



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP

DATE: March 13, 2014

SUBJECT: CCZBA-768-AT-13: A request by the Champaign County Zoning Administrator to amend Sections 6.1.3 of the Champaign County Zoning Ordinance regarding “Heliport/Restricted Landing Area”.

Introduction

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-768-AT-13 to add standard conditions for Special Use Permits to allow “Heliport/Restricted Landing Area”. Under the proposed conditions, Heliports or Restricted Landing Areas (RLAs) would need to be buffered from dwellings under separate ownership or from land reserved for conservation and recreation. The full memo to the Champaign County Zoning Board of Appeals can be found online at: <http://urbanaininois.us/sites/default/files/attachments/cczba-1-8-14.pdf>

The proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning and land use development decisions within the City’s one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City’s corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation;

- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. City Council may protest the proposed text amendment if it is not compatible with City ordinances. Under state law, a municipal protest of the proposed amendment would require three-quarters super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

Proposed Amendment

The County Zoning Administrator is proposing to add additional standard conditions as follows. The full text of the revised amendment is attached as Exhibit A.

- A. *Revise the use category “heliport/restricted landing area” to “ heliport-restricted landing area” and revise the existing standard conditions and special provisions for the use category “heliport-restricted landing area” and add new standard conditions and special provisions, as follows:*
 1. *Number the existing standard condition and special provision 1.*
 2. *Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:*
 - a. *Add a standard condition and special provision to require the Final Approach and Takeoff Area to be no closer than 800 feet from the nearest CR [Conservation-Recreation] District when measured in a straight line from the Final Approach and Takeoff Area in an approach takeoff path and no closer than 500 feet when measured from the Final Approach and Takeoff Area in other than an approach! takeoff path and that no part of the approach takeoff path may be less than 100 feet above the nearest CR District.*
 - b. *Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 1,320 feet from the nearest dwelling under different ownership than the heliport- restricted landing area.*
 - c. *Add a standard condition and special provision to require that the Final Approach and Takeoff Area may be no closer than 300 feet from the nearest property under different ownership than the heliport- restricted landing area.*
- B. *Revise the existing standard conditions and special provisions for the use category “restricted landing area” and add new standard conditions and special provisions as follows:*
 1. *Number the existing standard conditions and special provisions 1 through 4.*

2. *Add the following standard conditions and special provisions for a limited time not to exceed 365 days from the date of adoption:*
 - a. *Add a standard condition and special provision to require the end of the runway to be at least 1,500 feet from the nearest CR District when measured in a straight line from the end of the runway and not less than 500 feet when measured from the edge of the runway and that no part of the approach surface may be less than 100 feet above the nearest CR District.*
 - b. *Add a standard condition and special provision to require that the runway may be no closer than 1,320 feet from the nearest dwelling under different ownership than the restricted landing area.*
 - c. *Add a standard condition and special provision to require that the runway may be no closer than 300 feet from the nearest property under different ownership than the restricted landing area.*

Issues and Discussion

The County Zoning Ordinance definition of Restricted Landing Area (RLA) refers to state statute, which defines an RLA as “any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use.” Restricted Landing Areas are used by private aircraft, mainly for recreational and agricultural purposes. The county Zoning Ordinance imposes standard conditions on several Special Uses. For heliports, the ordinance currently requires that the use meet Federal Aviation Administration and Illinois Department of Transportation requirements. Restricted landing areas must meet FAA and IDOT requirements, and must be contained entirely on the subject lot. Structures intended for human occupancy may not be located within the Runway Clear Zone, a trapezoidal area extending 1,000 feet from the restricted landing area.

The purpose of the proposed amendment is to protect residences and natural areas near heliports or RLAs. It was brought about when a Special Use Permit application for a restricted landing area was denied for a parcel in southern Champaign County. In that case the County Zoning Board of Appeals suggested adopting additional restrictions for heliports and restricted landing areas. The CCZBA asked that these restrictions be applied on a temporary basis. The County Zoning Administrator is proposing the new standard conditions based on CCZBA’s recommendation. If adopted, these conditions would be in effect for just one year, after which the CCZBA and County Board would need to vote to make them permanent. No existing or proposed restricted landing area facilities are located within Urbana’s extra-territorial jurisdiction, so there would be no anticipated impacts from the proposed amendment on Urbana.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City’s comprehensive plan. Champaign County’s

proposed Zoning Ordinance text amendment should therefore be reviewed for consistency with the City of Urbana’s 2005 Comprehensive Plan. Specifically, Urbana’s comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed text amendment is generally consistent with these goals and objectives. It provides for protection of incompatible land uses by requiring additional buffer distance between heliports or restricted landing areas and residences or conservation and recreation areas.

