DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: John A. Schneider, MPA, Director, Community Development Services Department

DATE: September 20, 2018

SUBJECT: **An Ordinance Amending the Urbana Zoning Map** (Rezoning a Real Estate Parcel with Permanent Index Number 91-21-06-451-005 from R-3 to R-4 / Judy Heimburger Trust)

An Ordinance Approving an Annexation Agreement (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust and Trinitas Development LLC)

An Ordinance Annexing Certain Territory to the City of Urbana (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust)

This memorandum addresses outstanding questions raised at the September 10, 2018, Committee of the Whole meeting pertaining to the proposed Union Gardens development submitted by Trinitas Development LLC. It also provides an update based on the Champaign City Council meeting held on September 18, 2018.

Human Rights Ordinance

Staff has shared Urbana's Human Rights Ordinance with Trinitas Development. As the attached letter from Trinitas (Exhibit I) states, they will comply with the ordinance.

Traffic Impact Analysis

Members of the Committee of the Whole expressed concern over additional traffic that the site may generate, specifically on Carver Drive in the Carver Park neighborhood. The traffic impact analysis, conducted by Trinitas Development, projects an additional five (5) cars exiting and three (3) cars entering the site during the morning peak hour, and five (5) cars exiting and eight (8) cars entering the site in the evening peak hour on Carver Drive (see Exhibit F). The development is therefore not expected to increase traffic on Carver Drive by a significant amount. Most traffic is projected to exit and enter the site via 4th Street or 5th Street. The full Traffic Impact Analysis is available online at: https://www.urbanaillinois.us/sites/default/files/attachments/Trinitas_Traffic_Impact_Study.pdf

Annexation Agreement

The previous version of the annexation agreement did not include the General Area Plan as an attachment. The complete Annexation Agreement, including all attachments, is attached in Exhibit G.

Champaign City Council

On September 18, 2018, the Champaign City Council voted unanimously to rezone the portion of the proposed Union Gardens development that is in Champaign from SF-1 to MF-1. The Champaign City

Council also unanimously voted to approve the preliminary plat for the site.[1] No public comments were made at the Champaign City Council meeting on the proposed development.

Public Correspondence

Bishop Lloyd E. Gwin of the Church of the Living God has submitted a letter of support for the proposed development (Exhibit E). At the time of this writing, staff has received no other public comment related to this project other than those expressed during public meetings.

Plan Commission

The minutes to the September 6, 2018, Plan Commission were not available in time for the September 10, 2018, Committee of the Whole meeting. Those draft minutes are attached in Exhibit H.

Parameters for Rezoning Cases

Exhibit J provides a summary of the criteria to be considered when evaluating a rezoning request.

Overall Development Considerations

In addition to the required criteria used to evaluate these requests, it is important to consider the potential benefits that this project would bring to the City of Urbana. Aside from property tax revenue, adding more than 1,100 people to this area will provide more customers for existing businesses along Lincoln Avenue. In the long term, this project could be a catalyst for new business development on Lincoln Avenue, and possibly on Bradley Avenue.

Notes on Case Order and Annexation Cases

Staff recommends that City Council first consider the two rezoning requests (one being part of the annexation agreement), then consider the annexation agreement, and finally, the annexation petition.

Typically, annexation agreements and petitions do not take place at the same time. When they do, as in this case, it can be confusing, so it may be helpful to briefly explain the differences between annexation agreements and annexation petitions.

As the name suggests, annexation agreements are agreements between the city and private property owners that spell out each party's obligations with respect to a property. These agreements help ensure that when a property is annexed into the city it will comply with city regulations, which differ from county regulations. Annexation agreements typically have a 20-year term, so that after 20 years, if the property has not been annexed, it is no longer subject to the terms of the agreement.

Annexation petitions, on the other hand, are simply the mechanism used to annex property into the city.

In summary, an annexation agreement spells out the obligations of the city and the property owner for a given property, and the annexation petition brings the property into the city. In this case, the agreement (obligations) and petition (annexation) are being considered at the same time.

Prepared by:

Kevin Garcia, Planner II

1 The Urbana Plan Commission approved the Preliminary Plat at their meeting on September 6, 2018.

ORDINANCE NO. 2018-09-058

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT

(A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust and Trinitas Development LLC)

WHEREAS, an annexation agreement between the City of Urbana, Illinois, the Judy Heimburger Trust, and Trinitas Development LLC has been submitted for the Urbana City Council's consideration; and

WHEREAS, said agreement governs a tract totaling approximately 8.38 acres located east of N. Oak Street, west of Cardinal Court, and north of N. Sixth Street, and said tract is legally described as follows:

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less; located east of Oak Street and north of Bradley Avenue, and further referenced as Champaign County permanent index number 30-21-06-326-015; and

WHEREAS, on August 8, 2018, the City Clerk duly published notice in *The News-Gazette*, a newspaper having general circulation in the City of Urbana, Illinois, that a public hearing would be held before the Urbana City Council on the matter of the proposed annexation agreement; and

WHEREAS, on August 27, 2018 , the City Clerk also mailed notice of the public hearing to each of the Trustees of the Eastern Prairie Fire Protection District, each Board of Urbana Township Trustee, and the Urbana Township Clerk, Supervisor, and Commissioner of Highways; and

WHEREAS, on September 6, 2018, after due and proper notice, the Urbana Plan Commission held a public hearing to consider the proposed annexation agreement in Case No. 2018-A-01; and

WHEREAS, the Urbana Plan Commission voted 6 ayes and 0 nays to forward a recommendation of approval to the Urbana City Council; and

WHEREAS, on September 10, 2018, the Urbana City Council held a public hearing on the proposed annexation agreement; and

WHEREAS, the City Council has determined that the proposed annexation agreement is in conformance with the goals and objectives of the City of Urbana's 2005 Comprehensive Plan; and

WHEREAS, the City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed annexation agreement will not negatively impact the City of Urbana and would be in the best interests of the City of Urbana and its citizens.

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

Section 1.

An annexation agreement between the City of Urbana, Illinois, the Judy Heimburger Trust, and Trinitas Development LLC, in substantially the form of the copy of said agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said annexation agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Section 3.

The City Clerk is authorized and directed to record in the Office of the Recorder of Deeds and to file with the Champaign County Clerk a certified copy of this Ordinance.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a meeting of the corporate authorities.

PASSED BY THE CITY COUNCIL this___ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

_____
Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this___ day of _____, _____.

_____
Diane Wolfe Marlin, Mayor

ORDINANCE EXHIBIT A

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

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>
> Except the following:
>
> The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

> That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less.

