



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Mayor Diane Wolfe Marlin

**FROM:** John A. Schneider, MPA, Community Development Manager

**DATE:** September 14, 2017

**SUBJECT:** A Resolution of Protest against a Proposed Map Amendment to the Champaign County Zoning Map (2200 East University Avenue; CCZBA-869-AM-17)

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### **Introduction**

A petition has been submitted to Champaign County requesting a zoning map amendment, or rezoning, for two sections of the Woodland Acres mobile home park at 2200 East University Avenue. A 150-foot deep area on the west side of Smith Road would be rezoned from County R-1, Single Family Residence, to R-5, Manufactured Home Park, and the lot immediately to the east of the Casey's would be rezoned from County B-2, Neighborhood Business, to R-5, Manufactured Home Park, zoning district (see Exhibit A). The properties contain mobile homes and an open area planned for mobile home park expansion. Applications have also been submitted to Champaign County for the same subject properties for a Special Use Permit to allow the expansion and for a variance for rear yards.

As the property is east of Urbana's corporate limits and lies within the City's Extra Territorial Jurisdiction (ETJ), the City of Urbana may choose to exercise its right to protest the zoning map amendment. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes.

### **Background**

The property has been a mobile home park since 1960 and was constructed prior to the adoption of Champaign County's Zoning Ordinance. The park is under new ownership and the new owners would like to add new units in the northeast corner of the park. The proposed new units would require new sanitary sewer connections. These connections would trigger the requirement that the property enter into an annexation agreement with the City. The County is processing the rezoning and an associated Special Use Permit application as it was previously thought that the property was exempt from the requirement to annex into the City upon provision of the new sanitary sewer connections. City staff has recently verified that the earlier determination was an error, and that the property is **not** exempt from the requirement. The City will therefore begin negotiations of an annexation agreement with the applicant. As the County zoning process was near completion, that

process can continue since the proposed County zoning of the property would be consistent with the City zoning that allows mobile home parks with a special use permit.

Public hearings have been held by the County's Zoning Board of Appeals (ZBA) to consider the requests on June 29, 2017, and August 17, 2017. The memoranda for those meetings are located at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php). After extensive discussion at both meetings, the County ZBA voted unanimously at its August 17, 2017, meeting to recommend enactment of the rezoning. The County Board's Environment and Land Use Committee considered the matter at its September 7, 2017, meeting and recommended that the County Board approve the rezoning. County Board consideration is scheduled for September 21, 2017.

## Discussion

### County Zoning

The mobile home park is subject to three different County zoning designations: R-1 (Single Family Residence), B-2 (Neighborhood Business), and R-5 (Manufactured Home Park). The County only allows mobile homes in the R-5 district. The proposed rezoning would therefore bring the existing site into compliance with the County zoning and allow for expansion in the northeast corner of the property pending an annexation agreement with the City of Urbana.

The table below from the County staff memorandum describes the existing zoning and land use in the area, and Exhibit A provides a zoning map.

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Manufactured Home Park (MHP)	County R-1, Single Family Residence, County B-2, Neighborhood Business, and County R-5, Manufactured Home Park
North	vacant land to the northwest and a MHP directly north	County R-4, Multiple Family Residence and County R-5, Manufactured Home Park
East	Residential	County R-1, Single Family Residence
West	Commercial (Casey's)	City B-2, Neighborhood Business
South	Residential and commercial	County B-2, Neighborhood Business, County R-5, Manufactured Home Park, and County R-1, Single Family Residence

In the case of *La Salle National Bank v. County of Cook (La Salle)*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. At their August 17, 2017, meeting, the Champaign County ZBA found that the La Salle criteria were met.

## Urbana 2005 Comprehensive Plan

When evaluating zoning amendment requests in the extra-territorial jurisdiction, the City should consider the potential impact in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County's Memoranda. Some of these goals and policies coincide with those of the City of Urbana's 2005 Comprehensive Plan.

