

ORDINANCE NO. 9394-102

AN ORDINANCE APPROVING A FINAL PLAT

SOMERSET SUBDIVISION NO. 1

AND A REPLAT OF TRACT D OF BROWNFIELD SUBDIVISION 1ST PLAT

AND TRACT E OF BROWNFIELD SUBDIVISION 2ND PLAT

WHEREAS, Mr. Donald Flessner has submitted a Final Plat of Somerset Subdivision No. 1 and a Replat of Tract D of Brownfield Subdivision 1st Plat and Tract E of Brownfield Subdivision 2nd Plat (hereinafter referred to as Final Plat of Somerset Subdivision No. 1) in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the City Engineer has reviewed and approved the Final Plat of Somerset Subdivision No. 1; and

WHEREAS, the Final Plat of Somerset Subdivision No. 1 complies with the City of Urbana's Comprehensive Plan, as amended; and

WHEREAS, the Urbana City Council finds that the requests to waive or defer requirements of the Urbana Subdivision and Land Development Code as listed below are appropriate in accordance with the following criteria of Chapter 21 of the Urbana Code of Ordinances, the criteria being identified below as numbers 1 through 6 and referenced by number under each request for waiver or deferral:

1. Due to existing conditions, there are site specific difficulties in complying with these regulations. This change shall only apply to existing conditions which are not generally applicable to other properties; and
2. The granting of any waiver will not cause significant adverse effects on the public health, safety and welfare; and
3. Sufficient evidence is shown to both the Plan Commission and the City Council that the waiver will benefit the public health, safety and welfare. The City Council must make a finding that due to the physical surroundings, vegetation, parcel shape, or topographical conditions of the specific property involved, an alternative proposal will better serve the public's interest; and
4. The proposed waivers support and foster implementation of the goals, objectives and policies represented in the Urbana Official Comprehensive Plan, as amended; and

5. The proposed waivers are the minimum deviation from the requirements that will alleviate the difficulties; and
6. The plight of the applicant is due to peculiar circumstances not of the applicant's own making.

Waiver of requirement to apply for approval of a final plat not later than one year after preliminary approval, Section 21-14 (H):

1. The developer is unsure how quickly he will be able to sell lots in this subdivision, because little recent residential construction has occurred in this area.
2. Final platting of the subdivision will occur according to the Urbana Subdivision and Land Development Code. Lots 101-106 will make up the first phase of development.
3. Because waivers are requested for this plat, this particular waiver may be granted only by the City Council. The extension of final approval from one year to five years will allow the developer to adjust the remainder of his final plat according to activity on the first six lots. This may result in less lost time on the part of staff, the Plan Commission and Council in approving a less developable final plat, then hearing requests for revisions later.
4. This helps permit development of a residentially designated site.
5. The developer will provide all facilities required to serve the lots for which final approval is requested.
6. Because of a lack of new housing development in this area, the developer is uncertain of the market.

Waiver of requirement for 31-foot street width for local residential streets developed with up to 8 units per acre, Section 21-36 (A) (1) and Table A:

1. This subdivision has only local streets, no collector streets. The requirement for these local streets to be 31 feet wide rather than 28 feet wide is not considered necessary (see 3, below).
- 2,3. Urbana's present requirement for local streets is three feet wider than Champaign's or Savoy's. Public Works staff do not feel that the extra three feet are necessary to benefit the public health, safety and welfare. Staff is in the process of revising the Urbana Subdivision and Land Development Code for Plan Commission review and Council approval. Staff's revision

will include a decrease in the required width from 31 feet to 28 feet for local streets with up to 8 dwelling units per acre.

4. Narrower local streets will decrease the amount of paved surface in residential subdivisions. Storm sewer service will not be taxed quite as heavily as if three additional feet were paved.
5. The waiver is for less than 10 percent of the currently required street width. Public Works staff consider a 28-foot street width to be desirable.
6. Staff considers reduction of street width to be appropriate in this case, especially considering the proposed revisions to the code.

Waiver of requirement to improve the southern half of Airport Road, Section 21-36 (A) and (B) (10):

1. Airport Road in this location is an oil and chip road in good condition. It is unnecessary to improve it at this time.
2. The waiver will have little effect on other properties. Right-of-way will be dedicated for future construction as larger tracts develop.
3. Construction of one-half of a street is problematic and somewhat unsafe. It appears best to waive the requirement at this time.
4. This waiver helps permit the development of a residentially designated site.
5. All other streets in the subdivision will be constructed by the developer.
6. The improvement of this township road makes it much more costly to develop the property with a full urban street.