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

> Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.
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> Except the following:
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> The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

> That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less.

MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2018-XX-XXX CITY OF URBANA, ILLINOIS CHAMPAIGN COUNTY DATE: SEPTEMBER XX, 2018

AREA OF ANNEXATION

EXISTING CITY LIMITS

NEW CITY LIMITS

RIGHT-OF-WAY

ENGINEERING DIVISION

CITY OF URBANA

CITY ENGINEER/PUBLIC WORKS DIRECTOR

CAD: D.A.R. 09/06/2018
CHECKED: W.R.G. XX/XX/2018

ORDINANCE EXHIBIT C - GENERAL AREA PLAN

PRELIMINARY/FINAL PLAT OF SUBDIVISION
OF
UNION GARDENS

PART OF THE SOUTH HALF OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS

P.I.N.
TRACT 1: 91-21-06-451-005
TRACT 2: 30-21-06-326-015
46-21-06-376-007
TRACT 3: 46-21-06-376-008

SCALE: 1"=50'

BASIS OF BEARING

ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83 (2011).

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	103.50'	75.09'	N01°35'01"E	73.45'
C2	58.50'	48.75'	S01°30'16"E	47.35'
C3	58.50'	56.47'	S02°42'01"W	54.30'
C4	103.50'	74.53'	N04°19'26"W	72.93'
C5	83.50'	44.82'	N15°56'39"W	44.28'
C6	150.62'	26.18'	S05°56'53"W	26.14'
C7	89.00'	34.79'	S45°19'51"W	34.57'
C8	89.00'	26.62'	N48°51'41"W	26.52'
C9	69.00'	26.12'	S43°43'00"W	25.96'
C10	89.00'	11.31'	N43°50'15"E	11.30'
C11	69.00'	38.28'	N41°42'41"W	37.79'
C12	89.00'	25.01'	N42°16'43"W	24.93'
C13	100.32'	38.68'	S10°24'16"W	38.44'
C14	145.31'	56.04'	N10°24'11"E	55.69'
C15	141.69'	23.94'	N27°51'28"E	23.91'
C16	357.50'	45.29'	S82°56'41"W	45.26'
C17	83.50'	68.96'	N66°05'22"E	67.02'
C18	128.50'	106.13'	S66°05'22"W	103.14'
C19	198.50'	45.38'	N25°41'42"W	45.28'
C20	198.50'	42.36'	N06°46'55"W	42.28'
C21	243.50'	42.25'	S05°38'22"E	42.19'
C22	357.50'	12.61'	S61°54'04"W	12.61'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°44'39"E	8.38'
L2	S89°57'08"W	20.23'
L3	S89°57'08"W	28.51'

REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: CNB
CHECKED BY: TBM
APPROVED BY: TBM

ENGINEERING RESOURCE ASSOCIATES
35701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60555
PHONE (630) 393-3060
FAX (630) 393-2152

10 S. RIVERSIDE PLAZA , SUITE 875
CHICAGO, ILLINOIS 60606
PHONE (312) 474-7841
FAX (312) 474-6099

2416 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61821
PHONE (217) 351-6268
FAX (217) 355-1902

PREPARED FOR: TRINITAS DEVELOPMENT LLC

TITLE: UNION GARDENS PRELIMINARY/FINAL PLAT OF SUBDIVISION

SCALE: 1"=50'
DATE: 7-27-2018
JOB NO: 180306
SHEET 8 OF 24

Attachments: Exhibit E: Letter of Support from Bishop Gwin

Exhibit F: Traffic Impact Analysis Diagram

Exhibit G: Annexation Agreement (Updated)

Exhibit H: Draft 9/6/18 Plan Commission Minutes

Exhibit I: Letter from Trinitas Development, LLC, dated September 19, 2018

Exhibit J: Criteria to be considered for any rezoning case

CC: Kimberly Hansen (Trinitas Development LLC)

THE CHURCH OF THE LIVING GOD

312 East Bradley Avenue, Champaign, Illinois 61820
217-359-6920 • Senior Bishop Lloyd E. Gwin, Pastor
www.thechurchofthelivinggod.com

September 12, 2018

Kim Hansen
Manager, Development Design & Management
Trinitas Ventures
201 Main Street, Suite 1000
Lafayette, IN 47901

Dear Kim:

As you are aware, over the past few months, we have been working with your team to finalize terms related to the development of improvements to 4th Street that will help facilitate access to Trinitas' proposed project, Union Gardens.

It is my belief that the Union Gardens project will be an excellent addition to the area and will help encourage economic development in the neighborhood. I look forward to welcoming members of the Union Gardens community to The Love Corner at The Church Of The Living God in the future.

It is my hope to attend, or have a representative attend, the October 1, 2018 City of Urbana Council meeting to show our support for this project. If you have any additional questions or need more information, please reach out to me at 217-359-6920.

Sincerely,

Bishop Lloyd E. Gwin

Bishop Lloyd E. Gwin
The Church of the Living God
312 E Bradley Avenue
Champaign, IL 61820

*Due to the nature of the proposed development (student housing), and inputs from the developer about provision of a shuttle service to and from the University of Illinois campus, a higher transit utilization is assumed.

This results in a total mode choice reduction of 30.1%, which was applied to the non-internal trips. The mode choice reduction trips are shown in **Table 3.2**.

3.3.3 Pass-By Trips

Pass-by trips consist of those that are an intermediate stop enroute from a trip origin to a trip destination. Pass-by trips begin and end outside the study area and are trips that are currently on the existing roadway network. These trips are typically associated with retail and restaurant land use types. Pass-by trips for the proposed residential development is assumed to be negligible.

Table 3.2 – Net New Site Trips

Trip Type	AM Peak		PM Peak	
	Enter	Exit	Enter	Exit
Base Vehicle Trips	42	139	129	77
Internal Trips	--	--	--	--
Mode Choice Reduction Trips	13	42	39	23
Pass-By Trips	--	--	--	--
Net New Site Trips	**29**	**97**	**90**	**54**

3.4 Trip Distribution and Assignment

Trip distribution percentages were calculated based on daily traffic volumes at the external roadways to the study area. These percentages take into account major origin and destination centers that will likely utilize the proposed development. The trip distribution percentages are provided in **Table 3.3**, and are graphically illustrated in **Figure 3.4**.

