



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: Lorrie Pearson, AICP, Community Development Director
Marcus Ricci, AICP, Planner II

DATE: October 17, 2019

SUBJECT: **A Resolution of Protest Against a Proposed Map Amendment to the Champaign County Zoning Ordinance** (4018 N. Lincoln Ave. / CCZBA-931-AM-19 – Rural Residential Overlay District)

A Resolution of Protest Against a Proposed Map Amendment to the Champaign County Zoning Ordinance (4018 N. Lincoln Ave. / CCZBA-934-AM-19 – CR to AG-2 Zoning)

Introduction

At their August 15, 2019, meeting, the Champaign County Zoning Board of Appeals considered two related requests for a property within the City’s extraterritorial jurisdiction (ETJ) and recommended approval of both requests to the County Board. One request was to rezone to allow the development of five single-family residential lots in the CR, Conservation-Recreation, Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.¹ The second request was to change the zoning district designation for the western 9.6 acres of the parcel from the existing CR, Conservation-Recreation, Zoning District to the AG-2, Agriculture, Zoning District in order to establish and operate the existing Private Indoor Recreational Development.² On October 10, 2019, the Champaign County Environmental Land Use Committee recommended that the County Board approve both cases. These cases will go to the County Board on October 24, 2019 for final review, along with two related Special Use Permit requests.

The City has the right to protest County rezoning cases within the ETJ by filing a protest by the date the case goes before the County Board. The City has no protest rights regarding Special Use Permit requests within the ETJ, but, historically, County staff have been receptive to discussing concerns related to such requests.

On October 10, 2019, the Urbana Plan Commission recommended that City Council APPROVE a resolution of protest in case CCZBA-931-AM-19 and DEFEAT a resolution of protest in case CCZBA-934-AM-19, contingent on the County providing City Council with further information on

¹ CCZBA-931-AM-19, in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Champaign County Zoning Ordinance.

² CCZBA-934-AM-19, in conjunction with related County Board Special Use Permit Case 935-S-19.

how the AG-2 district's eastern boundary relates to the western boundary of the floodplain.

Background

Bill Cope and Mary Kalantzis petitioned the Champaign County Department of Planning and Zoning (CCDPZ), for a rezoning to allow a rural residential development on a 17.2-acre tract of land, commonly known as 4018 North Lincoln Avenue (Exhibit A). The proposed development would include five developable lots and three non-developable outlots. The petitioners' existing home would be on one of the five developable lots, and the existing detached garage on another. The other three developable lots contain a tree farm that has not been maintained and holds less conservation significance. In addition to the two rezoning cases, the petitioners have submitted two associated cases that for County Board consideration:

- Case 932-S-19: Authorize the Special Use Permit required for an RRO Zoning District in conjunction with related rezoning Case 931-AM-19.
- Case 935-S-19: Authorize the establishment and use of a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" with a waiver for reducing the buffer from a residential use from 200 feet to 30 feet.

The Champaign County Zoning Ordinance states that the creation of more than three lots in rural districts, each of which is less than 35 acres, requires a rezoning and a Special Use Permit to authorize a Rural Residential Overlay (RRO) District. The RRO District establishes the maximum number of lots allowed in the district, but does not dictate the final site configuration, access network, etc.³ The county rezoning approval is prerequisite and separate from any future subdivision of the land into more than three less-than-35-acre parcels. Because the parcel lies within one-and-a-half miles of the Urbana city limits, the City will continue to have jurisdiction over future subdivision of the land into separate parcels, and any future subdivision must comply with the City of Urbana Subdivision and Land Development Code. Detailed background information on the rezoning case, including location and zoning maps, is contained within the CCDPZ Preliminary and Supplemental Memoranda (Exhibit B).⁴ The following discussion will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

Between 1973 (when the first Champaign County Zoning Ordinance was adopted) and 2007, the subject property had been split-zoned, with the western six acres zoned County AG-2, Agriculture and the eastern 13 acres zoned County CR, Conservation Recreation. In 2007, the western six acres were rezoned to County CR, Conservation-Recreation, to protect them from future overly-intense development (Exhibit C).⁵ Single-family homes are permitted by right within both County AG-2 and CR districts; however, the county zoning ordinance restricts subdivisions in these districts as follows:

"No Subdivisions totaling more than three lots less than 35 acres each... shall be created unless a Rural Residential Overlay District has been created."

On February 22, 2007, Urbana Plan Commission forwarded to City Council a recommendation to defeat resolutions of protest for both a request to rezone 19 acres by adding the RRO District zoning

³ Champaign County Zoning Ordinance §5.4.3.

⁴ Excerpts of these memoranda are attached as Exhibit B. The full version is available on the Urbana Plan Commission meeting website at <https://www.urbanaininois.us/node/7782>.

⁵ CCZBA Zoning Case 579-AM-07.

designation for a development containing six developable lots and three non-developable lots, and rezoning 10 acres from County AG-2, Agriculture, to County CR, Conservation-Recreation (Exhibit D). The minutes show that there was no discussion, and that the vote was eight votes aye, zero votes nay. On March 5, 2007, Urbana City Council defeated resolutions of protest for both rezoning requests. The minutes show there was no discussion, and that the motion to protest failed by a voice vote. The County granted a Rural Residential Overlay District (RRO) with six developable lots and three non-developable outlots in conjunction with the 2007 rezoning request. Because a plat was not approved within two years of the RRO District approval, the RRO District expired, and a new RRO District must be established to allow the parcel to be subdivided into more than three less-than-35-acre lots.

The current request to rezone the western approximate 9.6 acres of the parcel back to County AG-2, Agriculture, District is to allow the existing event center with a Special Use Permit, and to reduce the minimum lot size and width requirements to allow a five-lot development.⁶ Because event centers are not permitted in the County CR zoning district, rezoning is necessary to bring the parcel into conformity with the Champaign County Zoning Ordinance.

The proposed five-lot subdivision went through several iterations to accommodate the event center (Exhibit E). The site plan – when overlaid with the proposed zoning – shows that Lots 1, 2, 3, 4, 5, and Outlot A would need to be rezoned to County AG-2, while Outlots B, 4a, and 5a would stay zoned as County CR, due to their location in the floodplain (Exhibit F). The petitioners propose using Lots 3, 4, 5, and Outlots 4A and 4B of the proposed subdivision for the event center. Table 1 lists the County zoning, current land use, and City future land use designations (Exhibit G).

