CROSS ROAD
(R.O.W. WIDTH VARIES)

EAST LINE, SE 1/4 SEC. 10

LEGEND

- BOUNDARY OF PARCEL
- EXTERIOR FOUNDATION WALL
- SURFACE OF EXISTING STRUCTURE
- RIGHT OF WAY LINE
- DIMENSION TO EXTERIOR FOUNDATION OF STRUCTURE AT RIGHT ANGLES TO BOUNDARY PARCEL OR ADJACENT STRUCTURES AS SHOWN
- BUILDING SETBACK LINE (AS SHOWN ON RECORDED SUBDIVISION PLAT)
- EASEMENT LINE
- IRON PIPE MONUMENT FOUND
- IRON PIPE MONUMENT SET
- (3001) STREET ADDRESS NUMBER

DRAINAGE STATEMENT

WE HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS OF THIS PLAT WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE IMPROVEMENTS OF THIS SUBDIVISION OR ANY PART THEREOF OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATE: JOHN A. DABROWSKI, ILLINOIS REGISTERED PROFESSIONAL ENGINEER NO. 42530
DATE: MARY JEAN REINHART TRUST, TRUSTEE
DATE: MARY JEAN REINHART TRUST, DATED JUNE 22, 2006, OWNER & SUBDIVIDER
DATE: MARY JEAN REINHART TRUST, DATED JUNE 22, 2006, OWNER & SUBDIVIDER

PROPOSED ILLINOIS AMERICAN WATER EASEMENT FOR WATER SERVICE LINES

APPROVED BY: THE URBANA PLAN COMMISSION OF THE CITY OF URBANA, ILLINOIS

DATE: _____ CHAIRPERSON: _____

APPROVED BY: THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, IN ACCORDANCE WITH ORDINANCE NO. _____

DATE: _____ BY: _____ MAYOR

ATTEST: _____ CITY CLERK

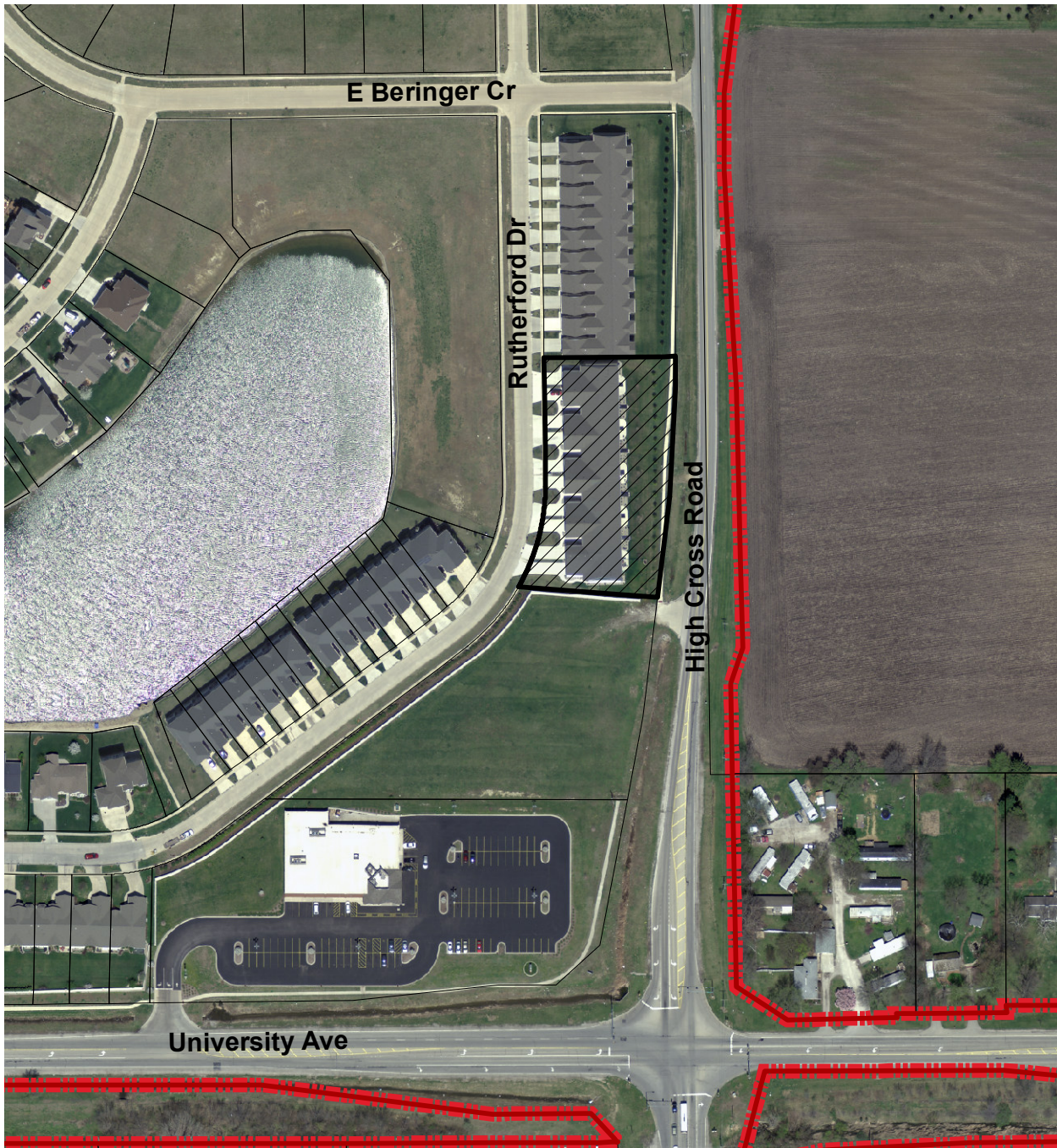
THIS PLAT IS VALID FOR NINETY (90) DAYS FROM _____