The trip distribution percentages were applied to the trip generation totals (net new site trips) and assigned to each study roadway/intersection. The trip assignment was facilitated through the use of Vistro (Version 4), which assigns traffic to intersections based on manually assigned routes. The added site trips at each intersection are shown on **Figure 3.5.**

Figure 3.5 represents the scenario in which Carver Drive serves as a full access to the proposed development. A scenario has been analyzed in which this access is used as a commercial access only in which daily traffic is redistributed to the 4th Street access. This scenario is referred to as "Carver Drive Closed to Development". The redistributed added site trips are shown in **Figure 3.6**.

Exhibit F - Traffic Impact Analysis Excerpt

AMERICAN STRUCTUREPOINT

Legend

1 Existing Intersection

1 Proposed Intersection

50 (50) AM (PM) Traffic Volumes

Trinitas
Traffic Impact Study
Urbana-Champaign, IL

Figure 3.5
Added Site Trips

Annexation Agreement

This annexation agreement is made between the City of Urbana, Illinois ("Urbana"), the Judy Heimburger Trust (the "Owner"), and Trinitas Development LLC, an Indiana limited liability company (the "Developer"), each a "party" and together the "parties," and is effective on the last date signed by a party hereto. The parties agree as follows:

1. **The Property**. The Owner is the owner of record of the real property having permanent index number 30-21-06-326-015, consisting of approximately 8.38 acres in unincorporated Champaign County (the "Property"). The Property is legally described on Exhibit A. Exhibit B is a true and accurate representation of the Property. The Developer proposes to purchase the Property from the Owner for development purposes. Exhibit C is a general area plan showing the Developer's intended use of the Property.

2. **Annexation**.

   A. The Owner, Developer, and Urbana shall take all actions necessary or appropriate to cause the Property to be validly annexed to Urbana as provided in this agreement and pursuant to the provisions of 65 ILCS 5/11-15.1-1 *et seq*., as amended. The Property is contiguous to Urbana and may be immediately annexed.

   B. The Owner and Developer hereby waive all rights to disconnect the Property from Urbana during the term of this agreement.

3. **Zoning**.

   A. Classification. Upon passage of the ordinance annexing the Property to Urbana, Urbana shall classify the Property as part of the R-4 Medium Density Multiple-Family Residential zoning district. Urbana shall not rezone the Property during the term of this agreement except upon a written amendment to this agreement.

   B. Ordinance amendments. Urbana reserves the right to amend the Urbana City Code and the Urbana Zoning Ordinance even if such amendments affect the Property. During the 20 years following the effective date of this agreement, unless the Owner, Developer, or successor or successors in title consent, Urbana shall not enforce any ordinance applicable to the Property relating to subdivision controls, zoning, official plans, or occupancy permits and related restrictions that is more restrictive or that imposes greater obligations than (1) the ordinances of Urbana in force on the effective date of this agreement; or (2) the terms of this agreement.

   C. Rezoning. Neither the Owner nor the Developer shall petition for Champaign County rezoning of the Property without a written amendment to this agreement.

4. **Owner's and Developer's duties**.

   A. Before annexation. At all times prior to annexation, the Owner and Developer shall have the following duties.

      (1) Compliance with law. Except as otherwise provided in this agreement, the Owner and Developer shall use the Property in compliance with all applicable federal and state laws and all Urbana zoning and building codes and regulations in effect on the effective date of this agreement or an amendment thereto.

(2) Annexation petition upon transfer. As a condition of a transfer of ownership of the whole or any part of the Property, the Owner shall require the new owner and all electors who will reside on the Property so conveyed to sign a legally sufficient irrevocable petition for annexation. Not more than 10 days after the transfer occurs, the Owner shall deliver such petition to Urbana's Planning Division Manager. As a condition of any subsequent sale of the whole or any part of the Property, the Owner shall also require the subsequent owner to obtain an irrevocable petition for annexation from succeeding buyers and electors who will reside on the Property and to deliver such petition to Urbana's Planning Division Manager not more than 10 days after the transfer occurs, for as long as this agreement is in effect. If the Owner fails to comply with this subsection, and if annexation of the Property or any part of it is delayed or contested by any subsequent owner as a result, the Owner will be liable to Urbana for all real estate taxes and other taxes that would have been due to Urbana had annexation been completed as provided in this agreement.

(3) Recording of covenants. If Urbana has not already annexed the Property, the Owner shall record covenants in a form approved by Urbana's Legal Division containing notice that each subsequent owner and elector residing on the Property is required to sign a petition for annexation at Urbana's request. In addition to recording this notice in the covenants applicable to the whole Property, the Owner shall record this notice in the chain of title of each individual permanent index number assigned to any division of the Property.

B. After annexation. At all times after annexation, the Owner and Developer shall have the following duties.

(1) Zoning designation. The Owner and Developer shall comply with all applicable provisions of the Urbana Zoning Ordinance, including those relating to non-conforming structures and uses. The Owner and Developer shall accept the Urbana R-4 Medium Density Multiple-Family Residential zoning classification, as provided for in the Urbana Zoning Ordinance, as amended.

(2) Code compliance. The Owner and Developer shall comply with all Urbana ordinances in effect unless expressly waived or varied in this agreement. The Owner and Developer shall cause all new development, construction, or additions on the Property to comply with the approved site plan for the Property, if any, and all codes, rules, regulations, orders, and other requirements of Urbana. The Owner and Developer shall submit all building construction and landscaping plans to Urbana for review and shall pay all building permit fees.

5. **Urbana's duties**. Urbana shall annex the Property in accordance with the terms and conditions set forth in this agreement. Urbana shall enact all ordinances and resolutions necessary to effectuate this agreement.

6. **Owner's and Developer's representations**. The Owner and Developer represent to Urbana as follows.

A. Consent of lender. If a mortgage or other lien encumbers the Property, the Owner has provided Urbana with a written acknowledgement from each mortgagee, lienholder, and holder of any security interest affecting title to the Property, or any part thereof, that this agreement will at all times inure to the benefit of and be binding upon such mortgagee, lienholder, or other person having an interest in the Property.

B. Authority. The persons signing this agreement on behalf of the Owner and Developer have been authorized and empowered to enter into this agreement by and on behalf of such

Owner and Developer, and this agreement is a legal, valid, and binding obligation of the Owner and Developer, enforceable against the Owner and Developer in accordance with its terms.

C. Petition for annexation. The Owner has filed with Urbana a written petition signed by the Owner and all electors residing on the Property requesting annexation of the Property to Urbana and being in proper form to allow annexation of the Property pursuant to the Illinois Municipal Code, as amended.

