



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director

DATE: February 17, 2000

SUBJECT: CCZBA-216-99: Champaign County Zoning Board of Appeals case to rezone four properties on North Carroll Avenue and North Perkins Road from County R-3, Two Family Residence to County B-4, General Business and County B-2, Neighborhood Business.

Introduction

The petitioners are Dale and Pat LaRoe, Ernest Logan, and Robert Mack. The property contains four parcels located at 1403 North Carroll Avenue, 1101-1/2 North Perkins Road, 1103 North Perkins Road, and 1405 North Carroll Avenue, Urbana, Illinois.

The property at 1403 North Carroll Avenue (owned by R. Mack) is currently vacant and is proposed for split zoning, with the eastern portion (along North Carroll Avenue) proposed for the B-2, Neighborhood Business, designation and the western portion proposed for the B-4, General Business, designation. The B-4 portion of this lot is proposed to be developed as a contractor's facility with outdoor storage and the B-2 portion is proposed to be developed as a parking lot accessory to the contractor's facility. The contractor's facility is proposed to also encompass the property at 1101 1/2 North Perkins Road as a joint lot development. Access to the 1101 1/2 North Perkins lot is via an 8-foot access easement across a residential property at 1101 North Perkins. The property at 1405 North Carroll Avenue currently contains a pole barn garage and is proposed for use as a minor automobile repair facility. This use would require a Special Use Permit in the B-2 zone. The property at 1103 North Perkins Road contains a single-family house is proposed for eventual reuse for commercial purposes.

The subject property is located within Urbana's mile and a half boundary. Accordingly, the City Council may, after evaluating the proposal, adopt or deny a resolution of protest against the proposal. If a resolution of protest is adopted by Urbana City Council and filed with the County, approval of the proposal by the County Board may only occur with the favorable vote of three quarters majority of County Board members.

The Urbana Plan Commission met and discussed this matter at their meeting on February 10, 2000. The Plan Commission unanimously recommended (by a vote of 7 ayes and 0 nays) that the City Council adopt a resolution of protest for this zoning change request. The City Council can forward their decision to support or deny a resolution of protest to the Champaign County Board for consideration at their March 21, 2000 meeting.

Champaign County has set the following tentative meeting schedule for this case:

- 1) The County Zoning Board of Appeals continues the public hearing on this case on March 2, 2000.
- 2) If the County Zoning Board of Appeals acts on the case on March 2, 2000, the Champaign County Environmental and Land Use Committee (ELUC) would address this case on March 15, 2000.
- 3) The County Board would then address this case and consider final action on March 21, 2000.

Background & Discussion

For a detailed discussion, please refer to the staff memo to the Plan Commission, dated February 3, 2000, along with the Champaign County Department of Planning and Zoning Preliminary Memorandum, dated January 12, 2000 (attached to the Staff Plan Commission memo), draft minutes from the Champaign County Zoning Board of Appeals meeting of January 20, 2000 (attached to the Staff Plan Commission memo), and the attached minutes of the February 10, 2000 Plan Commission meeting. Below is a brief summary:

1. Subject site is designated "Residential" in the City's One and One-Half Mile Extraterritorial Jurisdictional (ETJ) Area Plan, dated January, 1993. The proposed rezoning to B-2, Neighborhood Business and B-4, General Business, would not be consistent with this land use designation.
2. The Carroll Addition neighborhood has a long history of mixed residential, commercial and industrial uses.
3. In the past several years, Champaign County has invested considerable funds into the Carroll Addition neighborhood via the Carroll Addition Community Development Target Area to improve its appearance and infrastructure as a residential neighborhood
4. The subject properties are surrounded by single-family residential uses, with the exception of the J&S Wastewater facility to the east of and across the street from 1403 North Carroll Avenue which operates with a Special Use Permit.
5. While the Carroll Addition neighborhood is characterized by a mixture of land uses, complaints by residents regarding adjacent and nearby commercial and industrial operations are not uncommon.

6. The proposed rezoning would help to eliminate existing zoning and use violations, including alleged automobile repair use in a residential zone (at 1405 North Carroll Avenue) and the lack of a principal use for the accessory building at 1101 ½ North Perkins Road.
7. The proposed rezoning would create a number of side yard setback violations. These potential side yard setback violations would occur at all four of the subject properties.
8. Both 1405 North Carroll Avenue and 1103 North Perkins Road have lot widths that are substandard for both the existing R-3 zoning and for the proposed B-4 and B-2 zoning designations.
9. With rezoning and development of 1403 North Carroll Avenue and 1101 ½ as a contractor's facility, additional commercial traffic can be expected on both North Carroll Avenue and North Perkins Road. Some of this traffic will be composed of large vehicles and heavy equipment. This traffic would impact upon the largely residential North Carroll Avenue to the extent that this access point is used. North Carroll Avenue is a local residential street with a 50-foot platted right-of-way and was not designed to sustain commercial traffic. From North Perkins Road, the private access easement does not appear adequate to serve commercial traffic. To the extent that this access point is used, there could be detrimental impacts upon adjacent residences.
10. Some impacts of commercial use of the properties at 1403 North Carroll Avenue and 1101 ½ North Perkins Road upon surrounding residential uses would be reduced by County requirements for Type D screening. The property at 1405 North Carroll Avenue has Type D screening in place.
11. The Champaign County Preliminary Memorandum indicates that there are adequate water, sanitary sewer, and storm sewer facilities to serve commercial use of the properties.
12. The Champaign County Preliminary Memorandum indicates that there are no other environmental conditions, including soil type and flood hazard, that would impede commercial use of the property.