NOTE:


PROPERTY SUBDIVIDED HEREIN IS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF URBANA

Illinois Registration Number 184.004913
Date of Preparation: February 7, 2012 PROJECT ID: 423.64
SHEET NO. 1 OF 1 SHEETS
Foth Infrastructure & Environment, LLC
1510 Broadmoor Drive, Champaign, IL 61821
Phone: 217-353-4188 Fax: 217-353-0985
REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.
© 2009 Foth Infrastructure & Environment, LLC

Exhibit C: Location Map

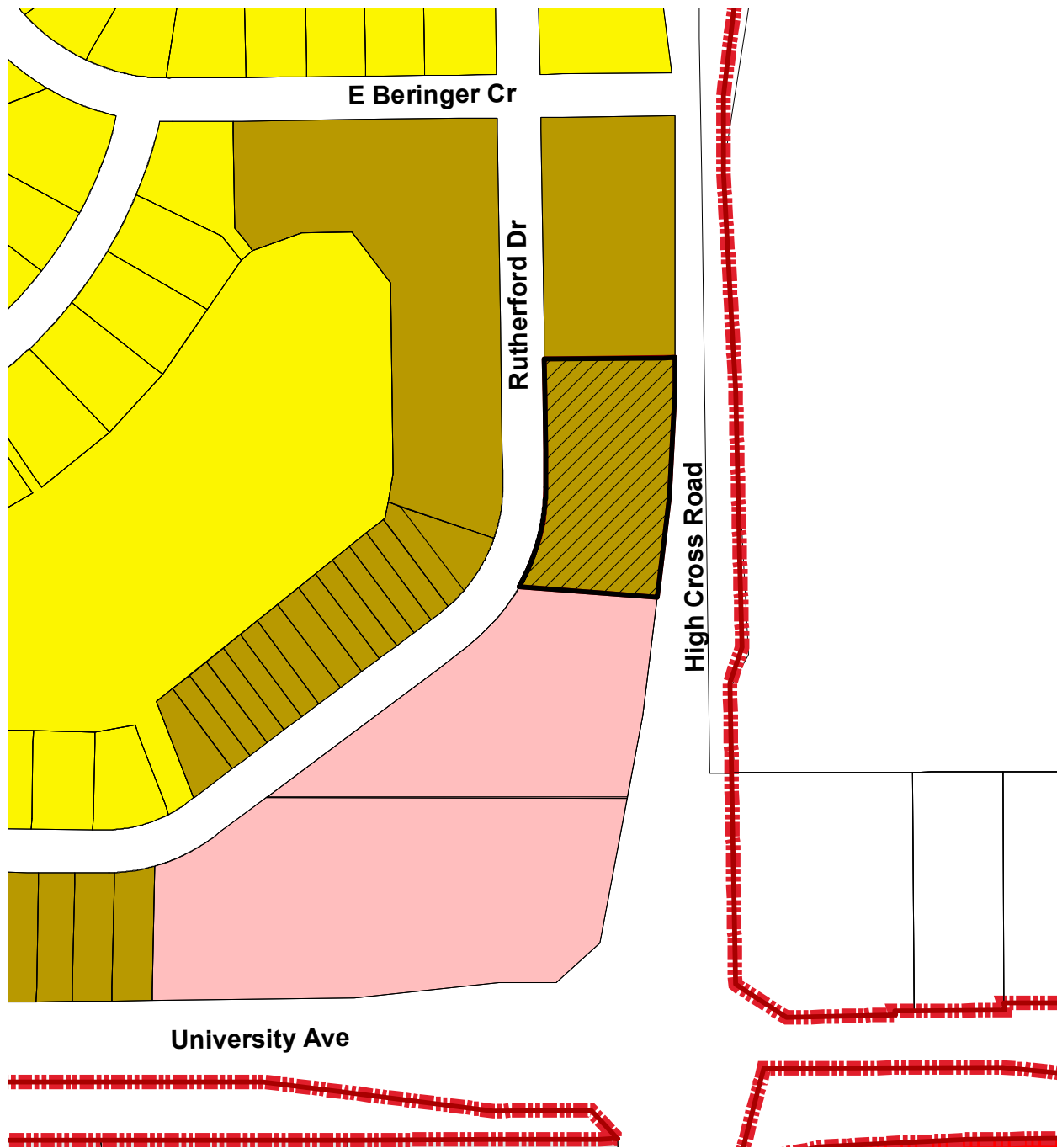
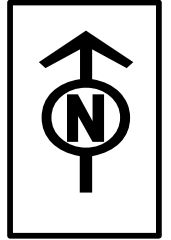


Case: 2174-S-12
Subject: Replat of Lot 455B
Major Subdivision Plat
Location: 3001 Rutherford Dr
Petitioner: Richardson-Beck




 Subject Property
 Corporate Limits


Prepared 03/2012 by Community Development Services -jme

Exhibit D: Zoning Map



Case: 2174-S-12
Subject: Replat of Lot 455B
Major Subdivision Plat
Location: 3001 Rutherford Dr
Petitioner: Richardson-Beck

 R2
 R4
 B1

 Subject Property
 Corporate Limits