DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

memorandum

SUBJECT:	Plan Case No. 2174-S-12: Replat of Lot 455B Beringer Commons Subdivision No. 4
DATE:	April 4, 2012
FROM:	Robert Myers, AICP, Planning Manager
TO:	Urbana Plan Commissioners

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 and no new Subdivision Code waivers are requested. In this case Richardson-Beck LP is requesting one Subdivision Code waiver to recognize an existing private sewer line underneath the building and held in common as opposed to each townhouse unit having its own sewer lateral line to a common sewer line in a public easement or in the street.

The Plan Commission is requested to review the Replat of Lot 455B Beringer Commons Subdivision No. 4 and make a recommendation to the City Council for approval or denial.

Background

Beringer Commons Subdivision generally, and Lot 455B specifically, have been the subject of a series of development and platting approvals:

- In 1991, the Urbana City Council approved an annexation agreement leading to development of the 140-acre Beringer Commons Subdivision (Ord. No. 9192-20). The plan includes single-family lots, condominiums, and neighborhood commercial on the corner of U.S. Route 150 and High Cross Road. The agreement included approval of a preliminary plat for the entire Beringer Commons Subdivision.
- In 2001, the City Council amended the approved annexation agreement (Ord. No. 2001-08-096) to revise 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 2006, City Council approved Replat of Lot 455 of the Beringer Commons Subdivision No. 4 (Ord. No. 2006-05-60) which divided the subject parcel into two common-lot-line parcels. Following approval, the developer determined that a changing real estate market instead favored condominiums. The approved plat was allowed to lapse without being recorded. With approved construction plans and City building permits, the developer constructed 20 condominium dwellings on one lot in two buildings.
- In 2008, the developer created a condominium plat to separate the two existing buildings on Lot 455 into two portions. The City asked the developer to formalize doing so with a Minor Plat. Replat of Lot 455 in Beringer Commons Subdivision No. 4 was administratively approved in 2009 as conforming to the Urbana Subdivision and Land Development Code. Plat approval and recording separated each condominium building on its own lot.

The subsequent decline of the real estate market nationally has severely restricted commercial lending for residential condominiums. Consequently, the developer and the owner of the one sold unit are jointly requesting a new plat which would divide Lot 455B into 10 common-lot-line dwellings, each on its own lot. Because of the way the building was constructed, doing so would not create building or fire code problems.

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. The proposed plat would prohibit vehicular access from High Cross Road to any lot.

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 public easements necessary for any repair of public utilities.

Waivers

City Council approval of the 2001 preliminary plat for Beringer Commons Subdivision included a waiver from Section 21-36.A.1 of the Urbana Subdivision and Land Development Ordinance to reduce the street pavement width from 31 feet to 28 feet for Rutherford Drive. As Rutherford Drive is already constructed, that waiver would not need to be regranted.

As part of this application, Richardson-Beck LP is requesting a waiver from the requirement to provide individual sewer laterals and connections for each lot (Section 21-41.C.6 of the Subdivision Code). Instead the waiver would recognize a private sewer line now existing underneath the building and protected by a private easement held in common through the owners certificate and covenants. This method of providing sewer service is common for condominium developments.

To require each townhouse unit to install sewer laterals and connect to a new sanitary sewer line 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. 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. 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 a common sanitary sewer line underneath the dwelling units creates a site-specific difficulty in providing for individual sanitary sewer extensions, as the development has already been constructed.

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. In 2006, the City Council approved Replat of Lot 455 of the Beringer Commons Subdivision No. 4 (Ord. No. 2006-05-60) which divided the subject parcel into twenty common-lot-line parcels. Responding to changes in the real estate market, the approved plat was allowed to lapse without being recorded, and twenty condominium units were instead constructed.
- 3. In 2009, a Minor Plat entitled Replat of Lot 455 in Beringer Commons Subdivision No. 4 was administratively approved as conforming to the Urbana Subdivision and Land

Development Code. Lot 455A and Lot 455B were created, each with one condominium building.