County Zoning

Table 1. County Zoning and Land Use

	County Zoning	Land Use	City Future Land Use
Site	CR Conservation Recreation: proposed to be rezoned to CR & AG-2	Residential & Event Center	Residential (west of stream) Light Industrial (east of stream)
North	CR Conservation Recreation (east of Lincoln) AG-2 Agriculture (west of Lincoln)	Agriculture & Residential	Residential (east of Lincoln) Heavy Industrial (west of Lincoln)
East	CR Conservation Recreation	Agriculture & Residential	Residential (west of stream) Light Industrial (east of stream)
West	CR Conservation Recreation, AG-2 Agriculture	Agriculture	Residential (east of Lincoln) Heavy Industrial (west of Lincoln)
South	CR Conservation Recreation	Agriculture	Residential (west of stream) Light Industrial (east of stream)

⁶ As per the Champaign County Zoning Ordinance: **County AG-2, Agricultural, District** is intended to prevent scattered, indiscriminate urban development and to preserve the agricultural nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within 1-½ miles of existing communities in the County. The **County CR, Conservation-Recreation, District** is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the County.

Discussion

County Zoning

The petitioners want to create a five-lot subdivision with three additional, non-developable outlots. Since the site can only be subdivided into three less-than-35-acre lots by right, a Rural Residential Overlay (RRO) District is required to allow the two additional developable lots. As such, the RRO District is an overlay zoning designation that is in addition to the underlying zoning: approval of the RRO District does not change any of the basic requirements of the underlying districts. All other restrictions such as permitted uses, setbacks, lot coverage, etc., remain in effect whether the RRO is granted or not. The final layout of the lots and the site engineering would need to be considered for approval by the City of Urbana as part of its major subdivision review process.

Comprehensive Plan

When evaluating rezoning requests in the ETJ, the City is required to consider their potential impacts in relation to the intent of the Urbana Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County's Memoranda. Some of these goals and policies coincide with these relevant Goals and Objectives of the Urbana Comprehensive Plan:

Goal 6.0 Preserve natural resources (including air, water, and land) and environmentally sensitive areas in the community.

Objectives 6.4 Preserve natural amenities in new development through innovative development regulations and design.

6.5 Encourage development that protects and enhances an area's natural features, such as wooded areas, creeks, and hilly terrain.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives 16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.

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 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.

Staff found that the rezoning to County AG-2 Agriculture with a RRO designation to accommodate the proposed subdivision would be generally consistent with the goals and objectives of the Urbana Comprehensive Plan.

City Zoning

In evaluating the proposed rezoning from the City’s perspective, one question to address is whether the use matches the type of uses that would be permitted in the same or similar zoning districts in the City. The current County CR, Conservation Recreation, district designation would convert directly to City CRE, Conservation-Recreation-Education, and the proposed County AG-2, Agriculture, district designation would convert directly to City AG, Agriculture. Both the City AG and CRE zoning districts permit single-family residential dwelling units by right, and both districts permit Outdoor Commercial Recreation Enterprise and Private Indoor Recreational Developments with a Conditional Use Permit. Therefore, there is no difference in the permissibility of the proposed uses between the existing and proposed zoning districts.

The primary differences between County CR and County AG-2 have to do with lot development regulations (Table 2.). If the proposed rezoning from County CR to County AG-2 were granted, and there was a future annexation of the property, the only difference in the resulting direct conversion of the county zoning to city zoning is that the maximum Floor Area Ratio would drop from 0.40 to 0.25, allowing less gross floor area to be constructed.⁷ Staff does not anticipate a negative impact to the City or to the City’s ability to plan or manage growth or development.

Table 2. Comparison of Current & Proposed County & City Lot Development Regulations

Zoning	Minimum Area	Average (Minimum*) Lot Width	Required Yards (Front, Side, Rear)	Lot Coverage (Open Space* & Floor-Area Ratio*)
County CR	43,560 sf	200 ft	85-55’, 10’, 20’	25% lot coverage
County AG-2	20,000 sf	100 ft	85-55’, 10’, 20’	20% lot coverage
City CR	43,560 sf	150 ft	25’, 15’, 25’	0.55 OSR & 0.40 FAR
City AG	43,560 sf	150 ft	25’, 15’, 25’	0.55 OSR & 0.25 FAR

* City equivalent to County regulation

Plan Commission

The Plan Commission held a public hearing on the resolutions at its October 10, 2019, regular meeting (Exhibit H). The Plan Commission was concerned that granting the Rural Residential Overlay (RRO) District (CCZBA-931-AM-19) would allow too many developable lots in this rural area. The RRO District would allow the creation of five developable lots, while no RRO District would allow three developable lots. For this reason, the Plan Commission recommended APPROVING A RESOLUTION OF PROTEST for the RRO District. Regarding the zoning change from CR, Conservation-Recreation, to AG-2, Agriculture (CCZBA-934-AM-19), the Plan Commission wanted to ensure that the proposed boundary between the two zones followed the floodway boundary of the Saline Drainage Ditch. County staff confirmed that the boundary does roughly align with the western floodway boundary of the ditch, subsequent to any site grading. The Plan Commission recommended DEFEATING A RESOLUTION OF PROTEST for the rezoning request.

Summary of Findings

1. The site is within the City’s Extra-Territorial Jurisdiction.

⁷ Urbana Zoning Ordinance, Table VI-3. Development Regulations By District.

2. The proposed zoning is generally compatible with the 2005 Urbana Comprehensive Plan Future Land Use designation of the site and surrounding areas for “Residential.”
3. The proposed zoning change returns a portion of the property to its original County AG-2, Agriculture, Zoning District.
4. The proposed Rural Residential Overlay (RRO) District is similar to one approved by the City of Urbana in 2007.
5. The proposed zoning is generally compatible with the land use policy goals of the Urbana Comprehensive Plan, which promotes compact growth and compatibility of land uses.
6. The proposed zoning and land use is generally compatible with the surrounding County zoning and land uses.
7. The proposed zoning change is acceptable because the site and surrounding area are generally suitable for the proposed zoning district, and the change will not be injurious to the general welfare of the public.
8. The proposed zoning change should not negatively affect the City or the City’s ability to plan or manage growth or development.
9. Granting the proposed RRO District would allow five developable lots, while not granting the RRO District would allow three developable lots.
10. At its October 10, 2019, public hearing, the Urbana Plan Commission found that allowing three developable lots is preferable to allowing five developable lots, and recommended approving a resolution of protest against the proposed RRO District to City Council.
11. At the same public hearing, the Urbana Plan Commission found that the rezoning from CR to AG-2 is acceptable and recommended defeating a resolution of protest against the proposed rezoning, contingent on the County providing City Council with further information on how the AG-2 district’s eastern boundary relates to the western boundary of the floodplain.