Waiver of requirement to construct a temporary Tee turnaround at the south end of the first phase, Section 21-36 (B) (8):

1. The turnaround would only serve the six lots in the first phase (lots 101-106), and would have to be built over the area that will later be used for storm sewer service.
2. Public Works staff has determined that a permanent Type III barricades at the south end of the street may be installed in lieu of a turnaround.

3. This will lower the cost of the development by lowering the street construction cost at the end of the six northernmost lots. Construction costs may also be reduced for future storm sewer systems and street improvements south of the subdivision's first six lots. A turnaround as required by code would be of marginal benefit to these six lots.
4. The street will serve all residential lots included in the first phase of the plat.
5. The waiver is only for the first phase of development (lots 101-106).
6. The turnaround requirement may be considered too stringent for the six-lot first phase of development.

Waiver of requirement to construct a through street that would connect to the western end of Marvin Drive, Section 21-36 (C) (1):

1. The extension of Marvin Drive as a through street into this parcel would create some difficulties. The through street would be only about 300 feet long and serve very little auto traffic on Marvin and Clifton Drives to the east. In addition, the through street would create two corner lots in Somerset Subdivision and probably could not be extended to the west.
2. The developer has agreed to a 10-foot hard-surfaced easement between Somerset Subdivision and Marvin Drive. This easement would allow pedestrian and bicycle traffic between Somerset Subdivision and Clifton Drive.
3. The cost of constructing the street and the creation of two corner lots seems to outweigh the advantages of a through street in this case, given the bicycle and pedestrian easement.
4. Public Works staff has determined that the local street network will not be negatively affected by the waiver.
5. The developer is still including in the plat an easement for pedestrian and bicycle movement.
6. The long, narrow shape of the Somerset Subdivision parcel makes a longer east-west extension of Marvin Drive impractical.

Deferral of sidewalk construction along Airport Road, Section 21-37 (A) (4):

The deferral will occur at the City Engineer's request.

Waiver of requirement to provide storm sewer service connections for each lot, Section 21-42 (A) (2):

1. Public Works staff has determined that storm sewer system connections for individual lots are not necessary if the developer (1) creates backyard detention or swale areas and makes provision for their maintenance, (2) eliminates basements for the lots without storm sewer service connections, and (3) completes other storm sewer system construction as required by code.
2. Drainage will still be provided for all lots.
3. Public Works staff and the developer have agreed to the following: a waiver of storm sewer service connections is granted for all lots **except** those lots developed with dwelling space in basements. The requirement for storm sewer service connections shall apply to any home with dwelling space below grade, including bi-level, tri-level and full basement construction.
4. Drainage is provided in a manner approved by Public Works staff. The conditions for drainage of individual lots are to be included on the face of the plat under separate heading.
5. The developer will install all other storm sewer service connections as required by the Subdivision and Land Development Code.

WHEREAS, in Plan Case No. 1532-S-94, the Urbana Plan Commission, on May 5, 1994, recommended approval of the Final Plat of Somerset Subdivision No. 1, including the requested deferrals and waivers of the aforementioned requirements of Chapter 21 of the Code of Ordinances.

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

Section 1. The Final Plat of Somerset Subdivision No. 1 as attached hereto as Exhibit A is approved as platted.

Section 2. The following requirements of Chapter 21 of the Urbana Code of Ordinances are hereby deferred or waived:

- a. Waiver of requirement to apply for approval of a final plat not later than one year after preliminary approval, Section 21-14 (H);

- b. Waiver of requirement for 31-foot street width for local residential streets developed with up to 8 units per acre, Section 21-36 (A) (1) and Table A;
- c. Waiver of requirement to improve the southern half of Airport Road, Section 21-36 (A) and (B) (10);
- d. Waiver of requirement to construct a temporary Tee turnaround at the south end of the first phase (lots 101-106), Section 21-36 (B) (8);
- e. Waiver of requirement to construct a through street that would connect to the western end of Marvin Drive, Section 21-36 (C) (1);
- f. Deferral of sidewalk construction along Airport Road, Section 21-37 (A) (4); and
- g. Waiver of requirement to provide storm sewer service connections for each lot, Section 21-42 (A) (2).

Section 3. The Secretary of the Urbana Plan Commission is hereby directed to record said Final Plat with the Champaign County Recorder upon City Council approval of said Plat.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois at a regular meeting of said Council on the 16th day of May, 1994.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor

NAYS:

ABSTAINED:

PASSED by the City Council on this 16th day of May, 1994.



Phyllis D. Clark
 Phyllis D. Clark, City Clerk

APPROVED by the Mayor the 26th day of May, 1994.

Tod Satterthwaite
 Tod Satterthwaite, Mayor