



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Christopher Marx, AICP – Planner I

DATE: September 29, 2017

SUBJECT: **Plan Case 2319-S-17** - Request for waiver of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code regarding stormwater management plan requirements for Lot 2 in Carter’s First Subdivision (407 N. Maple Street)

Introduction

The applicant, MBR Management Corporation, is requesting a waiver from the stormwater management plan requirements of the Urbana Subdivision and Land Development Code (Section 21-42) for the property at 407 North Maple Street, also known as Lot 2 of the Carter’s First Subdivision. The City’s Code requires new non-residential developments with increases in impervious surfaces of a certain size to submit a stormwater management plan that details how the property will facilitate drainage. Because of the site’s size and proximity to the Boneyard Creek, the applicants are requesting a waiver from the stormwater management plan requirement.

Background

The Urbana City Council approved the final subdivision plat for the Carter’s First Subdivision in 1992 Plan Case 1490-S-92. The site has since remained vacant, except to provide access and overflow parking for the adjacent Carter’s Furniture store (See Exhibit A). MBR Management Corporation plans to purchase Lot 2 in Carter’s First Subdivision to construct a 3,312 square foot strip center at 407 North Maple Street. Lot 2 is a 0.75 acre parcel at the corner of East University Avenue and North Maple Street and lies just south and adjacent to Boneyard Creek (See Exhibit B).

The applicant has submitted a petition for a waiver from the storm water management requirements of the City’s Subdivision Code. Section 21-42.B.1.b of the Code requires that a stormwater management plan be submitted for all non-residential developments over two acres in area or with site impervious area greater than fifty (50) percent of the area of development. The proposed development at 407 North Maple Street will exceed the fifty percent impervious area requirement. Section 21-42.B.5.b of the Code specifies that for a required storm water management plan, the storm water runoff release rate after development for a 50-year storm event shall not exceed the five-year storm release rate of the site prior to development. A waiver for complying with Section 21-42-B.1.b

would eliminate the requirement to comply with Section 21-42.B.5.b.

Discussion

According to Section 21-7 of 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 certain 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 conditions of the topography make the application of particular requirements of the land development code unnecessary and perhaps useless. The site is located adjacent to the Boneyard Creek which is a major drainage way in Urbana.

Large drainage ways, such as Boneyard Creek, have a much longer "time of concentration" than a smaller development site. Time of concentration is the time needed for water to flow from the most remote point in a watershed to the outlet. The peak flow of a watershed corresponds with the time of concentration. A large creek, such as Boneyard Creek, will not reach peak flow for hours after a rainfall event, while a small development site will reach peak flow in as little as five minutes.

Stormwater detention, by definition, detains stormwater drainage and releases that drainage over a longer period of time. Allowing stormwater from the site to quickly reach the Boneyard Creek, instead of capturing it on site in a detention basin and discharging it at reduced rate over time, would reduce the peak flow rate in the Boneyard Creek before the peak flows from upstream areas occur.

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

The granting of the waiver to the Subdivision and Land Development Code would not have a negative impact on nearby properties. The applicant states that waiving the stormwater detention requirements will reduce the impact of the peak flow rate from the development to the Boneyard Creek benefiting the adjacent properties. The nearby properties are less likely to have a higher peak flow rate and become flooded more quickly.

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. Failure to grant the waiver and requiring detention could negatively impact the public welfare because it could increase peak flows from the site to coincide with peak flows from the Boneyard Creek.

The applicants state that alternatively allowing them to release stormwater directly into the Boneyard Creek in a quick manner would be better for the Creek than a slow-releasing detention on the property.

They state that a direct release would keep the peak flow of the Boneyard from increasing. The City Engineer supports the proposed waiver with the requirement that the drainage system for the site is designed to convey the fifty-year design storm directly to the Boneyard Creek.

Summary of Findings

1. The Urbana City Council adopted Ordinance No. 9293-90 on March 15, 1993, approving the final subdivision plat for Carter's First Subdivision.
2. The applicant has submitted a waiver request from the stormwater management plan requirements of the Urbana Subdivision and Land Development Code (Sections 21-42.B.1.b and 21-42.B.5.b) for Lot 2.
3. The proposed waiver would permit the development to not submit a stormwater management plan and directly connect its drainage to the Boneyard Creek.
4. The requested waiver is necessary because delaying storm water release from the site could produce higher peak flows in the Boneyard Creek.
5. The requested waiver will not be harmful to other properties and would not negatively impact the public health, safety and welfare of the community, nor impede the attainment of goals and objectives contained in the Comprehensive Plan.
6. The City Engineer supports the proposed waiver with the condition that the drainage system for the site is designed to convey the fifty-year design storm directly to the Boneyard Creek.

Options

The Urbana Plan Commission has the following options regarding Plan Case Plan Case 2319-S-17:

- a. Forward the case to City Council with a recommendation for **approval** of the requested waiver of the stormwater management plan requirements of the Urbana Subdivision and Land Development Code; or
- b. Forward the case to City Council with a recommendation for **denial** of the requested waiver of the stormwater management plan requirements of the Urbana Subdivision and Land Development Code.