Options

City Council has the following options in case CCZBA-931-AM-19 (RRO District):

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

City Council has the following options in case CCZBA-934-AM-19 (AG-2 Zoning):

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

Recommendation

At its October 10, 2019, meeting, the Urbana Plan Commission voted six ayes to zero nays to forward Case CCZBA 931-AM-19 (RRO District) to City Council with a recommendation to **APPROVE a resolution of protest** for this request. The commission voted six ayes to zero nays to forward Case CCZBA 934-AM-19 (AG-2 Zoning) to City Council with a recommendation to **DEFEAT a resolution of protest** for this request, contingent upon obtaining more information regarding the lot and zoning boundaries' placement in relation to the floodplain boundary. City staff have since provided that additional information in this report. Based upon the approval by both Urbana Plan Commission and City Council of the 2007 RRO District – which contained six developable lots versus the proposed five developable lots – City staff do not find a compelling reason to protest either request.

- Attachments:
- Exhibit A: Location & Land Use Map (CCDPZ)
 - Exhibit B: CCDPZ Preliminary and Supplemental Memos
 - Printed packets include only an excerpt of each memo; the complete memos are available at <https://www.urbanaininois.us/node/7782>
 - Preliminary Memo starts on page 1
 - Minutes of April 5, 2019, CCZBA meeting start on page 104
 - Supplemental Memo starts on page 121
 - Exhibit C: Current Zoning (CCDPZ)
 - Exhibit D: 2007 Approved Site Plan (CCPDZ)
 - Exhibit E: Proposed Site Plan (CCDPZ)
 - Exhibit F: Proposed Zoning – Site Plan Overlay (CCDPZ)
 - Exhibit G: Future Land Use Designation
 - Exhibit H: Plan Commission Meeting Minutes from October 10, 2019 – DRAFT
- cc: Bill Cope and Mary Kalantzis, dba Prairie Glass House, LLC, Petitioners
Susan Burgstrom, Planner, Champaign County Department of Planning and Zoning
John Hall, Director, Champaign County Department of Planning and Zoning

RESOLUTION NO. 2019-10-042R

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

(4018 N. Lincoln Ave. / CCZBA-931-AM-19 – Rural Residential Overlay District)

WHEREAS, Bill Cope and Mary Kalantzis request an amendment to the Champaign County Zoning Map to rezone the 17.2-acre parcel commonly known as 4018 North Lincoln Avenue to allow the development of five single-family residential lots in the County CR, Conservation-Recreation, Zoning District by adding the Rural Residential Overlay (RRO) Zoning District, as shown in Attachment A; and

WHEREAS, the 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-931-AM-19”; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-½) 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 some of the Goals and Objectives of the 2005 City of Urbana Comprehensive Plan *but incompatible with other Goals and Objectives of the Plan*; and

WHEREAS, the Urbana Plan Commission met on October 10, 2019, to consider the proposed map amendment and voted with six (6) ayes and zero (0) nays to forward to the City Council a recommendation to approve a resolution of protest; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment *is/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-931-AM-19.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2019.

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2019.

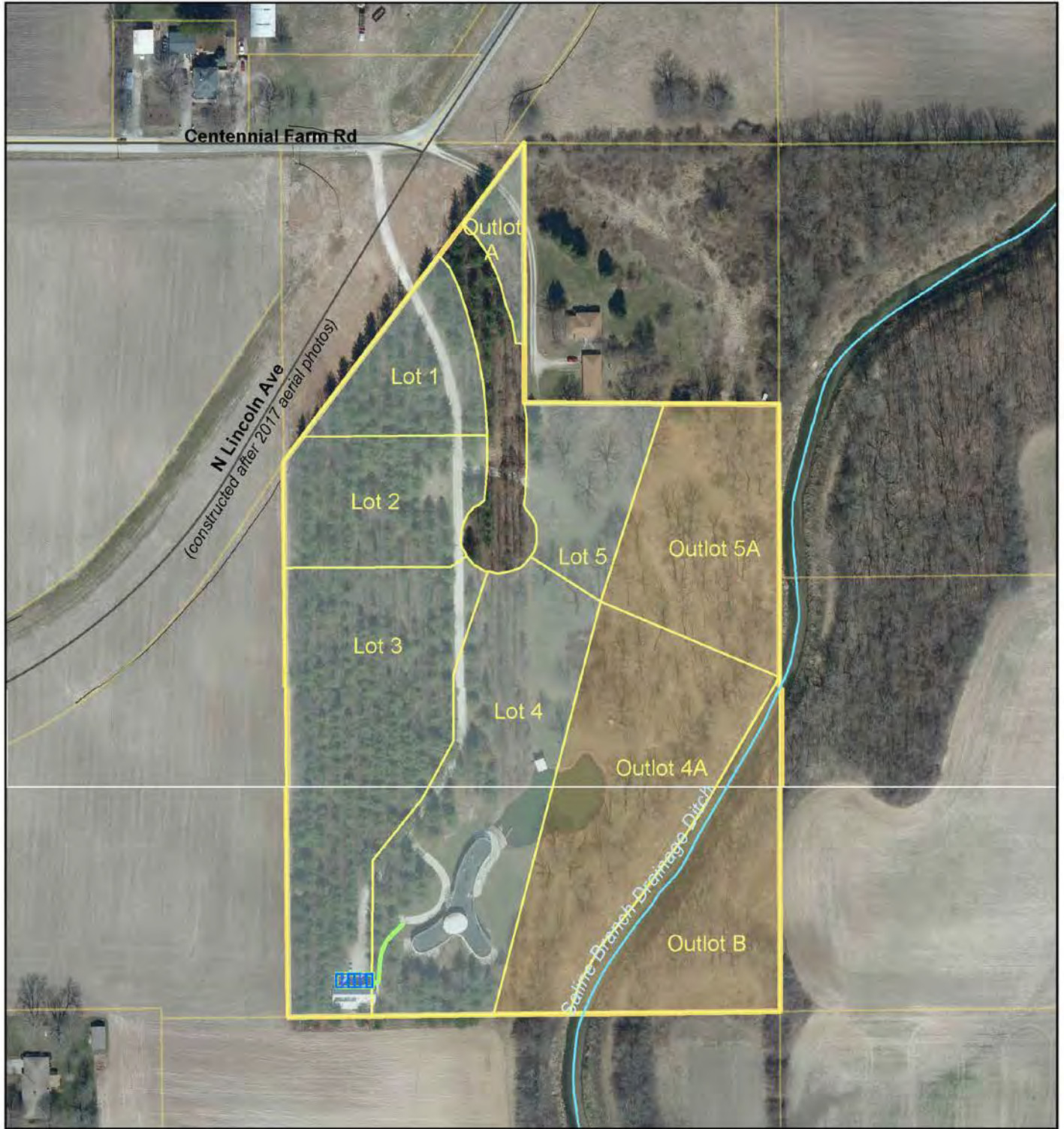
Diane Wolfe Marlin, Mayor

Att. A: Proposed Zoning - Site Plan Overlay

Cases 931-AM-19/932-S-19/934-AM-19,
ELUC 09/05/19, Attachment C Page 1 of 1

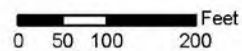
Cases 934-AM-19 & 935-S-19
April 25, 2019