Summary of Findings

1. The proposed zone change will present incompatible land uses within the current County jurisdiction.
2. The proposed zone change is not consistent with Urbana's Comprehensive Plan and ETJ policies and suggestions for future residential land use in the vicinity.
3. The proposed rezoning would result in negative effects on surrounding residential properties due to increased commercial traffic, access difficulties, and commercial operations.

4. The evaluation of the current surrounding County zoning, the proposed City ETJ projections and the La Salle case study do not appear to support the rezoning request.

Options

The City Council has the following options for action regarding the proposed County zoning map amendment:

- a. Defeat a motion for adoption of a resolution of “protest” for the rezoning request of R-3 to B-4 and R-3 to B-2; or
- b. Adopt a resolution of “protest” for the rezoning request of R-3 to B-4 and R-3 to B-2; or
- c. Adopt a resolution of “protest” for just the R-3 to B-4 or the R-3 to B-2 request; or
- d. Adopt a resolution of “protest” for just one or more of the four subject properties.

Recommendation

The Plan Commission voted 7-0 to recommend that the Council adopt a resolution of **PROTEST** of the proposed rezoning from R-3 to B-4 and B-2 for all four of the subject properties based on the findings summarized above, the lack of conformity with the City’s ETJ Plan policies and land use designations, and on the potential for negative consequences to surrounding residential properties.

Prepared by:

Elizabeth H. Tyler, AICP/ASLA
Assistant City Planner

Attachments: Draft Resolution of Protest for CCZBA 216-99
Minutes of the February 10, 2000 Plan Commission meeting

- c: Susan Monte, Champaign County Planning and Zoning
Dale and Pat LaRoe, Property Owner
Ernest Logan, Property Owner
Robert Mack, Property Owner
Attorney Richard Bullock, Property Owners’ Attorney

RESOLUTION NO. _____

**A RESOLUTION OF PROTEST AGAINST A PROPOSED CHAMPAIGN COUNTY
ZONING MAP AMENDMENT**

(Rezoning of four properties on North Carroll Avenue and North Perkins Road from County R-3, Two Family Residence, to County B-4, General Business, and County B-2, Neighborhood Business - Plan Case CCZBA-216-99.)

WHEREAS, Dale and Pat LaRoe, Ernest Logan, and Robert Mack, owners of property located at 1403 North Carroll Avenue, 1101-1/2 North Perkins Road, 1103 North Perkins Road, and 1405 North Carroll Avenue, Urbana, Illinois, have petitioned the County of Champaign in CCZBA-216-99 for a change in zoning of approximately 1.14 acres from R-3, Two Family Residence, to B-4, General Business, and approximately 0.30 acres from R-3, Two Family Residence, to B-2, Neighborhood Business; and

WHEREAS, said property is more particularly described as follows:

The South half of Lot 48 of Carroll's Subdivision; the West half of Lot 47 of Carroll's Subdivision; and the West 200.67 feet of the North half of Lot 49 of Carroll's Subdivision in Section 9 of Urbana Township, Champaign County, Illinois; and

WHEREAS, said amendment has been submitted to the City of Urbana for comment and is being considered by the City of Urbana under the name of "CCZBA-216-99: Champaign County Zoning Board of Appeals case to rezone four properties on North Carroll Avenue and North Perkins Road from County R-3, Two Family Residence to County B-4, General Business and County B-2, Neighborhood Business"; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their February 10, 2000 Plan Commission meeting, has recommended that the Urbana City Council support a resolution of protest against the proposed county zoning map amendment to change the zoning of approximately 1.14 acres from R-3, Two Family Residence, to B-4, General Business, and approximately 0.30 acres from R-3, Two Family Residence, to B-2, Neighborhood Business; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that changing the zoning of approximately 1.14 acres from R-3, Two Family Residence, to B-4, General Business, and approximately 0.30 acres from R-3, Two Family Residence, to B-2, Neighborhood Business is not in conformity with the City's One and One-Half Mile Extraterritorial Jurisdictional Area Plan policies and land use designations, has potential for negative consequences to surrounding residential properties, and is not in the best interest of the City of Urbana.

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

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does adopt a Resolution of Protest against the proposed rezoning of the tracts involved in CCZBA-216-99.

Section 3. The City Clerk of the City of Urbana is authorized and directed, pursuant to the provisions of 55 ILCS 5/5-12014, to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to send a certified copy of this Resolution by certified mail to Dale and Pat LaRoe at 1405 N. Carroll Avenue, Urbana; Ernest H. Logan at 1103 N. Perkins Road, Urbana; and Robert Mack at 1403 N. Carroll Avenue and 1101 ½ N. Perkins Road

PASSED by the City Council this _____ day of _____, 2000.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2000.

Tod Satterthwaite, Mayor