Recommendation

Staff recommends that the Urbana Plan Commission forward this case to the City Council with a recommendation for **approval** of the requested waiver from the stormwater management plan requirements of Sections 21-42.B.1.b and 21-42.B.5.b of the Urbana Subdivision and Land Development Code with the following condition:

1. The storm drainage system for the site is designed to convey a fifty-year design storm directly to the Boneyard Creek.

Attachments: Exhibit A: Location Map
Exhibit B: Application

cc: MBR Management Corporation

| Prepared by Brad Bennett, Assistant City Engineer and Christopher Marx, Planner I

Exhibit A: Location Map



Case: Plan Case 2319-S-17
Subject: Request for Waiver of Subdivision Code
Location: 407 North Maple Street
Petitioner: MBR Management Corporation



Application for a Waiver of Subdivision Regulations

PLAN COMMISSION

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed: _____ Plan Case No.: _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): MBR Management Corporation c/o Mark Ratterman Phone: (636) 947-4433

Address (*street/city/state/zip code*): 201 North Main, Suite 300, St. Charles, MO 63301

Email Address: mratterman@mbrmgt.com

Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): Contract Buyer

2. OWNER INFORMATION

Name of Owner(s): 410 N. Vine Building Corporation (V.B. Leister, Jr./Allen Carter) Phone: (217) 367-4066

Address (*street/city/state/zip code*): 410 N. Vine Street, Urbana, IL 61802

Email Address: budleister@cartersfurniture.com / allencarter@cartersfurniture.com

Is this property owned by a Land Trust? Yes No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Name of Development: Proposed Domino's Strip Mall

Address/Location of Subject Site: 407 N. Maple Street, Urbana, IL

PIN # of Location: 91-21-08-476-005

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lot 2 in Carter's First Subdivision

Waiver(s) Requested:

Drainage and Storm Water Runoff

Section: **V1-7** Subsection: **Drainage** Page: **72**

Section: Subsection: Page:

Section: Subsection: Page:

Section: Subsection: Page:

What practical difficulties or conditions exist that are not applicable generally to other properties which make it difficult to comply with the requirements of the development ordinance?

See Attached Letter

What effects will the requested waiver(s) have on present and future public services to the property proposed for subdivision and lands adjacent to the property? Further, will such waiver(s) result in any negative impact or environmental incursions to the property adjacent to or in the vicinity of the proposed subdivision? If so, please state (or attach) evidence identifying such impacts and proposed solutions in order to mitigate or reduce the negative impacts resulting from the waiver(s).

See Attached Letter

What other circumstances justify granting the requested waiver(s)?

The parcel is small with little space for detention. There is no storm sewer or ditch on the west side of the parcel that detention could drain to without crossing private property.

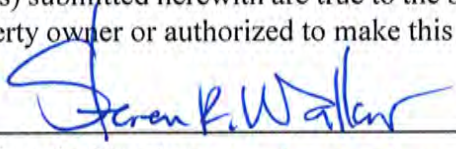
Additional exhibits submitted by the petitioner:

See Attached Exhibits

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature **MARTIN ENGINEERING CO.**

9-22-17
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367



MARTIN ENGINEERING COMPANY
CONSULTING ENGINEERS/LAND SURVEYORS

3695 South 6th Street Frontage Road, Springfield, Illinois 62703

September 21, 2017

Lorrie Pearson, AICP, LEED AP
Planning Manager & Zoning Administrator
City of Urbana
400 South Vine Street
Urbana, Illinois 61801

RE: Domino's Pizza – Urbana, Illinois
MEC No. 15205

Dear Ms. Pearson:

MBR Management Corporation plans to purchase Lot 2 in Carter's First Subdivision to construct a 3,312 square foot strip center. Half of the strip center will be occupied by Domino's Pizza. Lot 2 is a 0.75 acre parcel at the corner of East University Avenue and North Maple Street and lies just south and adjacent to Boneyard Creek. Martin Engineering Company is designing the civil drawings for the strip center and, on behalf of our client, request a waiver to not provide detention on the referenced site.

Our request for waiver is based on 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;"*

Large drainage ways, such as Boneyard Creek, have a much longer "time of concentration" than a small parking lot. Time of concentration is a concept used in hydrology to measure the time needed for water to flow from the most remote point in a watershed to the outlet. The peak flow of a watershed corresponds with the time of concentration. A large creek, such as Boneyard Creek, will not reach peak flow for hours after a rainfall event, while a small parking lot will reach peak flow in as little as five (5) minutes.

Storm water detention, by definition, detains storm water drainage and releases that drainage over a long period of time. Due to our proximity to

Boneyard Creek, detaining the runoff from Lot 2 may increase the peak flow in Boneyard Creek. It is better to release the flow from a small development quickly before the creek begins to rise than to delay the release and release the flow at a later time which may coincide with the peak flow in the creek.

2. *"The granting of the request for waiver would not harm other nearby properties;"*

Releasing the storm drainage from Lot 2 without detention, would actually cause less harm to downstream properties than detaining the flows as explained in response #1.

