

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** September 7, 2023

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

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

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**MEMBERS ATTENDING:** Will Andresen, Andrew Fell, Lew Hopkins, Debarah McFarland, Karen Simms, Chenxi Yu

**MEMBERS EXCUSED:** Dustin Allred

**STAFF PRESENT:** Kevin Garcia, Principal Planner; Marcus Ricci, Planner II; Kimberly Smith, Director of Community Development Services

**PUBLIC PRESENT:** Todd Atkins, Nolan Atkins, Jason Bried, Holly Griffin, Tom Roth

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**1. CALL TO ORDER and ROLL CALL**

Kevin Garcia, Principal Planner, called the meeting to order at 7:04 p.m.

NOTE: In the absence of Chair Allred, Mr. Fell nominated Mr. Hopkins to serve as Acting Chair. The nomination was approved by unanimous voice vote.

Roll call was taken, and there was a quorum of the members present.

**2. CHANGES TO THE AGENDA**

There were none.

**3. APPROVAL OF MINUTES OF PREVIOUS MEETING**

The minutes of the August 10 and August 24, 2023, regular meetings were presented for approval. Mr. Fell moved that the Plan Commission approve the minutes as written. Ms. McFarland seconded the motion. The minutes were approved by unanimous voice vote.

**4. CONTINUED PUBLIC HEARINGS**

There were none.

**5. UNFINISHED BUSINESS**

There was none.

**6. NEW PUBLIC HEARINGS**

There were none.

**7. NEW BUSINESS**

**Plan Case No. 2478-S-23 – A request by Nolan Atkins, on behalf of Fieldstone Investments, LLC, for preliminary and final plat approval for the Fieldstone Subdivision No.1 Subdivision (generally located at the intersection of Stone Creek Boulevard and Colorado Avenue).**

Acting Chair Hopkins opened Plan Case No. 2478-S-23. Marcus Ricci, Planner II, presented the details of the case to the Plan Commission from the written staff memo. He summarized a letter submitted by Tom Roth, President of the Stone Creek Subdivision Home Owners Association (HOA), which requests that the proposed subdivision lots be part of their existing HOA, and that the subdivision's covenants generally conform to the existing covenants. Mr. Ricci reviewed the options for the Plan Commission and presented staff's recommendation to approve the Preliminary Plat and forward the Final Plat to City Council with a recommendation of approval.

Acting Chair Hopkins asked if members of the commission had any questions for staff.

Mr. Hopkins stated that there would have been a preliminary plat for this land at some point. He asked if the proposed preliminary plat in this case is substantially similar to the earlier preliminary plat. Mr. Ricci stated that the earlier plat was from 1997 and has expired. He noted that in his review of the previous plats, the proposed plat was not different from the earlier plats.

Mr. Hopkins asked if the Mumford Drive connection shown on the plat appeared on any previous preliminary plat for Eagle Ridge. Mr. Ricci stated that he could say definitively that there has not been. There was a sewer easement on a previous plat. Furthermore, the area to the west is being subdivided by Sola Gratia Farm, and City staff is requiring that they include a right-of-way reservation for a potential extension of Mumford Drive.

Mr. Hopkins asked if the sewer on the aforementioned plat had ever been built. Mr. Ricci showed the preliminary plat and stated that all of the necessary infrastructure is in place and the proposed subdivision just needs to connect to it. The Preliminary Plat shows an 18-inch sanitary line at the roadway stub aligned with Mumford Drive.

Mr. Hopkins noted that none of the attachments were included in the packet. Mr. Garcia apologized and said he would look into it and make sure that did not happen again.

Mr. Hopkins noted that the options of the Plan Commission did not offer the Commission the options of adding conditions. Mr. Ricci stated that the proposed is a by-right development, so he did not believe that there is an option for the Plan Commission to add conditions. Mr. Garcia stated a correction in that the Plan Commission could add conditions.