- 4. Richardson-Beck Limited Partnership requests 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 Lot 455B.
- 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.
- 6. The proposed Final Plat is consistent with the 2005 Comprehensive Plan land use designation of "Residential Suburban Pattern" for the site.
- 7. The proposed Final Plat would be consistent with existing zoning designations for the site.
- 8. 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.
- 9. 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 Plan Commission has the following options in making a recommend to the City Council in this case:

- a. Recommend approval of the Final Plat along with the requested waiver; or
- b. Recommend denial of the Final Plat. If recommending denial, the Plan Commission must state findings by where the plat is deficient.

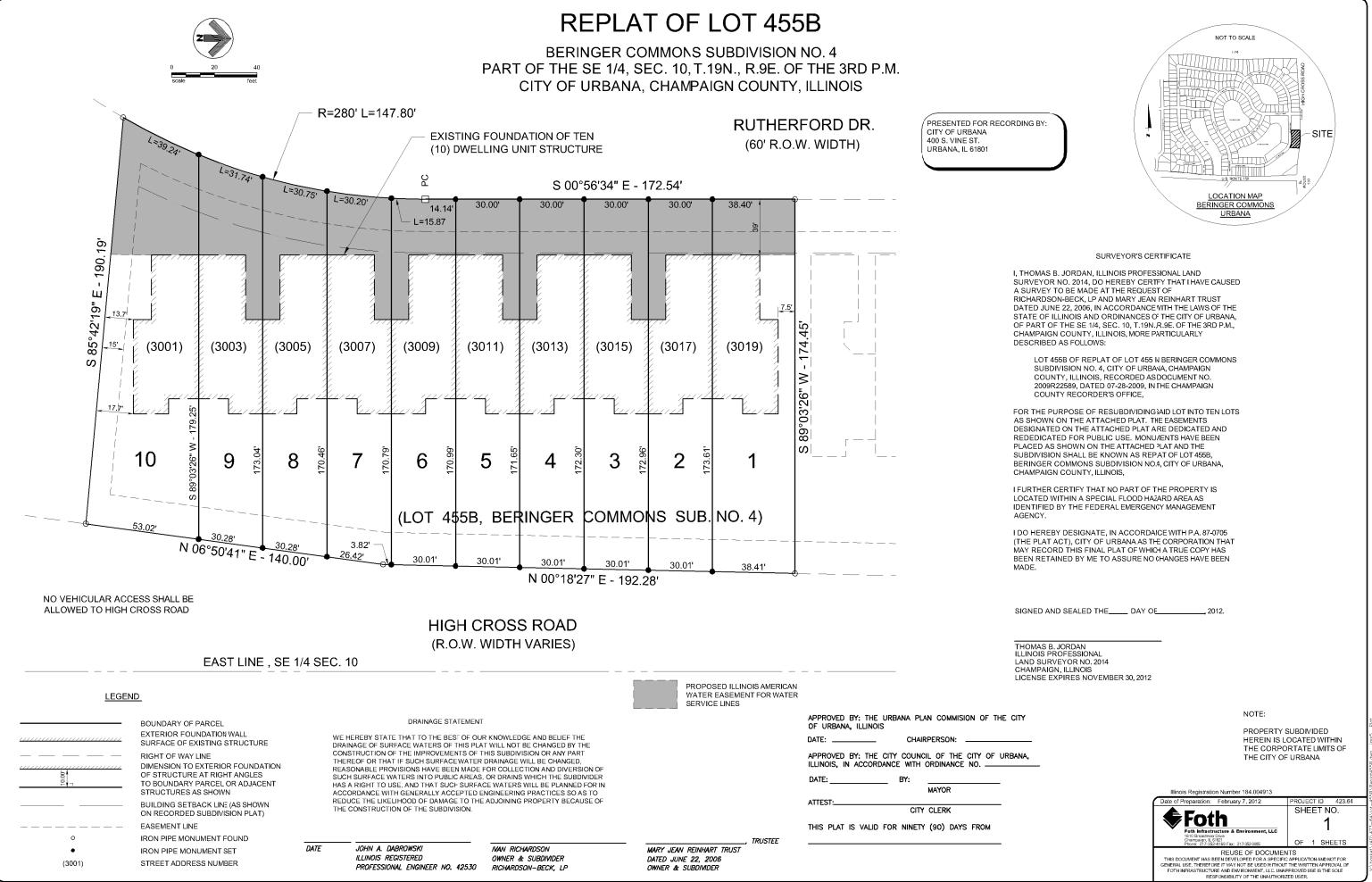
Staff Recommendation

Staff recommends that the Plan Commission recommend 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:

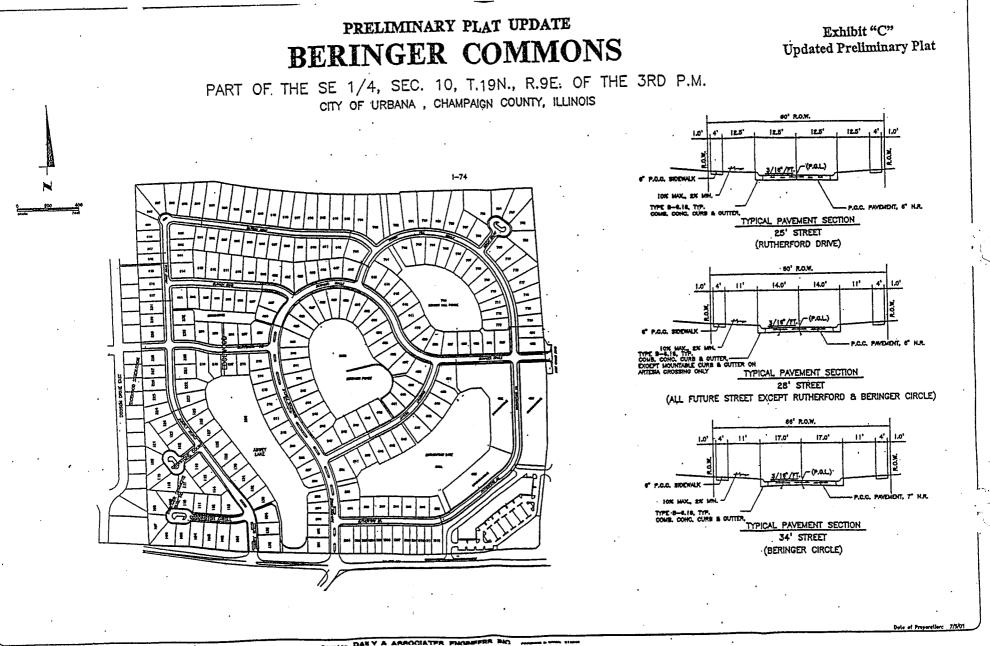
Jeff Engstrom, Planner II

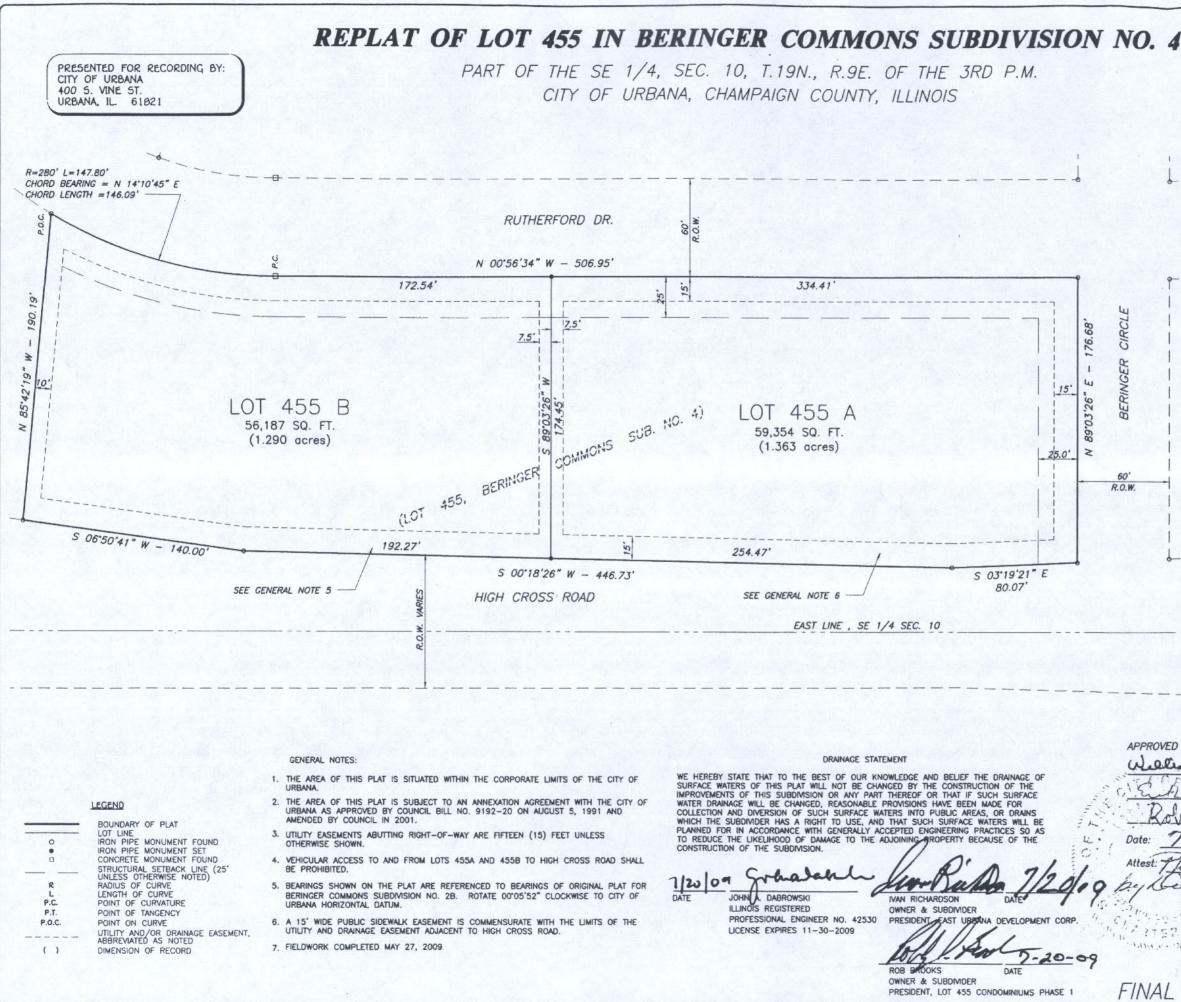
cc:	Richardson-Beck Ltd Partnership		Tom Jordan	Paul Cole
1606 Willow View Rd #1A			1610 Broadmoor Dr	411 W University Ave
Urbana IL, 61802			Champaign, IL 61821	Champaign, IL 61820
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Prepared by: Foth Infrastructure & Environment, LLC

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Prepared by: Foth Infrastructure & Environment, LLC



SURVEYOR'S CERTIFICATE

I, THEODRE P. HARTKE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3594, HEREBY CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE, FOR THE EAST URBANA DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF ILLINOIS AND ORDINANCES OF THE CITY OF URBANA, OF PART OF THE SE 1/4 OF SECTION 10, T. 19N., R. 9E. OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 455 IN BERINGER COMMONS SUBDIMISION NO. 4, CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS RECORDED AS DOCUMENT NO. 2001R34360, DATED 11-28-2001, IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE, CONTAINING 2.652 ACRES, MORE OR LESS, ALL SITUATED IN THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS.