The City's Comprehensive Plan Future Land Use Map #6 (see Exhibit B) shows the future land use of the subject property as "Multi-Family Residential." The plan defines this land use classification as:

*"Multi-Family residential is for areas planned primarily for apartment complexes and other multi-family buildings. Located close to major centers of activity such as business centers, downtown, and campus. May include supporting business services for convenience needs of the residents. Multi-family residential areas should allow for a density buffer when transitioning to a lower-density residential area. These areas should incorporate provisions for transit service and pedestrian access.*

The following Goals and Objectives of the 2005 Urbana Comprehensive Plan relate to this case:

- Goal 15.0*      Encourage compact, contiguous and sustainable growth patterns.  
*Objectives*
- 15.1      Plan for new growth and development to be contiguous to existing development where possible in order to avoid "leapfrog" development.
  - 15.2      Extend utilities and services in an orderly fashion to encourage compact, contiguous growth.
  - 15.5      Promote intergovernmental cooperation on development and growth issues.
- Goal 16.0*      Ensure that new land uses are compatible with and enhance the existing community.  
*Objective*
- 16.3      Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
- Goal 17.0*      Minimize incompatible land uses.  
*Objectives*
- 17.1      Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
  - 17.2      Where land use incompatibilities exist, promote development and design controls to minimize concerns.
- Goal 19.0*      Provide a strong housing supply to meet the needs of a diverse and growing community.  
*Objective*
- 19.2      Encourage residential developments that offer a variety of housing types, prices, and designs.
- Goal 21.0*      Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

### *Objectives*

- 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
- 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed rezoning from County R-1 and B-2 to R-5 to bring the mobile home park into compliance with the County Zoning Ordinance and allow for an expansion would be consistent with the Comprehensive Plan future land use designation of "Multi-Family Residential" and contributes to several Comprehensive goals and objectives.

### **City of Urbana Zoning**

In evaluating the proposed rezoning from the City's perspective one question to address is "does the use match the type of uses that would be permitted in the same or similar zoning district in the City?" In the event of a property being annexed into the City, its County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. Should this property be rezoned to County R-5, the zoning would automatically convert to the City AG, Agricultural District. The City's AG zoning district is the only City zoning district that would allow mobile homes, and a mobile home park is only permitted with a special use permit. Therefore, the proposed County zoning designation is appropriate for any future annexation into the City.

### **Summary of Staff Findings**

- 1. The site is within the City's Extra-Territorial Jurisdiction.
- 2. The site is currently zoned County B-2 (Neighborhood Business), R-1 (Single Family Residence), and R-5 (Manufactured Home Park). The B-2 and R-1 portions of the site are proposed to be rezoned to County R-5 to bring the existing portions of the park into compliance with the County Zoning Ordinance and allow an expansion of the park.
- 3. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
- 4. The proposed zoning change is generally compatible with the future land use designations and the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
- 5. As the planned expansion of the site will require new sanitary sewer connections, the City will begin negotiations of an annexation agreement with the applicant.

### **Options**

City Council has the following options in CCZBA Case No. 869-AM-17, a request to rezone property from County R-1 and B-2 to County R-5:

- a. Defeat a resolution of protest;

- b. Defeat a resolution of protest, contingent upon specific provisions to be identified; or
- c. Approve a resolution of protest.

## **Recommendation**

At its September 7, 2017, meeting, the Urbana Plan Commission voted unanimously to recommend that the City Council **defeat a resolution of protest**. Staff concurs with this recommendation.

Prepared by:



Lorrie Pearson, AICP, LEED AP  
Planning Manager and Zoning Administrator

Attachments: Resolution of Protest  
Exhibit A: Zoning Map  
Exhibit B: City Future Land Use Map #6

cc: Susan Burgstrom, Champaign County Planning and Zoning

**RESOLUTION NO. 2017-09-063R**

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

**(A request to rezone the portions of the property at 2200 East University Avenue from the County R-1, Single Family Residence and County B-2 Neighborhood Business Zoning Districts to the County R-5, Manufactured Home Park Zoning District / CCZBA-869-AM-17)**

**WHEREAS**, Stonetown Woodland Acres LLC has petitioned the County of Champaign in Champaign County ZBA Case No. 869-AM-17 to change the zoning map of the eastern 150 feet of the property from County R-1, Single Family Residence to County R-5, Manufactured Home Park, and the westernmost 1.66-acre lot from County B-2, Neighborhood Business to County R-5, Manufactured Home Park on a tract of land known as 2200 East University Avenue, located in Champaign County; and

**WHEREAS**, said proposed map amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-869-AM-17"; and

**WHEREAS**, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed map amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed map amendment; and