7. **Urbana's representations**. Urbana represents to the Owner and Developer as follows:

A. Authority. The person signing this agreement on behalf of Urbana has been authorized and empowered to enter into this agreement by and on behalf of Urbana; and Urbana has taken or will take all actions necessary to authorize the execution, delivery, and performance of this agreement.

B. Public hearings. Prior to execution of this agreement, Urbana has held all public hearings required by law.

8. **Term**. This agreement will be binding upon the parties and their respective successors and assigns for 20 years commencing as of the effective date of this agreement. If any of the terms of this agreement, or the annexation or zoning of the Property, is challenged in any court proceeding, or if Urbana files a court action to enforce this agreement, then, to the extent permitted by law, the period of time during which such litigation is pending will not be included in calculating the term of this agreement. The expiration of the term of this agreement will not affect the continuing validity of the zoning of the Property or any ordinance enacted by Urbana pursuant to this agreement.

9. **Enforcement**. Any party, or the successor or successors in title of any party hereto, may either in law or in equity, by suit, action, mandamus, injunction, or other proceedings enforce, and compel performance of this agreement. Upon breach by the Owner or Developer, or the successor or successors in title of the Owner or Developer, Urbana may refuse the issuance of any permits or other approvals or authorizations relating to development of or construction on the Property.

10. **Indemnification**. The Owner and Developer shall indemnify and defend Urbana, its officers, employees, and agents against all claims, liability, or damage, including without limitation attorney's fees, arising from or in any way related to the performance or failure to perform the provisions of this agreement, except to the extent caused by the gross negligence or willful misconduct of Urbana, its officers, employees, or agents. This section will survive the termination of this Agreement.

11. **Entire agreement; amendments**. This agreement constitutes the entire agreement between the parties, supersedes all other agreements or understandings between them pertaining to the matter of this agreement, and may not be modified or rescinded except by a writing signed by all parties.

12. **Assignment**. The Owner's and Developer's rights and privileges provided pursuant to this agreement are personal to the Owner and Developer and are not assignable or voluntarily transferable by the Owner or Developer without the express written consent of Urbana, which consent shall not be unreasonably withheld. Such consent will not constitute an amendment to this agreement and may be given without the requirement of notice or a public hearing, except as required by the Illinois Open Meetings Act. The Owner's and Developer's obligations, undertakings, and guarantees specifically made in this agreement will continue in full force and effect and will not be affected insofar as Urbana is concerned by any sale, transfer, or assignment of any interest in any portion of the Property. Notwithstanding anything contained herein to the contrary, Developer may assign this agreement to a Developer Affiliate without Urbana's consent so long as such applicable assignee complies with the requirements of Section 4 hereof. For purposes of this Section 12, the term "Developer's Affiliate" shall mean any entity that controls or is controlled by or is under common control with Developer and whose

members have at least a 50% common economic interest (based on projected future cash flows) as Developer.

13. **Notices**. Except where the terms of this agreement expressly provide otherwise, the parties shall give all notices required or permitted by this agreement in writing, addressed as set forth below, unless another address is provided in writing. Notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier.

Urbana: City of Urbana Planning Division Manager, 400 S. Vine Street, Urbana, Illinois 61801

Owner: Judy Heimburger Trust, 2934 E. Stone Creek Blvd.; Urbana, Illinois 61802

Developer: Trinitas Development LLC, c/o Trinitas Ventures LLC, 201 Main Street, Suite 1000, Lafayette, Indiana 47901

14. **Waiver**. The failure of any party to insist upon the strict and prompt performance of any term, covenant, or condition of this agreement will not be deemed to waive or to relinquish that party's right thereafter to enforce any such term, covenant, or condition unless the party's waiver is in writing.

15. **Severability**. If any court of competent jurisdiction invalidates any provision of this agreement, other than the provisions relating to the requested zoning changes and the ordinances adopted in connection therewith, such provision will be deemed to be excised here from, and the invalidity thereof will not affect any of the other provisions contained in this agreement.

16. **No presumption**. The parties have had full opportunity to review and to participate in the drafting of this agreement and all documents attached as exhibits. Accordingly, the parties shall construe this agreement without regard to any presumption or other rule of construction whereby any ambiguities within this agreement would be construed or interpreted against the party causing the document to be drafted.

17. **City Council approval**. This agreement will be valid only after the Urbana City Council approves it by resolution or ordinance.

18. **Covenant running with the land**. The terms of this agreement constitute a covenant running with the land and will inure to the benefit of and be binding upon the successors in title and assigns of the Owner and Developer and each of them, as to all or any part of the Property, and upon the successor municipalities of Urbana and the successor corporate authorities of each of them.

19. **Recording of agreement**. Not more than 30 days after the effective date of this agreement, Urbana shall record this agreement, or a suitable memorandum hereof, in the Champaign County Office of the Recorder of Deeds at the Owner's sole cost and expense.

20. **Exhibits**. All exhibits and schedules attached to this agreement are incorporated into this agreement and are made a part of this agreement by this reference.

21. **Third-party beneficiaries**. This agreement is made for the mutual benefit of the parties hereto and is not intended to confer any rights to any third party. No third party may bring any action to enforce any of the terms in this agreement.

[Signature page follows]

EXHIBIT G - ANNEXATION AGREEMENT

The duly authorized representatives of the Owner, Developer, and Urbana are signing this agreement on the dates stated below their signatures.

Judy Heimburger Trust

Judy Heimburger, not individually, but as Trustee of the Judy Heimburger Trust

_____
Judy Heimburger, as Trustee aforesaid

Date: _____, 2018

STATE OF ILLINOIS)
) ss.
COUNTY OF CHAMPAIGN)

I, the undersigned, a notary public in and for the said County, in the State aforesaid do hereby certify that Judy Heimburger, not individually, but as Trustee of the Judy Heimburger Trust, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____ 2018.

_____
Notary Public

Trinitas Development LLC

By: _____
Loren P. King
Authorized Representative

Date: _____, 2018

STATE OF _____)
) ss.
COUNTY OF _____)

I, the undersigned, a notary public in and for the said County, in the State aforesaid do hereby certify that Loren P. King, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument in his capacity as the duly Authorized Representative of Trinitas Development LLC as his free and voluntary act, and the free and voluntary act of Trinitas Development LLC for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____ 2018.