Subdivision lot lines are approximate



Legend

- Subject Property
- Proposed AG-2
- Parcels
- Proposed CR
- Streets



RESOLUTION NO. 2019-10-043R

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

(4018 N. Lincoln Ave. / CCZBA-934-AM-19 – CR to AG-2 Zoning)

WHEREAS, Bill Cope and Mary Kalantzis request an amendment to the Champaign County Zoning Map to rezone the western 9.6 acres of the 17.2-acre parcel – as shown in Attachment A – and commonly known as 4018 North Lincoln Avenue from County CR, Conservation-Recreation, to County AG-2, Agriculture, Zoning District; and

WHEREAS, the 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-934-AM-19”; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-½) 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 of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission met on October 10, 2019, to consider the proposed map amendment and voted with six (6) ayes and zero (0) nays to forward to the City Council a recommendation to defeat a resolution of protest contingent on provision of additional information regarding the boundary between the zoning lot and the Saline Drainage Ditch floodplain; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment is 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 DEFEAT a Resolution of Protest against the proposed map amendment as presented in CCZBA-934-AM-19.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2019.

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2019.

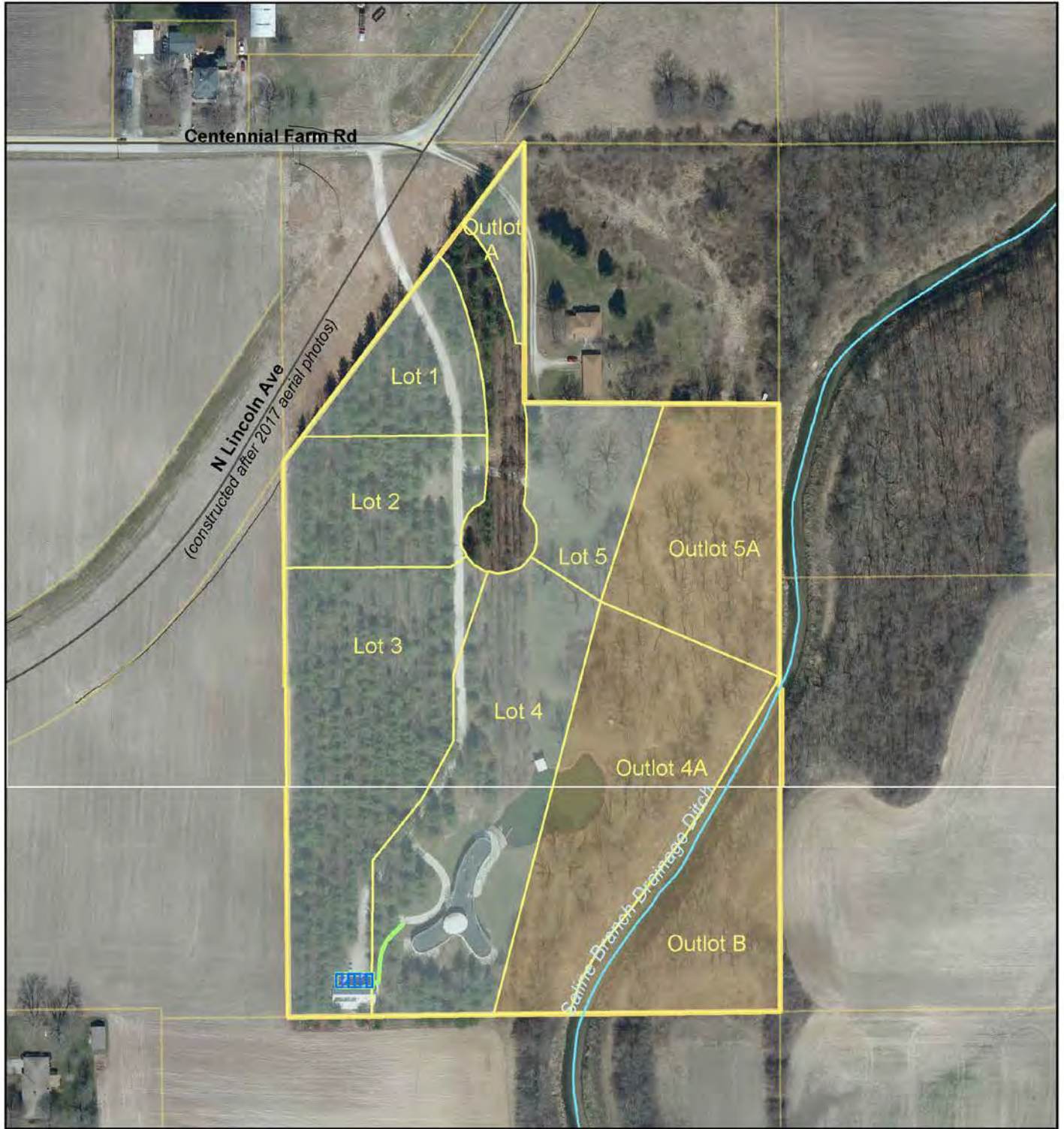
Diane Wolfe Marlin, Mayor

Att. A: Proposed Zoning - Site Plan Overlay

Cases 931-AM-19/932-S-19/934-AM-19,
ELUC 09/05/19, Attachment C Page 1 of 1

Cases 934-AM-19 & 935-S-19
April 25, 2019

Subdivision lot lines are approximate



Legend

- Subject Property
- Proposed AG-2
- Parcels
- Proposed CR
- Streets

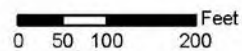
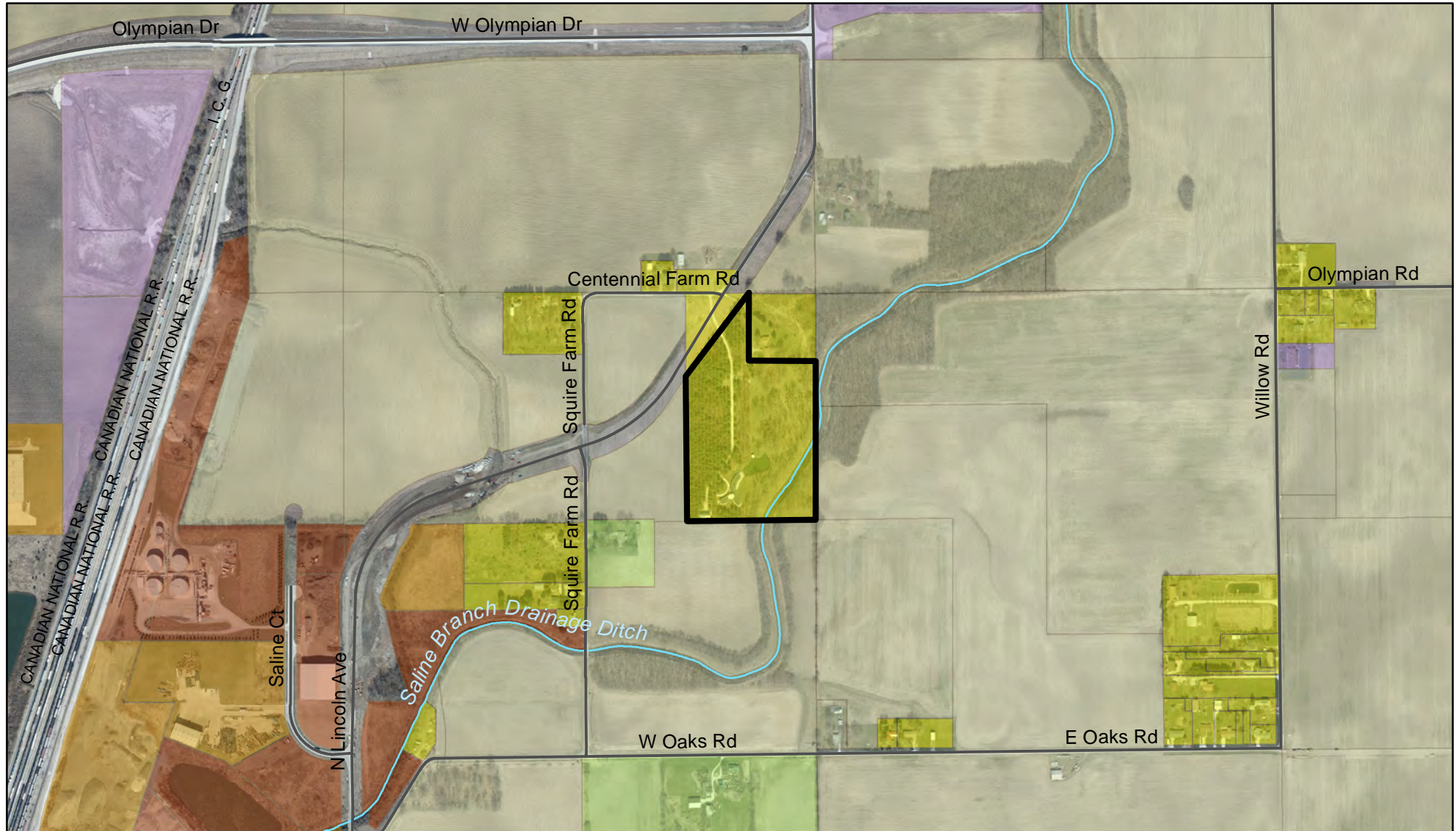


Exhibit A. Land Use Map

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19
April 25, 2019



Legend

- | | | |
|------------------|----------------|------------|
| Subject Property | Agriculture | Commercial |
| Streets | Ag-Residential | Industrial |
| Streams | Residential | Tax Exempt |

0 200 400 800 Feet



Champaign County
Department of
PLANNING &
ZONING

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Champaign County
Department of

**PLANNING &
ZONING**

CASES 934-AM-19 & 935-S-19

PRELIMINARY MEMORANDUM

APRIL 25, 2019

Petitioners: Bill Cope and Mary Kalantzis, d.b.a. Prairie Glass House, LLC

Case 934-AM-19

Request: Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated <DATE> and received <DATE>, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

Case 935-S-19

Request: Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19, with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Location: A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4108 North Lincoln Avenue, Champaign.

Site Area: 17.2 acres

Time Schedule for Development: Already in use

Prepared by: Susan Burgstrom
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioners have operated an unauthorized event center on the subject property for several years. P&Z Staff first became aware of the event center in February 2017, and have been in discussions with the petitioners since then to determine how their evolving ideas conform to the Zoning Ordinance. Input regarding septic system and potentially available sewer service also played a role in how long it has taken to identify the most appropriate path. The proposed five lot subdivision that required a Rural