**WHEREAS**, the proposed map amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan, and generally meets the LaSalle Criteria; and

**WHEREAS**, the Urbana Plan Commission met on September 7, 2017 to consider the request and subsequently voted eight ayes and zero nays to recommend that the Urbana City Council defeat a resolution of protest against the proposed map amendment; and

**WHEREAS**, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment 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 hereby APPROVE a Resolution of Protest against the proposed map amendment as presented in CCZBA-869-AM-17.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

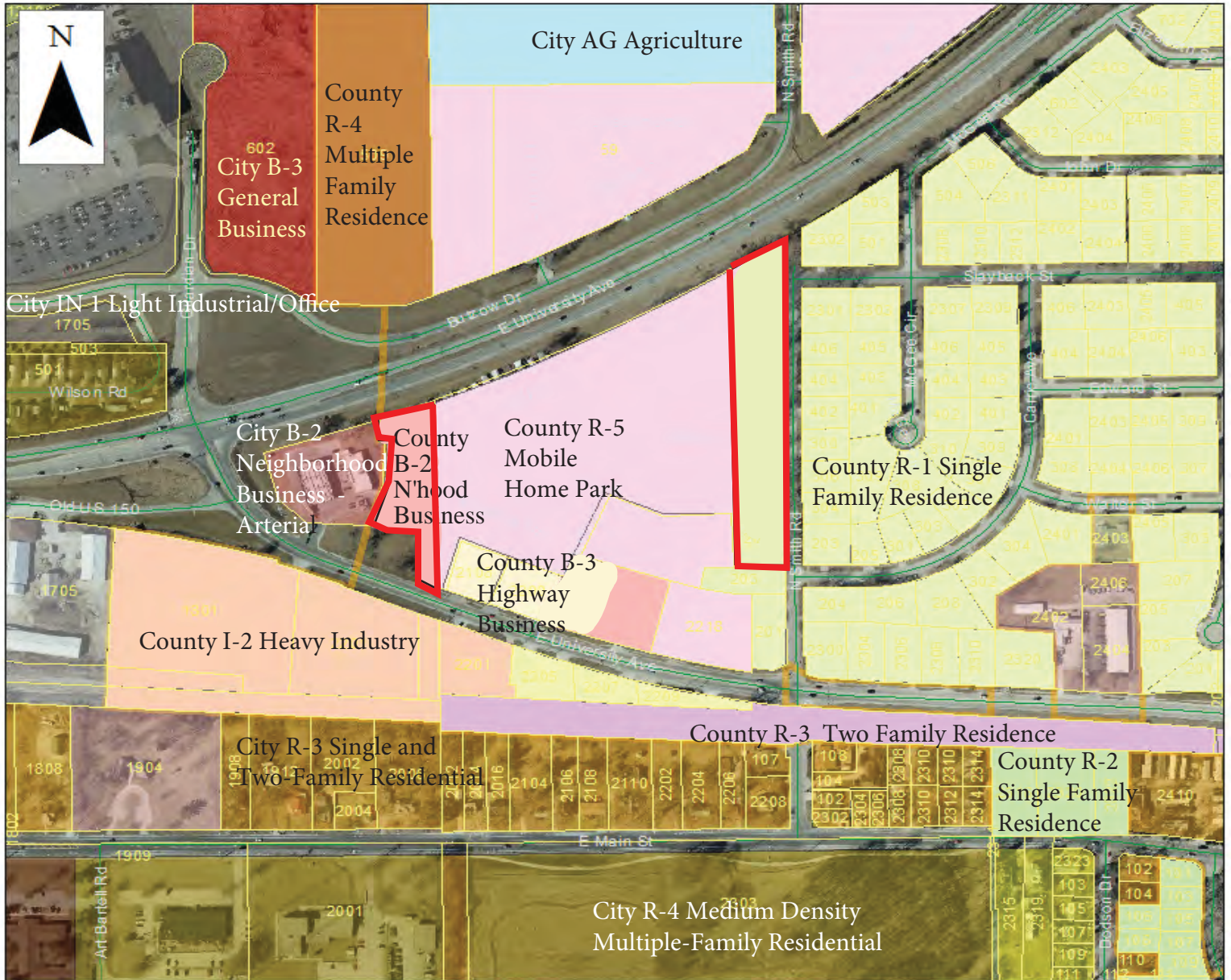
ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