Zoning Impacts

The proposed amendment would have no known impact on zoning within the City’s extra-territorial jurisdiction. The Urbana Zoning Ordinance allows Heliports in the AG, Agricultural and IN-1, Light Industrial/Office Zoning Districts with a Conditional Use Permit, and in the IN-2, Heavy Industrial Zoning District with a Special Use Permit. Table VII-1 of the Zoning Ordinance requires Heliports in the City to meet FAA and IDOT regulations. The proposed County text amendment would impose additional buffer areas for heliports and restricted landing areas, beyond the height clearances required by FAA and IDOT. There are no heliports or restricted landing areas within the City’s ETJ.

Summary of Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to add standard conditions for Heliports and Restricted Landing Areas under Section 6.1.3 of the Champaign County Zoning Ordinance.
2. The proposed amendment would provide additional buffer area between Heliports/Restricted Landing Areas and occupied buildings or conservation and recreation lands.
3. The proposed zoning ordinance text amendment is generally consistent with the goals and objectives of the Urbana 2005 Comprehensive Plan.
4. The proposed zoning ordinance text amendment would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

The Urbana City Council has the following options regarding proposed text amendments in CCZBA Case No. 768-AT-13:

1. Defeat a resolution of protest; or
2. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Adopt a resolution of protest.

Recommendation

At their March 6, 2014 meeting, the Urbana Plan Commission voted six ayes to zero nays to forward this case to the City Council with a recommendation to **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment.

Attachments: Exhibit A: Revised Amendment Language dated February 6, 2014
Please see Memorandum to the Champaign County ZBA dated January 8, 2014, which can be found at: <http://urbanaininois.us/sites/default/files/attachments/cczba-1-8-14.pdf>

cc: John Hall, Champaign County Zoning Administrator

RESOLUTION NO. 2014-03-018R

A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO THE CHAMPAIGN COUNTY ZONING ORDINANCE

(Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning Heliports/Restricted Landing Areas - Plan Case No. CCZBA 768-AT-13)

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for zoning text amendments to the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 768-AT-13 to establish new Special Use Permit standard conditions for Heliport and Restricted Landing Area; and

WHEREAS, said 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-768-AT-13: A Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning Heliports/Restricted Landing Areas"; and

WHEREAS, said amendment is consistent with the City of Urbana's 2005 Comprehensive Plan's goals and objectives; and

WHEREAS, said amendments would not adversely affect future zoning or land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said petition at their meeting of March 6, 2014, has recommended by a vote of six ayes to zero nays that the Urbana City Council DEFEAT a resolution of protest against the proposed text amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendments are not in the best interests 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 adopt a Resolution of Protest against the proposed text amendment as presented in CCZBA-768-AT-14.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

Exhibit A. Revised Amendment
FEBRUARY 6, 2014

Proposed Amendment (Annotated)

A. Revise Section 4.3.8 to read as follows:

No part of a BUILDING or STRUCTURE intended for regular human occupancy in a R or B DISTRICT nor a Public ASSEMBLY or INSTITUTIONAL USE not in existence or for which no Zoning USE Permit was issued on or before December 20, 1988 shall be located within the required separation distance or exclusion area as specified in the Explanatory or Special Provisions of Table 6.1.3, unless a SPECIAL USE Permit is granted per Section ~~9.1.5.D.4~~ 9.1.11. except as specifically exempted in Table 6.1.3. from the requirement for a SPECIAL USE Permit.

B. In Section 6.1.3 revise the use category “HELIPORTS or HELIPORT/RESTRICTED LANDING AREAS” to “HELIPORT or HELIPORT/RESTRICTED LANDING AREA” and revise the Explanatory or Special Provisions to read as follows:

- (1) Must meet the requirements for “Approach and Departure Protection Areas” of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and requirements of the Illinois Department of Transportation, Division of Aeronautics. HELIPORTS atop BUILDINGS are exempt from the minimum area standard.

The following standard conditions apply only to a heliport-restricted landing area and shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (2) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 800 linear feet measured outward from the end of the Final Approach and Takeoff Area in the approach/takeoff path, and 500 linear feet measured outward from the side edge of the Final Approach and Takeoff Area.
- (3) The requirement of Section 4.3.8 notwithstanding, a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT or any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located in the following required separation distances without being subject to the requirement for a SPECIAL USE Permit:
 - (a) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.
 - (b) No part of the runway may be closer than 1,320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.
 - (c) No part of the runway may be closer than ~~300~~ 280 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.