Residential Overlay in current cases 931-AM-19 and 932-S-19 took time to formulate a preliminary plat that could also be used for the event center zoning cases. Overall, the petitioner has provided the necessary information to keep the process moving toward requesting authorization for the event center.

The petitioners propose using Lots 3, 4, 5, and Outlots 4A and 4B of the proposed subdivision for the event center.

A waiver has been requested due to a limited separation distance between the parking area for events and the residential lot to the north.

EXISTING LAND USE AND ZONING

The subject property had been split-zoned, with the western six acres zoned AG-2 Agriculture and the eastern 13 acres zoned CR Conservation Recreation since the adoption of the Zoning Ordinance on October 10, 1973. The entire subject property has been zoned CR Conservation Recreation since approval of Zoning Case 579-AM-07 on March 29, 2007.

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential and Event Center	CR Conservation Recreation (proposed split-zoning to CR/AG-2)
North	Agriculture and Residential	CR Conservation Recreation (east of Lincoln Ave) AG-2 Agriculture (west of Lincoln Ave)
East	Agriculture and Residential	CR Conservation Recreation
West	Agriculture	CR Conservation Recreation AG-2 Agriculture
South	Agriculture	CR Conservation Recreation

PROPOSED REZONING AND SPECIAL USE PERMITS

During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line along the west side of the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just on the east side. The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to this memo. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.

1. All references to lots in the case documents will be based on the following revised configuration:
 - a. Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
 - b. Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Cases 934-AM-19 & 935-S-19

Bill Cope and Mary Kalantzis

APRIL 25, 2019

3

- c. The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
 - d. Outlots A and B will not change.
2. Lots 1, 2, 3, 4, 5, and Outlot A are proposed for rezoning to the AG-2 Agriculture Zoning District. Outlots B, 4A and 5A would remain in the CR Conservation Recreation Zoning District.
3. Two separate Special Use Permits are required because there are two proposed zoning districts on the subject property and the event center uses are slightly different in each zone.
 - a. Special Use Permit Part A is to authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the proposed AG-2 Agriculture Zoning District.
 - b. Special Use Permit Part B is to authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” in the existing CR Zoning District.
 - c. The Special Use Permits share this Summary of Evidence, but they each require their own Finding of Fact.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits. Notice of the public hearing was sent to the City.

- The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana. P&Z Staff have been in communication with the City of Urbana regarding the event center.
- The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.