3. *"The waiver would not negatively impact public health, safety and welfare, including the objectives and goals set forth in the comprehensive plan."*

Our request for waiver would have no negative impacts. Eliminating detention on a small site adjacent to Boneyard Creek would...

- A. Protect the floodway of the Boneyard Creek (Goal 7.1)
- B. Reduce flooding (Goal 8.1)
- C. Protect both developed and undeveloped areas from increases in runoff and localized flooding (Goal 36.0)

Based on the above criteria, we respectfully request a waiver to eliminate the need for detention on Lot 2.

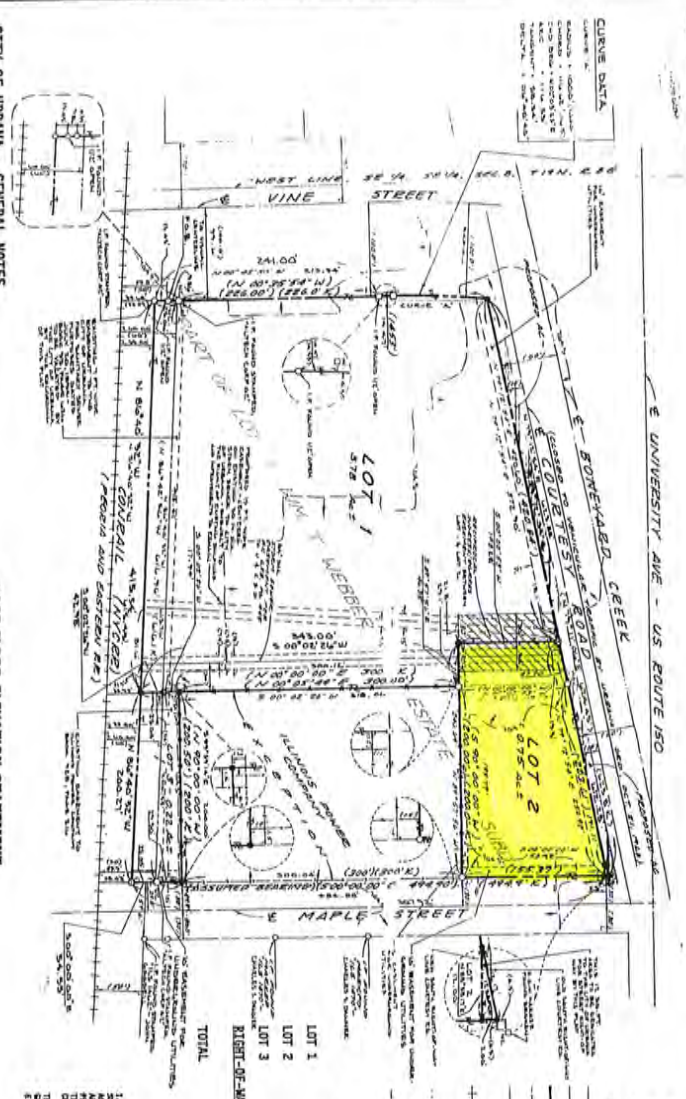
Sincerely,

MARTIN ENGINEERING COMPANY



Steven R. Walker, PLS
Vice-President

Cc: Mark Ratterman



SUMMARY OF AREAS:

| | |
|--------------|--------------------------|
| LOT 1 | 164,680 SQ. FT. ± |
| LOT 2 | 32,480 SQ. FT. ± |
| LOT 3 | 9,710 SQ. FT. ± |
| TOTAL | 206,850 SQ. FT. ± |

RIGHT-OF-WAY DEDICATION: 12.50' E.T. ±

GENERAL NOTES:

1. SHOW L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR, HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.
2. THE CITY OF URBANA HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.
3. THE CITY OF URBANA HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

CITY OF URBANA - GENERAL NOTES

THE CITY OF URBANA, ILLINOIS, HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

BASE FLOOD ELEVATION STATEMENT

THE FLOOD ELEVATION STATEMENT HAS BEEN PREPARED BY THE CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS, CHAMPAIGN, ILLINOIS, AND IS BASED ON THE FLOOD ELEVATION DATA OBTAINED FROM THE CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS, CHAMPAIGN, ILLINOIS.

OWNER'S AND ENGINEER'S STATEMENT

WE, THE UNDERSIGNED, HAVE REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

APPROVED BY: THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

[Signature]
 CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS
 CHAMPAIGN, ILLINOIS



APPROVED BY: THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

[Signature]
 CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS
 CHAMPAIGN, ILLINOIS

APPROVED BY: THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

[Signature]
 CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS
 CHAMPAIGN, ILLINOIS

APPROVED BY: THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

[Signature]
 CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS
 CHAMPAIGN, ILLINOIS

APPROVED BY: THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE COUNTY OF CHAMPAIGN, ILLINOIS.

[Signature]
 CHAMPAIGN COUNTY BOARD OF SURVEYORS AND LAND ADJUSTERS
 CHAMPAIGN, ILLINOIS