Mr. Hopkins asked if they were to still follow the procedures of a public hearing even though the case does not require a public hearing. Should they still take public comment? Mr. Garcia said yes.

Mr. Fell asked what the proposed right-of-way for Mumford Drive would be. Mr. Ricci stated that not all of the proposed right-of-way would come from the proposed subdivision. Some of it would come from development to the south. It would presumably be 60 feet, which is identical to the nearby Colorado Avenue right-of-way.

Mr. Fell had questions about the lines shown on the Preliminary Plat for Lot 101. Mr. Ricci explained that staff defers to what is required in the Land Use Code for easements and setbacks.

Mr. Hopkins asked if there were any more questions for staff. Being none, Acting Chair Hopkins opened the floor for public input. He invited the applicant or the applicant's representative to address the Plan Commission.

Nolan Atkins, the applicant, approached the Plan Commission and stated that it was his intent for the proposed subdivision to be consistent with the previous Preliminary Plat with regards to lot size and setbacks. He mentioned that it is their goal to use the existing covenants of the Stone Creek Home Owners Association as a guide for creating covenants for the proposed development.

Tom Roth approached the Plan Commission to speak. He stated that the HOA was in favor of developing the lots, and that the HOA follows the same covenants as the original ones established by The Atkins Group.

Mr. Hopkins asked how the HOA is defined in its bylaws. In other words, what constitutes membership? Mr. Roth replied that the Stone Creek Subdivision covenants and bylaws were put together by the Atkins Group. The Homeowner's Association was in the process of taking the covenants and bylaws over when the golf course was being turned over to the University of Illinois. The membership is deemed as anyone who lives inside Stone Creek Subdivision. The proposed lots were supposed to be part of the Stone Creek Subdivision.

Ms. Simms asked whether the HOA covenants had any language regarding inclusion or equity principles. Mr. Roth replied that there is no subdivision approval or disapproval for someone buying a lot. Any review is performed strictly on the plans.

Mr. Fell asked for clarification on the covenants and when they were taken over by the HOA. Mr. Roth explained that the Atkins Group always intended to turn the covenants and bylaws over to the HOA after 20 years or after 60% of the lots had been developed. The time had expired but the lot count had not hit yet; however, the HOA was already in the process to take control of the covenants and bylaws. The major change was that instead of having five different covenants, they combined them into one set of covenants.

With no further input from the audience, Acting Chair Hopkins closed the public portion of the meeting. He opened the meeting for Plan Commission discussion and/or motion(s).

Mr. Fell asked if the Plan Commission had any role in establishing or enforcing HOA covenants. Mr. Garcia answered that they do not have a role.

Mr. Fell moved that the Plan Commission approve the Preliminary Plat and recommend approval of the Final Plat in Case No. 2478-S-23 to the City Council as presented, without conditions. Mr. Andresen seconded both motions. Roll call on the combined motion was as follows:

Ms. McFarland	-	Yes	Ms. Simms	-	Yes
Ms. Yu	-	Yes	Mr. Andresen	-	Yes
Mr. Fell	-	Yes	Mr. Hopkins	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that Case No. 2478-S-23 would be forwarded to the Committee of the Whole on September 18, 2023.

## **8. PUBLIC INPUT**

There was none.

## **9. STAFF REPORT**

Mr. Garcia requested that the members of the Plan Commission respond to quorum calls and emails from City staff in a prompt manner. Mr. Ricci added that the future meeting date is included in the legal ad notice that the office sends Commission members to give them notice on their need to attend.

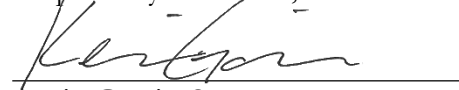
## **10. STUDY SESSION**

There was none.

## **11. ADJOURNMENT OF MEETING**

The meeting was adjourned at 7:51\_p.m.

Respectfully submitted,



Kevin Garcia, Secretary  
Urbana Plan Commission