# Exhibit A: Zoning Map



**County Zoning**

AG-2 B-2 B-3 I-1 I-2 R-1 R-2 R-3 R-4 R-5

**City Zoning**

IN-2 IN-1 B1 B2 B3 CRE R1 R2 R3 R4 R6

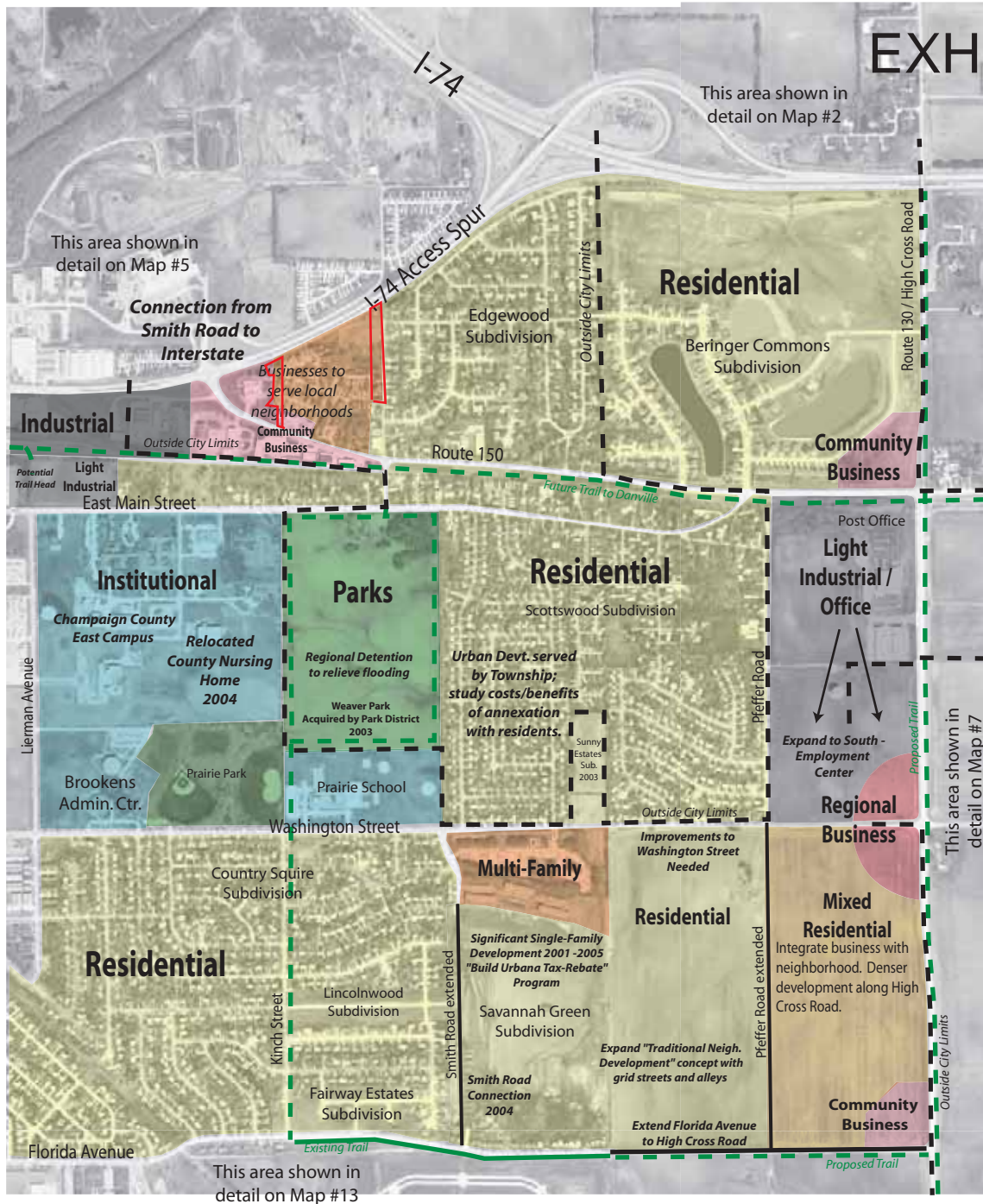
 Subject Area



Case: CCZBA-869-AM-17  
 Subject: Amendment to County Zoning Map  
 Location: 2200 East University Avenue  
 Petitioner: Stonetown Woodland Acres Mobile Home Park LLC



# EXHIBIT B



**ADOPTED**

April 11, 2005  
 Map Created by City of Urbana  
 Community Development Services Dept.