_____
Notary Public

EXHIBIT G - ANNEXATION AGREEMENT

City of Urbana, Illinois

By: _____
Diane Wolfe Marlin
Mayor

Date: _____, 2018

Attest:

_____
Charles A. Smyth
City Clerk

Attachments:	Exhibit A	Legal Description
	Exhibit B	Annexation Plat
	Exhibit C	General Area Plan

EXHIBIT G - ANNEXATION AGREEMENT

ORDINANCE EXHIBIT A

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

> Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.
>
> Except the following:
>
> The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

> That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less.

A portion of the Southwest Quarter of Section 6, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, more particularly described as follows:

Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

Except the following:

The south 66 feet of even width of Lot 2 of the Bishop Crawford Subdivision recorded as document number 2013R27410, dated November 21, 2013, in the office of the recorder of Champaign County, Illinois.

All situated in Champaign County, Illinois and containing 8.38 acres, more or less.

Together with the following described adjacent public right-of-way, which is by operation of the law, automatically annexed with the adoption of an Annexation Ordinance pertaining to this parcel:

That part of Oak Street right-of-way being 50 feet in width as described in a right-of-way dedication recorded in Deed Record Book 789 at Page 370, that lies adjacent to the above described parcel.

All situated in Champaign County, Illinois and containing 0.05 acres, more or less.

MAP SHOWING AREA ANNEXED BY CITY ORDINANCE #2018-XX-XXX CITY OF URBANA, ILLINOIS CHAMPAIGN COUNTY DATE: SEPTEMBER XX, 2018

AREA OF ANNEXATION

EXISTING CITY LIMITS

NEW CITY LIMITS

RIGHT-OF-WAY

ENGINEERING DIVISION

CITY OF URBANA

CITY ENGINEER/PUBLIC WORKS DIRECTOR

CAD: D.A.R. 09/06/2018
CHECKED: W.R.G. XX/XX/2018

EXHIBIT G - ANNEXATION AGREEMENT

ORDINANCE EXHIBIT C

PRELIMINARY/FINAL PLAT OF SUBDIVISION OF UNION GARDENS

PART OF THE SOUTH HALF OF SECTION 6, TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS

P.I.N.
TRACT 1: 91-21-06-451-005
TRACT 2: 30-21-06-326-015
46-21-06-376-007
TRACT 3: 46-21-06-376-008

SCALE: 1"=50'

BASIS OF BEARING

ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83 (2011).

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	103.50'	75.09'	N01°35'01"E	73.45'
C2	58.50'	48.75'	S01°30'16"E	47.35'
C3	58.50'	56.47'	S02°42'01"W	54.30'
C4	103.50'	74.53'	N04°19'26"W	72.93'
C5	83.50'	44.82'	N15°56'39"W	44.28'
C6	150.62'	26.18'	S05°56'53"W	26.14'
C7	89.00'	34.79'	S45°19'51"W	34.57'
C8	89.00'	26.62'	N48°51'41"W	26.52'
C9	69.00'	26.12'	S43°43'00"W	25.96'
C10	89.00'	11.31'	N43°50'15"E	11.30'
C11	69.00'	38.28'	N41°42'41"W	37.79'
C12	89.00'	25.01'	N42°16'43"W	24.93'
C13	100.32'	38.68'	S10°24'16"W	38.44'
C14	145.31'	56.04'	N10°24'11"E	55.69'
C15	141.69'	23.94'	N27°51'28"E	23.91'
C16	357.50'	45.29'	S82°56'41"W	45.26'
C17	83.50'	68.96'	N66°05'22"E	67.02'
C18	128.50'	106.13'	S66°05'22"W	103.14'
C19	198.50'	45.38'	N25°41'42"W	45.28'
C20	198.50'	42.36'	N06°46'55"W	42.28'
C21	243.50'	42.25'	S05°38'22"E	42.19'
C22	357.50'	12.61'	S61°54'04"W	12.61'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°44'39"E	8.38'
L2	S89°57'08"W	20.23'
L3	S89°57'08"W	28.51'

LEGEND

- = EX. PROPERTY LINE
- = EX. LOT LINE
- = EX. EASEMENT LINE
- = EX. CORPORATE LIMITS
- = CENTERLINE
- = EASEMENT LINE HEREBY GRANTED

ABBREVIATIONS

A	ARC LENGTH
CH	CHORD
CONC.	CONCRETE
E	EAST
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
N	NORTH
R	RADIUS
R.O.W.	RIGHT OF WAY
S	SOUTH
W	WEST
B.S.L.	BUILDING SETBACK LINE
DOC.	DOCUMENT
(XXX.XX)	RECORD INFORMATION
[XXX.XX]	DEED INFORMATION
XXX.XX	MEASURED INFORMATION

REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: CNB
CHECKED BY: TBM
APPROVED BY: TBM

ENGINEERING RESOURCE ASSOCIATES
35701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60555
PHONE (630) 393-3060
FAX (630) 393-2152

10 S. RIVERSIDE PLAZA , SUITE 875
CHICAGO, ILLINOIS 60606
PHONE (312) 474-7841
FAX (312) 474-6099

2416 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61821
PHONE (217) 351-6268
FAX (217) 355-1902

PREPARED FOR: TRINITAS DEVELOPMENT LLC

TITLE: UNION GARDENS PRELIMINARY/FINAL PLAT OF SUBDIVISION

SCALE: 1"=50'
DATE: 7-27-2018
JOB NO: 180306
SHEET 8 OF 24

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **DRAFT**

DATE: **September 6, 2018**

TIME: **7:00 P.M.**

PLACE: **Urbana City Building**
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Daniel Turner, Jonah Weisskopf

MEMBERS ABSENT: Lew Hopkins, Nancy Esarey Ouedraogo, Chenxi Yu

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT: Jeremy Chapman, Jackie Curry, Marcia Dietiker, Kimberly Hansen, Jim Heimburger, Johnathon Howard, Jeff Kanable, Nick Varchetto

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1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Fitch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum of the members was declared present.

Chair Fitch introduced Jonah Weisskopf as being the newest member of the Plan Commission.

2. CHANGES TO THE AGENDA

Lorrie Pearson, Planning Manager, noted that both items under Continued Public Hearings and the item under Old Business pertain to the same proposed development. She recommended that City staff present one staff report; however, the Plan Commission should vote separately on each case. The Plan Commission agreed.