B. In Section 6.1.3 revise the use category “RESTRICTED LANDING AREAS” to “RESTRICTED LANDING AREA” and revise the Explanatory or Special Provisions to read as follows:

- (1) Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.
- (2) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
- (3) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located: 1) within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or 2) the Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the Primary Surface.
- (4) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.

The following standard conditions shall be in effect for a limited time not to exceed 365 days from the date they are adopted:

- (5) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.
- (6) The requirement of Section 4.3.8 notwithstanding, a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT or any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located in the following required separation distances without being subject to the requirement for a SPECIAL USE Permit:
 - (a) The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.
 - (b) No part of the runway may be closer than 1,320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.
 - (c) No part of the runway may be closer than ~~300~~ 280 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: March 6, 2014

TIME: 7:30 P.M.

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

MEMBER PRESENT: Carey Hawkins-Ash, Maria Byndom, Andrew Fell, Tyler Fitch, Dannie Otto, Marilyn Upah-Bant

MEMBERS EXCUSED: Lew Hopkins, Bernadine Stake

STAFF PRESENT: Jeff Engstrom, Planner II; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT: Graham Berry, Jason Cee, Jeehee Choi, Bernard and Judith Huelsbusch, Hyun Kyn Kim, Jimmy Kim, Young Jae Kim, Carol McKusick, Jinwoo Seo, Chris Szmurlo

NEW BUSINESS

Case No. CCZBA-768-AT-13: A request by the Champaign County Zoning Administrator to amend Sections 6.1.3 of the Champaign County Zoning Ordinance regarding “Heliport/Restricted Landing Area”.

Chair Fitch opened this case. Jeff Engstrom, Planner II, presented this case to the Plan Commission. He explained the purpose of the proposed County text amendment, which is to add standard conditions for Special Use Permits to allow “Heliport/Restricted Landing Area” for a trial period of one year. He mentioned that even though Carle has a helicopter landing pad and Frasca Fields is an airport, both within the City limits, there are no restricted landing areas within the City’s Extra-Territorial Jurisdiction (ETJ) Area. So, there would be no impact on the City with the proposed changes. He presented City staff’s recommendation.

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

Mr. Otto commented that there seems to be another reason or story for the proposed text amendment that is not being told. How often does the County propose a text amendment to be effective for a limited period of time? Mr. Engstrom recalled a County case where a heliport/landing area was proposed. The case was denied. During their discussion, County staff

and the Board talked about adding standard conditions to the County Zoning Ordinance. However, he does not know of any other text amendment cases that were time restricted.

Chair Fitch asked for clarification on the minimum setbacks. Mr. Engstrom stated that there is a 300 linear foot minimum setback from the nearest property under different ownership and a 1,320 linear foot minimum setback from the nearest dwelling under different ownership.

Mr. Fell questioned if someone owns property and wants to build a house within the required setback from a landing area, could the house close down the airstrip? Mr. Engstrom said no. The house would be at the risk of the person building the house and would become a legally non-conforming situation.

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

Mr. Otto discussed his concern about the time limitation for the text amendment. He was trying to figure out how it would affect the City of Urbana. Mr. Engstrom stated that there was a citizen who attended the Environmental Land Use Committee meeting and asked that they consider the proposed standards based on what works in Kane County.

Mr. Ash inquired as to when the County Zoning Board first considered the proposed text amendment. Mr. Engstrom responded on January 8, 2014 and again on February 6, 2014. He reviewed the process.

Ms. Byndom asked for clarification on how voting works. Mr. Fitch explained the voting method.

Ms. Byndom asked if the proposed text amendment would have any effect on Carle's helicopter landing pad. Mr. Engstrom said no.

Ms. Byndom inquired as to what would happen at the end of the 365 days and the proposed text amendment expires. Mr. Engstrom replied that County staff would have to introduce a new case to make the proposed text amendment permanent.

Mr. Otto asked if the County staff wanted to extend the 365 period, would they need to bring that proposal to the City. Mr. Engstrom said yes.

Mr. Otto moved that the Plan Commission forward Case No. CCZBA-768-AT-13 to the City Council with a recommendation to defeat a resolution of protest. Mr. Fell seconded the motion. There was no further discussion. Roll call was as follows:

Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Ash	-	Yes
Ms. Byndom	-	Yes	Mr. Fell	-	Yes

The motion was passed by unanimous vote. Mr. Engstrom stated that this case would be forwarded to City Council on March 17, 2014.