Areas proposed to be rezoned to County R-5

# Future Land Use Maps Map #6

East Urbana

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** September 7, 2017

**TIME:** 7:30 P.M.

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

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**MEMBERS PRESENT:** Barry Ackerson, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Esarey Ouedraogo, David Trail, Daniel Turner

**MEMBERS EXCUSED:** Christopher Stohr

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Christopher Marx, Planner I

**OTHERS PRESENT:** There were none

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**NEW BUSINESS**

**Case No. CCZBA-869-AM-17: A request by Stonetown Woodland Acres, LLC, via agent Michael Friend, to amend the Champaign County Zoning Map for 2200 East University Avenue to change the zoning district designation of the eastern 150 feet of the property from R-1, Single Family Residence, to R-5, Manufactured Home Park AND the 1.66 acre lot on the west end from B-2, Neighborhood Business, to R-5, Manufactured Home Park to operate the expansion and use of an existing, nonconforming manufactured home park as a Special Use with waivers.**

Chair Fitch opened this case on the agenda. Lorrie Pearson, Planning Manager, gave the staff report. She explained the process and presented background information on the subject property. She noted the zoning, existing land use and future land use of the proposed site and of the surrounding adjacent properties. She talked about the County R-5, Mobile Home Park Zoning District and how it would convert to the City's AG, Agriculture Zoning District upon annexation. She stated City staff's recommendation that the Plan Commission recommend to City Council to defeat a resolution of protest.

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

Mr. Hopkins wondered what type of cases there might be where the Sanitary Annexation Agreement would not apply. Ms. Pearson explained that the Agreement set forth a list of subdivisions that were exempt.

Mr. Fitch asked for clarification about what the Plan Commission was to consider. Is the Special Use not in the Plan Commission's purview? Ms. Pearson replied no. The County held many meetings at which many neighbors came out to speak in opposition of the rezoning. The owners negotiated with the neighbors and she believed that those neighbors are now satisfied with what is being presented. Champaign County will consider the Special Use Permit, and City staff will execute an annexation agreement and include the Special Use Permit as part of it assuming it does not conflict with anything that the City needs.

Mr. Fell inquired if the parcels were all owned by the same person or business. Ms. Pearson said yes. Mr. Fell asked if the owners knew when they purchased some of the lots that they were not zoned for mobile homes. Ms. Pearson replied that City staff does not know when the owner(s) discovered that they needed a map amendment. There was some confusion at the Champaign County level about where the R-1, Single Family Residence Zoning District property line began.

Mr. Fell wondered if a property was inside City limits and the owner did something that was not allowed by right, would it be justified to rezone the property to resolve the problem. Ms. Pearson stated that the owners have not expanded the mobile home park yet. She is not sure when each parcel was zoned as it currently is – if it was before or after the mobile home park was established around 1973.

Ms. Billman inquired about what changes the neighbors wanted. Ms. Pearson stated that the installation of an opaque fence and not having direct access onto Smith Road were two big concerns in the negotiations. She described the layout of the existing mobile home park.

Ms. Billman noticed that there were not any signs posted about this meeting. Ms. Pearson explained that the City staff would not post any signs because this case did not require a public hearing. They only post notices for public hearings.

With no further questions for City staff, Chair Fitch opened the case for public input from the audience. There was none, so Chair Fitch closed the public input portion of the case and opened it up for Plan Commission discussion and/or motion(s).

Mr. Hopkins moved that the Plan Commission make a recommendation to the City Council to defeat a resolution of protest for Case No. CCZBA-869-AM-17. Ms. Billman seconded the motion. Roll call was as follows:

Mr. Ackerson	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Trail	-	Yes	Mr. Turner	-	Yes

The motion passed by unanimous vote. Ms. Pearson noted that this case would be forwarded to City Council on September 18<sup>th</sup>. She also announced that the case was scheduled to be reviewed by the Environment and Land Use Committee (ELUC) at 6:30 p.m. this evening and will go before the Champaign County Board on September 21<sup>st</sup>.