3. APPROVAL OF MINUTES

The minutes of the August 9, 2018 regular Plan Commission meeting were presented for approval. Mr. Turner moved that the Plan Commission approve the minutes as written. Mr. Ackerson seconded the motion. The minutes were approved as written by unanimous voice vote.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Annexation Case No. 2018-A-01 & Plan Case No. 2347-M-18 – A proposed Annexation Agreement between the City of Urbana, the Judy Heimburger Trust, and Trinitas Development, LLC to include rezoning of an approximately 8.16-acre parcel from County I-2 (Heavy Industry) to City R-4 (Medium-Density Multiple-Family Residential) located east of North Oak Street between Bradley Avenue and Kenyon Road.

Plan Case No. 2348-M-18 – A request by Trinitas Development LLC to rezone an approximately 11.33-acre parcel from R-3 (Single- and Two-Family Residential) to R-4 (Medium-Density Multiple-Family Residential) located north of Carver Drive and south of Federal Drive.

Plan Case No. 2349-S-18 – Union Gardens Preliminary Plat

Chair Fitch opened these items on the agenda together as requested by City staff. Kevin Garcia, Planner II, presented the written staff report for the proposed cases. He began by explaining the reason for the proposed rezonings and subdivision plat requests, which is to allow the developer to develop 40 acres of farmland into a 406-unit multi-family residential development. The proposed 40 acres is separated into Site A (the easternmost site), Site B (located in Champaign County and subject to the annexation agreement and rezoning) and Site C (located in the City of Champaign). He described the zoning and existing land uses of the subject properties and of the surrounding adjacent properties. He discussed the locations of the connections to existing streets. He mentioned that the applicant conducted a traffic analysis and found that no new stop lights or other public infrastructure would need to be installed. He talked about how the proposed development related to the Future Land Use designations and the goals and objectives of the 2005 Comprehensive Plan. He noted the criteria for rezoning a property and stated that City staff felt each rezoning request would be consistent with the evaluation criteria and outlined the reasons in the written staff memo. He presented City staff's recommendation for approval of each case.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Fell asked why the applicant wanted to rezone to R-4 (Medium Density Multiple Family Residential) Zoning District if townhomes and duplexes were allowed in the existing zoning of R-3 (Single and Two-Family Residential). Lorrie Pearson, Planning Manager, explained that townhomes are not allowed in the R-3 Zoning District. While a single townhome is considered a single family use, if more than one townhome is constructed on a lot, then it is considered multiple family from a zoning perspective. The developer does not intend to subdivide each townhome into a separate lot.

Mr. Fell wondered if Champaign County and the City of Champaign had reviewed the proposed development and what would happen if one or both of those entities did not approve it. Mr.

Garcia stated that the City of Champaign Plan Commission reviewed the requests for the proposed development and unanimously recommended approval to Champaign's City Council for both the rezoning and the subdivision plat. Champaign County did not need to take any action on the proposed development. Ms. Pearson added that the subdivision plat is only preliminary at this stage. The applicant would need to submit a Final Plat in order for the subject properties to be successfully platted different from what they currently are. The Final Plat would need to substantially conform to the Preliminary Plat. Any significant changes would be brought back to the Plan Commission for additional review and approval. Mr. Fell asked if City staff was concerned with this. Ms. Pearson said no. City staff is not concerned with which entity approves the proposed requests first or if the plat would need to be revised and brought back to the Plan Commission. Urbana City staff had been in close communication with Champaign staff throughout the process. She reviewed Urbana's process to review and approve the proposed requests and noted that the City of Champaign City Council will have reviewed and voted on the requests prior to the City of Urbana City Council.

Mr. Fell asked why there would not be a connection at Dorie Miller Drive. Mr. Garcia stated that this was discussed by City staff and decided that since there is not a direct connection to Bradley Avenue and it would only serve a few units that would be located in the new development near Dorie Miller Drive.

Mr. Fell questioned if the petitioner would be paying for the infrastructure or would the City of Urbana be paying for it. Ms. Pearson answered that with this level of public street, the developer would be required to construct and pay for it. Ultimately, the developer would turn the public streets over to the City to maintain.

Mr. Fell wondered about the parking lot of the Pilgrim Baptist Church at 1310 North Sixth Street becoming non-conforming with regards to screening once the proposed development is constructed. How does City staff propose to handle this? Mr. Garcia replied that the City cannot retroactively enforce screening compliance on the church, especially since they are located in the City of Champaign.

Mr. Turner questioned why Site B was being requested to annex to the City of Urbana and not in to the City of Champaign. Mr. Garcia explained that there is a Boundary Agreement between the City of Champaign and the City of Urbana that was entered into in 1990. At that time, Site B was designated to be annexed into the City of Urbana. He showed on a map how there were other properties immediately to the north of Site B that are already in the City of Urbana limits.

Ms. Billman asked what the open spaces would be in the proposed development. Mr. Garcia replied that they would be detention ponds, which is typical.

Mr. Fell inquired what the big building would be located just above the roundabout. Mr. Garcia said that the preliminary plat showed it to be a clubhouse.

Ms. Billman wondered if this the proposed type of housing is needed. Mr. Garcia deferred the question to the applicant to answer when they approached to speak about the proposed development.

Chair Fitch inquired about the recommended condition on approval of the Preliminary Plat. Mr. Garcia responded that there was an error when sending out the Preliminary Plat for review by public utility and other entities. Not all of the necessary pages were included in the original review mailing, so City staff sent the review out a second time with those pages and therefore had to change the date that comments were due back. He noted that there were not any substantial comments on the original pages of the Preliminary Plat that had been sent out. The recommended condition was not terribly relevant. Ms. Pearson added that the applicant may need to change the plat a little depending on any comments that may come in. The recommended condition lets people know in the future why the plat may change from what the Plan Commission approves, if that is the direction that the vote of the Plan Commission takes.

Chair Fitch reviewed the procedure for a public hearing. He, then, opened the hearing for public input.

Kimberly Hansen, Manager of Design and Development for Trinitas, approached the Plan Commission to speak about the proposed development. She talked about the following:

- Background on Trinitas Company
- Trinitas Team
- Location of Proposed Devleopment – 1402 North Fourth Street will be the official address
- Purpose of the Proposed Annexation, Rezonings and Preliminary Plat
- Development Proposal
- Consistent with the Urbana Comprehensive Plan Goals
- Access to the Site
- Architectural Illustration of the Proposed Development
- Property Management Operations
- Community Open House Meetings held on April 3, 2018 and on August 6, 2018
- courbanize.com

Mr. Fell inquired how Trinitas has decided to resolve the differences in zoning and building code requirements between the two cities. Ms. Hansen responded that the Trinitas team held a joint meeting with staff from both cities because they were aware of this issue from the beginning. Trinitas decided to construct the proposed development to the more strict requirements and would continually make sure their plans meet both cities' building and zoning requirements.