FOR THE PURPOSE OF SUBDIVIDING SAID LOT INTO 2 LOTS, AS SHOWN ON THE ATTACHED PLAT. ALL EASEMENTS DESIGNATED ON SAID PLAT ARE DEDICATED FOR PUBLIC USE. MONUMENTS HAVE BEEN PLACED AS SHOWN ON THE ATTACHED PLAT AND THE SUBDIVISION SHALL BE KNOWN AS REPLAT OF LOT 455 IN BERINGER COMMONS SUBDIVISION NO. 4, CITY OF URBANA, CHAMPARCH COUNTY, ILLINOIS.

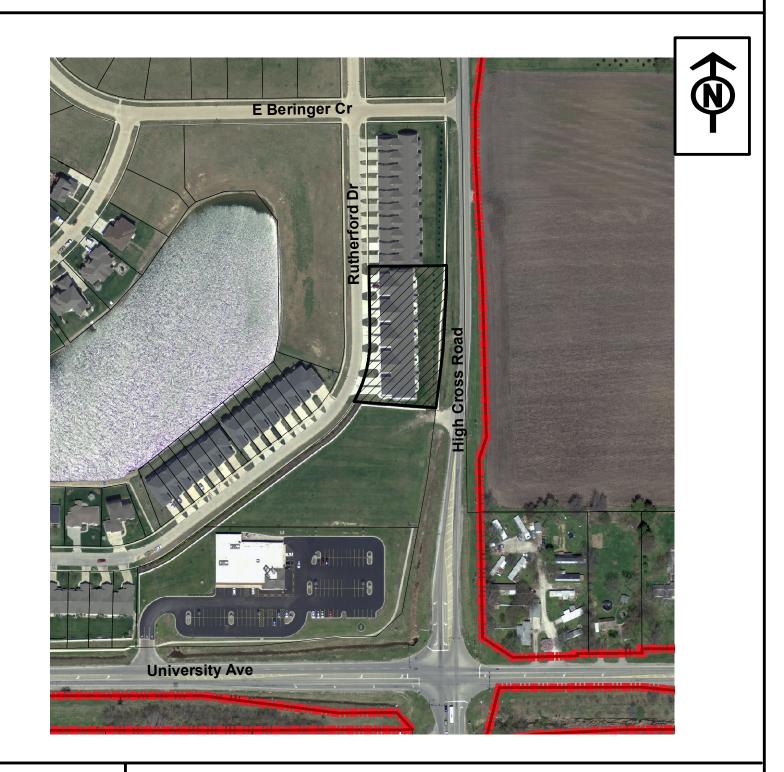
I FURTHER CERTIFY THAT NO PART OF THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP ON COMMUNITY-PANEL NUMBER 170035 0005 B, EFFECTIVE DATE JANUARY 16, 1981.

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

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATE 111100RE P. HATTIE DATE 11100RE P. HATTIE ULINOIS PROFESSIONAL LAND SURVEYOR NO. 3594 2694 2694 2694 2694 2694 A CHARTEN LAND SURVEYOR STATE OF ILLINOIS AIGN, ILLING AIGN, MILLING APPROVED BY: .001 Sua City Engineer Director, Community Development Services Secretary, Urbana Plan Commision 1. Classity Clerk, 7:2709 Date 3207 Deput Crance ILUNOIS PROFESSIONAL DESIGN FIRM NO. 184004913 Date of Preparation: July 16, 2009 PROJECT ID 423.64 SHEET NO. 0 Foth 2757 Second Barrier at LLC 1619 Broadmoor Drive Champaign, I, 61821 Phone: 217-352-4169 Fax: 217-352-0085 OF 1 SHEETS RELISE OF DOCUMENTS THIS DOCUMENT HAS BEEN DEVEL AS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR EFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL O FINAL PLAT FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER. © 2009 Foth Infrastructure & E

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