The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

REQUESTED WAIVER

An “Outdoor Commercial Recreational Enterprise” requires a separation of 200 feet to any residential use, per Section 6.1.3 of the Zoning Ordinance. Parking for the event center is located approximately 30 feet from the residential lot to the north. Without the proposed waiver, the petitioners would not be able to use most of the area they need to provide off-street parking. Alternative off-street parking areas providing the same amount of space could result in removing trees, which the petitioners do not want to do. The petitioners could request a variance for the required number of parking spaces, but this would not remedy the need for event parking.

SEPTIC SYSTEM UPGRADE REQUIRED

Item 8.G. in the Summary of Evidence for Case 935-S-19 provides information regarding septic system requirements. In an email received April 9, 2019, Michael Flanagan, Champaign-Urbana Public Health District, told the petitioners that their current residential system is insufficient for event center use and would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act (see Attachment F).

Based on this information, the petitioner told Ms. Burgstrom that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center. A special condition has been added to ensure that a septic system of sufficient size is approved by the Champaign County Health Department.

DECISION POINTS

P&Z Staff have made recommendations on items in the combined Finding of Fact/Summary of Evidence for the RRO, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board.

PROPOSED SPECIAL CONDITIONS

The following is a proposed special condition for Case 934-AM-19.

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following are proposed special conditions for Case 935-S-19.

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 934-AM-19 by the County Board.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

The special condition stated above is required to ensure the following:

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

- E. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

The special condition stated above is required to ensure the following:

That events held on the subject property adequately consider neighbors.

- F. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

The special condition stated above is required to ensure the following:

To protect public health.

- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**

-
- (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

The special condition stated above is required to ensure the following:

Any new septic system is in compliance with the Champaign County Zoning Ordinance.

- H. **The Special Use is subject to the approval of Case 934-AM-19.**

The special condition stated above is required to ensure the following:

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

The special condition stated above is required to ensure the following:

To provide both a sense of continuity and a sense of closure to the neighbors.

- J. **The revised Site Plan received <DATE>, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The special condition stated above is required to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

The special condition stated above is required to ensure the following:

That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.

- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

The special condition stated above is required to ensure the following:

That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.

- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to**

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Cases 934-AM-19 & 935-S-19

Bill Cope and Mary Kalantzis

APRIL 25, 2019

7

the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.

The special condition state above is required to ensure the following:

That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Champaign County
Department of

**PLANNING &
ZONING**

CASES 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

SUPPLEMENTAL MEMORANDUM #1

AUGUST 8, 2019

Petitioners: Bill Cope and Mary Kalantzis

Request:

Case 931-AM-19

Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

Case 932-S-19

Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

Case 934-AM-19

Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated and received July 31, 2019, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

Case 935-S-19

Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19, with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Location: A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.

Site Area: 17.2 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

**Brookens Administrative
Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

STATUS

These cases were continued from the April 25, 2019 ZBA meeting; the approved minutes from that meeting are an attachment to this memo. Board members requested additional information prior to the next meeting:

- Mr. Dinovo suggested having a design of the proposed septic system prior to approval of the Special Use Permit for the events center (Case 935-S-19).

In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they are in communication with the County about requirements. He said that he hoped to have plans ready for the August 15th ZBA meeting.

- There was discussion of minor revisions to the Site Plan received November 19, 2018 regarding how the lots could be split in consideration of the floodplain and proposed uses.

A revised Site Plan received July 31, 2019 indicates the following changes:

- Lot 4 was reduced to 121,930 square feet, and Outlot 4A was created in order to reduce the amount of buildable area in the floodplain.
- These changes reflect the recommendations made by staff in Attachment C to the Preliminary Memorandum dated April 18, 2019.

The Findings of Fact for Parts A and B in Case 935-S-19 were combined into one.

PROPOSED SPECIAL CONDITIONS – REVISIONS UNDERLINED

The following is a proposed special condition for Case 931-AM-19.

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following are proposed special conditions for Case 932-S-19.

- A. **The Special Use is subject to the approval of Case 931-AM-19.**

The special condition stated above is required to ensure the following:

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

The special condition stated above is required to ensure the following:

That any construction complies with the Special Flood Hazard Areas Ordinance.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

Bill Cope & Mary Kalanzis

AUGUST 8, 2019

3

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

The special condition stated above is required to ensure the following:

Any new septic system is in compliance with the Champaign County Health Ordinance.

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

The special condition stated above is required to ensure the following:

That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.

- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

The special condition stated above is required to ensure the following:

That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.

- G. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The special condition stated above is required to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

4

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

Bill Cope & Mary Kalanzis

AUGUST 8, 2019

The following is a proposed special condition for Case 934-AM-19.

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following are proposed special conditions for Case 935-S-19.

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 934-AM-19 by the County Board.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

The special condition stated above is required to ensure the following:

That the proposed Special Use is in ongoing compliance with all applicable County requirements.

- E. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

The special condition stated above is required to ensure the following:

That events held on the subject property adequately consider neighbors.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

Bill Cope & Mary Kalanzis

AUGUST 8, 2019

5

- F. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

The special condition stated above is required to ensure the following:

To protect public health.

- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

The special condition stated above is required to ensure the following:

Any new septic system is in compliance with the Champaign County Zoning Ordinance.

- H. **The Special Use is subject to the approval of Case 934-AM-19.**

The special condition stated above is required to ensure the following:

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

The special condition stated above is required to ensure the following:

To provide both a sense of continuity and a sense of closure to the neighbors.

- J. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The special condition stated above is required to ensure the following:

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

Exhibit B. Champaign County Dept. of Planning & Zoning Memoranda

6

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

Bill Cope & Mary Kalantzis

AUGUST 8, 2019

- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

The special condition stated above is required to ensure the following:

That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.

- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

The special condition stated above is required to ensure the following:

That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.

- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

The special condition state above is required to ensure the following:

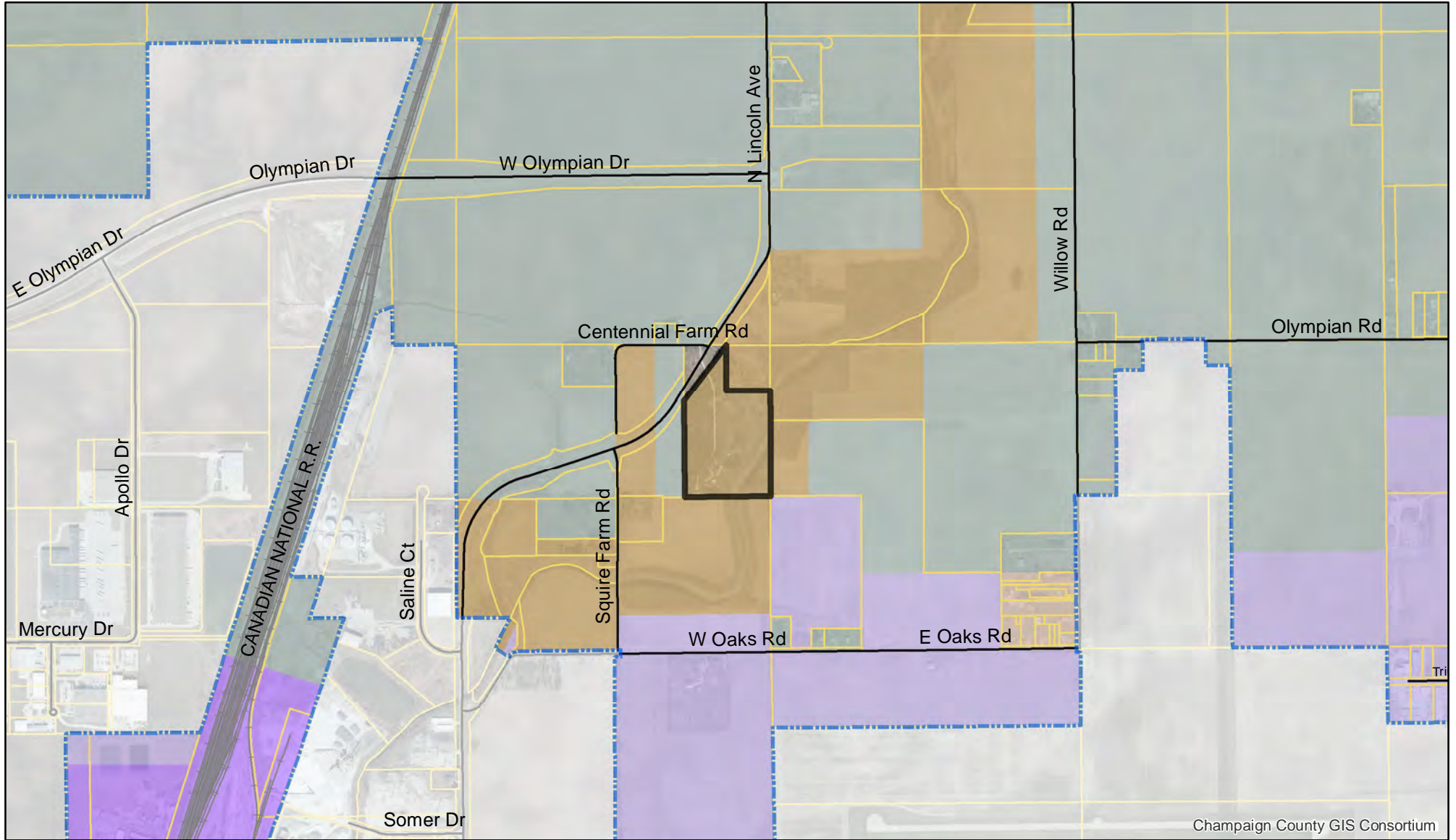
That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.

ATTACHMENTS

- A Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
- B Approved Minutes from April 25, 2019 ZBA Meeting
- C Revised Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated August 15, 2019
- D Revised Findings of Fact, Summary Findings of Fact, and Final Determination for Case 934-AM-19 dated August 15, 2019
- E Revised Summary of Evidence, Findings of Fact, and Final Determination for Case 935-S-19 dated August 15, 2019

Exhibit C. Current Zoning Map

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19
 April 25, 2019



Champaign County GIS Consortium

Legend

- | | | | |
|--------------------|----------|------|-----|
| Subject Property | Streets | AG-1 | R-2 |
| Municipal Boundary | Railroad | AG-2 | I-1 |
| Parcels | | CR | I-2 |

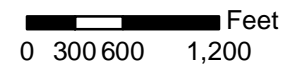
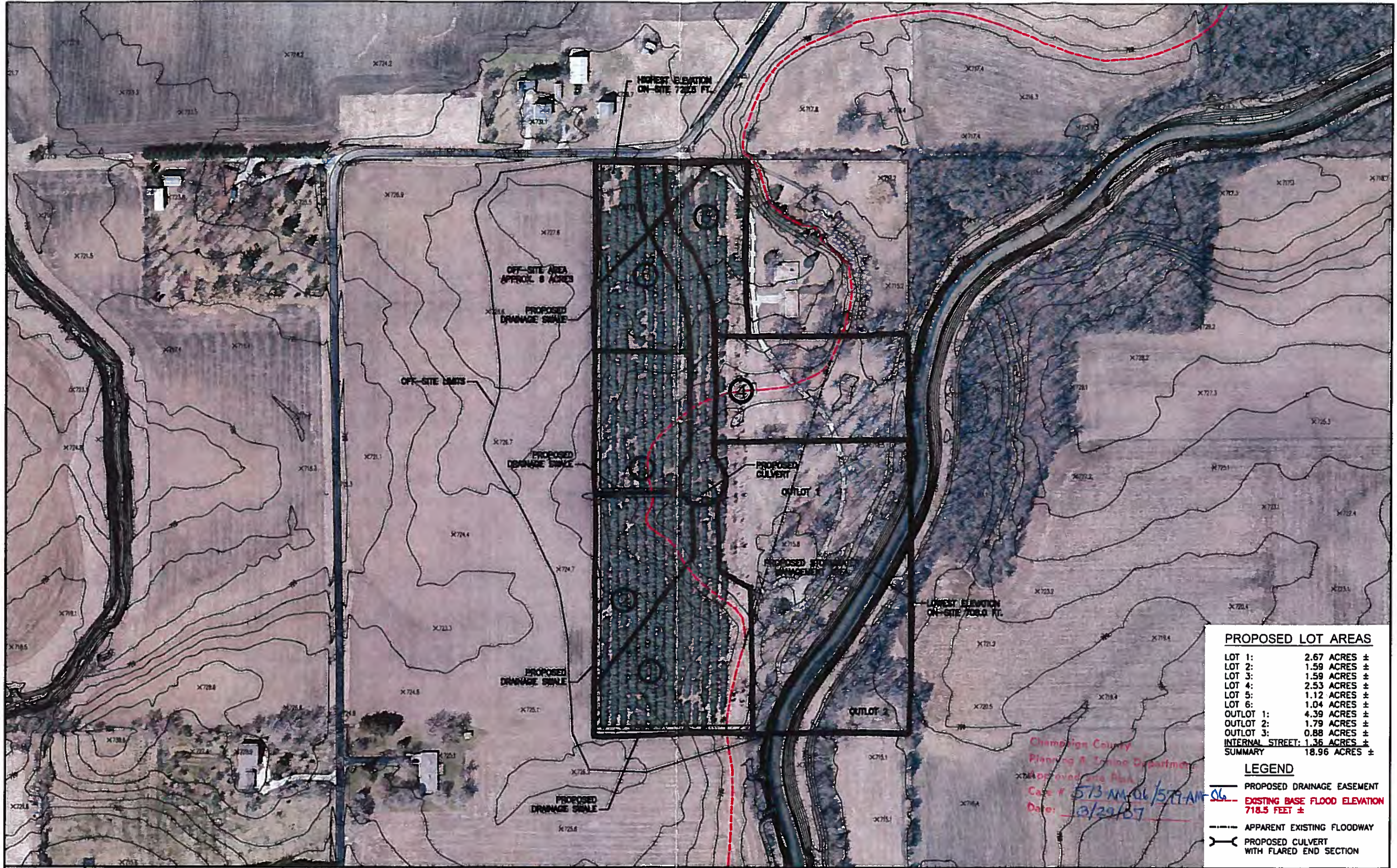