Mr. Fell mentioned that two of the buildings would be constructed half in the City of Champaign and half in the City of Urbana. He asked how the buildings would be taxed. Ms. Pearson replied that this was a topic of discussion that the City of Urbana staff held. They need to speak with the Trinitas team about what was decided.

Mr. Ackerson noticed that much of the design of the proposed development was oriented towards university students; however, he envisioned young professionals and young families starting out being attracted live here. Does Trinitas anticipate having green space with play areas for children? Ms. Hansen stated that they would be targeting 20 to 30 year olds. They do expect young professionals and young families. They are still looking at the design of the project so if there is something like a playground that the City of Urbana would want, Trinitas can still look at incorporating it into the plans. Currently, they are leaning towards the basketball and volleyball

courts and the pool. Mr. Ackerson asked if they planned to provide walking and bicycling trails. Ms. Hansen said that there would be 13 acres of green space including connectivity with existing sidewalks in the neighboring properties; however, they did not intend to provide bicycle lanes.

Mr. Weisskopf wondered what percentage of the units did Trinitas expect to rent to students. Ms. Hansen replied higher than 50 percent. Mr. Weisskopf inquired if the applicant had researched how many students live in the nearby area. Ms. Hansen said that her colleagues on the Acquisition Team would have performed that research. She did not have the results with her.

Chair Fitch asked who would maintain the private streets. Ms. Hansen answered that Trinitas would maintain them.

Chair Fitch asked if anyone else in the audience wanted to speak to the Plan Commission.

Jackie Curry, neighbor in Carver Park Subdivision, approached the Plan Commission to speak in opposition of the proposed cases. She stated that she was opposed due to the increase in traffic that construction of the proposed development would impact on her neighborhood. Kids play on the dead end streets, one of which the development would open up and connect to. She asked what they were supposed to do. Chair Fitch said that she is doing what she should by voicing her concerns, and she would have another opportunity at the Urbana City Council meeting. Ms. Pearson added that she would also be able to voice her concerns to the Champaign City Council during their meeting.

Ms. Curry wondered how long the construction process would take. Ms. Hansen replied that they hoped to begin construction in the spring of 2019 and deliver the first phase in the late summer of 2020.

Mr. Turner questioned if she had spoke with any of her neighbors. Ms. Curry replied that she had spoke with a few neighbors and thought they would have attended this meeting.

Ms. Curry asked if her neighborhood would be safe or do they have any reason to be concerned about losing their homes like with the development on Market Street in the City of Champaign. Chair Fitch assured her that they did not have any reason to be concerned under this proposal.

Ms. Curry inquired how close the proposed development would be to her home at 718 Bethume Court. Chair Fitch said that he would have City staff clarify what the setback requirements would be.

Ms. Hansen re-approached the Plan Commission to address any additional concerns they may have.

Mr. Fell noticed that 90% of the people would be accessing the proposed development via Fourth Street. Is the City of Champaign okay with this? Ms. Hansen said yes. This was one of the reasons the City of Champaign asked Trinitas to conduct a traffic analysis. Ms. Billman added that traffic already gets congested around the railroad tracks. She wondered what the impact of the proposed development would be on the congestion around the tracks.

Jeremy Chapman, Traffic Engineer for Trinitas, approached the Plan Commission to speak about this concern. Relying on information that they received from the City of Champaign staff, they looked at the amount of actual traffic on the tracks. As far as backups that do occur, Trinitas found it was negligible for the concern for the traffic that would be generated for the proposed site. Main flow of traffic from the proposed site would be straight down Fourth Street because that is the main connector to campus.

Ms. Billman asked if there was any consideration of installing traffic signals at Fourth Street and Bradley Avenue. Mr. Chapman said that they looked at the numbers and the requirements and because Trinitas would be offering a shuttle service to and from campus and other points of interest, that gave a reduction factor that they applied and told them a traffic signal was not necessary.

With no further input from the audience, Chair Fitch closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motions.

Chair Fitch inquired about the setback requirements from the Carver Park Subdivision. Mr. Garcia stated that the City of Urbana requires a minimum setback of 10 feet. Trinitas provided a preliminary landscaping plan, which shows screening between the proposed development and Ms. Curry's property.

Mr. Fell asked if there were requirements to screen the cul-de-sac at Dorie Miller Drive . Ms. Pearson reviewed what each approval would be for. A preliminary plat must meet the requirements of the Urbana Subdivision and Land Development Ordinance. Site A is only subject to a map amendment (rezoning). Technically, a rezoning is not tied to a Site Plan so no conditions can be placed on approval of the rezoning for this site. Anything that is built on this site would need to comply with the Zoning Ordinance. Site B is subject to an annexation agreement and a rezoning of the property.
Mr. Fell believed the proposed development is a good idea. Some of the issues he mentioned will be really hard. He expressed concern about any building be constructed half in the City of Champaign and half in the City of Urbana. Ms. Pearson reiterated that was a topic of discussion at an internal meeting and there is a strong level of discomfort with this arrangement and needs to be discussed with Trinitas on how to resolve it.

Chair Fitch said if the Plan Commission approved the proposed Preliminary Plat and Trinitas needed to move some buildings around then it would be reflected in the Final Plat. Ms. Pearson said that a preliminary plan is not a site plan and usually does not show buildings. Preliminary plats are designed to show the public infrastructure and lot arrangement primarily. It is not a site plan.

Ms. Billman wondered if City staff received any input from the church along Bradley Avenue. Chair Fitch said no but apparently they were engaged in the process.

Mr. Turner stated that the Plan Commission had even discussed in the past the need for more housing for young professionals. He liked the proposed development, but acknowledged that it would significantly change the existing surrounding neighborhood. Concerned about it becoming housing for only students.

Mr. Ackerson could see many young professionals or young families renting townhomes and duplexes…not so much the undergraduate students. It is not far from the hospitals. It will greatly change the community. He would hope it would not adversely impact the community though and he would not want to see the site left undeveloped and leave the community by itself. There needs to be some kind of smart development.

Mr. Weisskopf agreed with Mr. Ackerson. He did not believe that it would only be for undergraduate students. He believed that the proposed development might be the best use of the land sandwiched between the highway and the existing neighborhood. Trinitas is taking the risk and he hoped that they have not over sold themselves on the idea of there being a lot of undergraduate students interested in living that far away from campus. Their challenge will be to create an appeal and market the units to young professionals and build a tenant base for undergraduate students against other housing projects closer to campus.

Mr. Turner liked the green space and open space areas. He encouraged the Trinitas team to consider installing a playground, bike paths and bike racks and possibly even a dog park area for pets. These might help to attract young professionals and young families.

Mr. Fell agreed with the demographics of who might live in the proposed development; however, they could be wrong. The City thought the same thing about building apartments next to Interstate 74, and many undergraduate students live there.

He expressed concern about how they plan to handle the traffic. He acknowledged that most of the traffic will occur in the City of Champaign, who is taking an active role with what happens with the traffic because they are redeveloping the entire neighborhood on the west side of the tracks and are providing blinking lights at the intersections. Therefore, he is confident that the City of Champaign will not take a laissez-faire approach. The traffic patterns do not overly concern him because they were studied and will be addressed.

Mr. Fell moved that the Plan Commission forward Case No. 2018-A-01 and Plan Case No. 2347-M-18 to the City Council with a recommendation for approval. Mr. Ackerson seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Turner	-	Yes
Mr. Weisskopf	-	Yes	Mr. Ackerson	-	Yes

The motion was approved by unanimous vote.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2348-M-18 to the City Council with a recommendation for approval. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Turner	-	Yes	Mr. Weisskopf	-	Yes
Mr. Ackerson	-	Yes	Ms. Billman	-	Yes

The motion was approved by unanimous vote.

Mr. Fell moved that the Plan Commission approve Plan Case No. 2349-S-18 as recommended by City staff with the following condition: *The petitioner shall address any outstanding comments from City staff or from outside agencies received on or before September 4, 2018.* Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Turner	-	Yes
Mr. Weisskopf	-	Yes	Mr. Ackerson	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that the cases being forwarded to City Council will be presented at the Committee of the Whole meeting on September 10, 2018 and potentially to City Council on September 17, 2018.

6. OLD BUSINESS

Plan Case No. 2349-S-18 – Union Gardens Preliminary Plat

Please see minutes under Continued Public Hearings.

7. NEW PUBLIC HEARINGS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lorrie Pearson, Planning Manager, reported on the following:

- CCZBA-895-AT-18 Update – The Plan Commission forwarded a recommendation to defeat a resolution of protest contingent on requiring the resolution in response to Special Use Permits by the County Board follow the procedures of Resolution of Protest including the effect requiring a super majority vote by the Champaign County Board. City staff researched and found the condition was not legal, so they did not forward the recommendation to City Council. They since had discovered that the location of the solar farms in the County would be far away from City's Extra-Territorial Jurisdiction (ETJ) Area and would be economically impractical to construct within the ETJ. Therefore, City Council decided not to protest.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

_____
Lorrie Pearson, Secretary
Urbana Plan Commission

EXHIBIT I

TRINITAS

September 19, 2018

Mayor & City Council – City of Urbana
400 South Vine Street
Urbana, IL 61801

Re: Union Gardens

Dear Mayor Marlin and Members of City Council:

On behalf of Trinitas Development, LLC, I wanted to take the opportunity to respond to some of the discussion items brought up in the Committee of the Whole Meeting on September 10, 2018 surrounding Trinitas' proposed development, Union Gardens.

Currently, the development proposes 406 total units at 1402 North Fourth Street. Approximately 116 units are located in the City of Urbana while 110 units are located in Champaign County. If the annexation of County land into the City of Urbana is successful, that would bring the total City of Urbana unit count to 226 and the City of Champaign unit count to 180. Trinitas is excited about this location as it benefits from having access within 1.5 miles to the University of Illinois campus community, as well as, an existing community fabric that includes a vibrant and rich history. We look forward to bringing additional housing options to the area.

Additionally, we would like to address Trinitas' future leasing policies for Union Gardens. We are currently reviewing the Human Rights Ordinances for both Champaign and Urbana and are committed to complying with all applicable laws and ordinances in each jurisdiction. We appreciate Alderman Ammons bringing this issue to our attention.

Also, I wanted to highlight Trinitas Construction's focus on outreach to the local MBE/WBE community. Trinitas' strong preference is to hire local and invest in local businesses when possible. Our construction team will hold meetings with local trade providers to answer questions and review plans with any party interested in participating in our project. In Urbana specifically, Trinitas Construction can advertise and outreach to the local MBE/WBE community to ensure they are aware of our needs for this project. If there is any person, company or organization you believe could benefit from these conversations, please forward that contact information at your convenience.

EXHIBIT I

TRINITAS

Furthermore, we appreciate the suggestion of adding a playground to our development and are actively working to add this amenity to our site plan. We believe this will be a welcome addition for families interested in living in Union Gardens. We also are revising our site plan to ensure no buildings straddle the boundary line between Champaign and Urbana.

With respect to concerns surrounding the impact the development will have on existing single family neighbors to the south in Champaign, I wanted to highlight some site design items that ensure our development has minimal impact on neighbors. Currently, our plans show a buffer between 22-25 feet from existing single-family homes. This exceeds current ordinance requirements of a 10 foot buffer. There is also an existing tree line that provides a natural barrier between Union Gardens and these existing homes. Should an additional natural barrier be requested, we can update our Landscape Plan to accommodate this request.

Lastly, Trinitas has provided a Traffic Impact Analysis to Planning Staff for review. Based on Carver Drive remaining a full access point to Union Gardens per Champaign's request, the analysis anticipates only 5 new cars exiting Carver Drive during peak hours. As mentioned previously, Trinitas will be providing on site shuttle service to residents which will offset the impact vehicular traffic will have on the area. Should Carver Drive as an access point remain a concern, Planning Staff in Champaign has offered to meet to discuss alternative solutions, if needed.

Thank you again for your consideration of Union Gardens. I look forward to meeting with you again at the next Committee of the Whole Meeting on September 24, 2018. In the meantime, should you have any additional questions, I can be reached at khansen@trinitas.ventures or 317-507-7142.

Sincerely,

Kimberly L. Hansen

Kimberly L. Hansen
Manager, Design & Development
Trinitas Ventures

Exhibit J - Criteria to Consider in Rezoning Cases

1. **The existing land uses and zoning of the nearby property.**

2. **The extent to which property values are diminished by the restrictions of the ordinance.**

3. **The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.**

4. **The relative gain to the public as compared to the hardship imposed on the individual property owner.**

5. **The suitability of the subject property for the zoned purposes.**

6. **The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.**

7. **The community's need for more of the proposed use.**

8. **The care with which the community has planned its land use development.**