Exhibit D: 2007 Approved Site Plan (CCDPZ)



PROPOSED LOT AREAS

LOT 1:	2.67 ACRES ±
LOT 2:	1.59 ACRES ±
LOT 3:	1.59 ACRES ±
LOT 4:	2.53 ACRES ±
LOT 5:	1.12 ACRES ±
LOT 6:	1.04 ACRES ±
OUTLOT 1:	4.39 ACRES ±
OUTLOT 2:	1.79 ACRES ±
OUTLOT 3:	0.88 ACRES ±
INTERNAL STREET:	1.36 ACRES ±
SUMMARY	18.96 ACRES ±

LEGEND

- PROPOSED DRAINAGE EASEMENT
- EXISTING BASE FLOOD ELEVATION 718.5 FEET ±
- APPARENT EXISTING FLOODWAY
- PROPOSED CULVERT WITH FLARED END SECTION

Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Case # 573 AM 06/579 AM 06
 Date: 3/29/07

JULIE
 NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL JULLIE, 1-800-887-0123
 © 2007 ALL RIGHTS RESERVED. BERN, CLANCY AND ASSOCIATES, P.C.

REVISIONS	
DRAFTED:	BLK/BAE
CHECKED:	TBB
FILE:	5730AP5.DWG



BERNS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 0756
 URBANA, ILLINOIS 61802-0756
 PHONE: (217) 384-1144 - FAX: (217) 384-3300

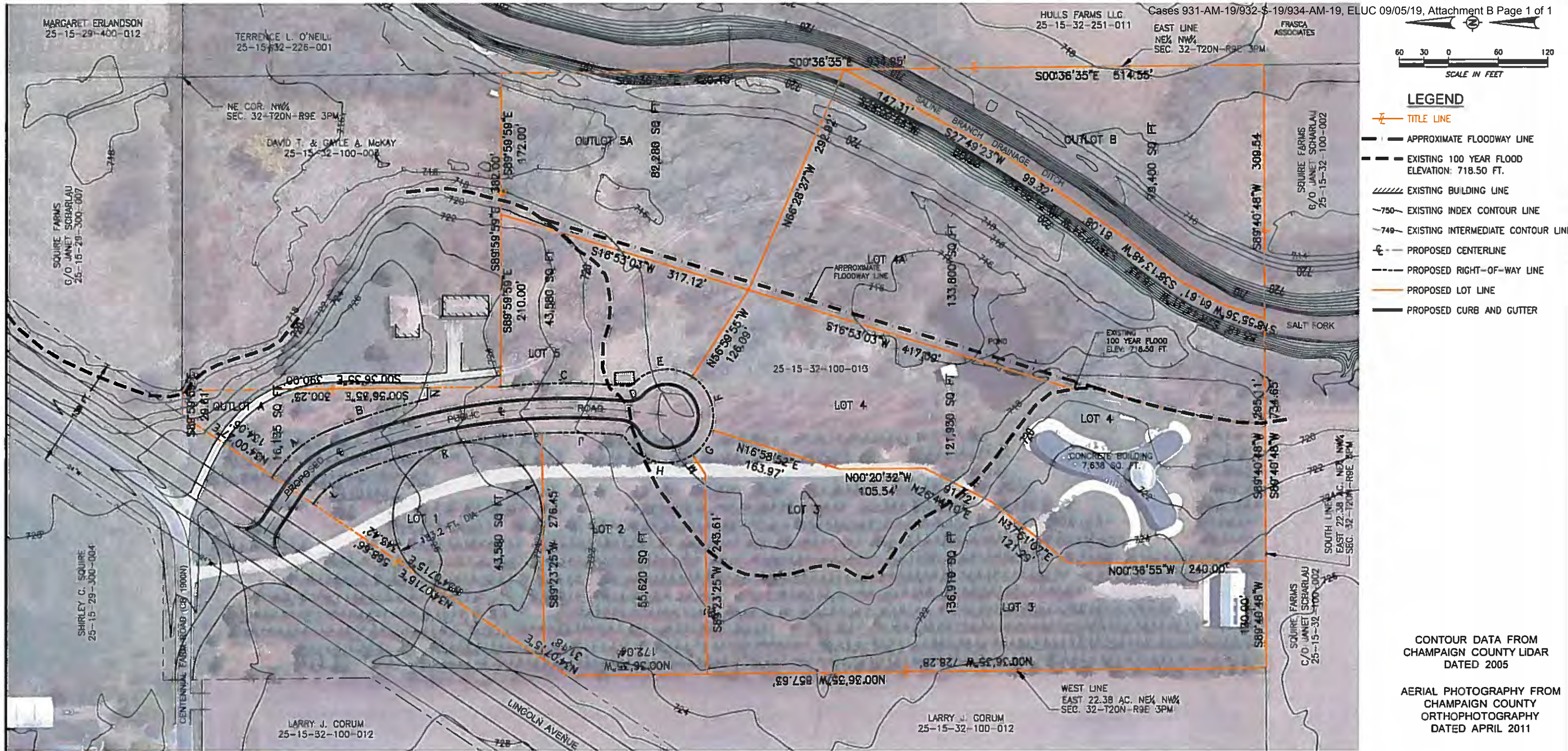
AERIAL PHOTO PLAN
 CHAMPAIGN COUNTY ORTHOPHOTOGRAPHY
 AND TOPOGRAPHIC DATA DATED APRIL 2005

BILL COPE & MARY KALANTZIS SITE
 NE 1/4 NW 1/4 SECTION 32
 TOWNSHIP 20 NORTH, RANGE 9 EAST
 OF THE THIRD PRINCIPAL MERIDIAN
 SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

**COPE SUBDIVISION
 SCHEMATIC PLAN**

DATE: 020107
 SHEET:
 1 OF 1
 JOB: 5730

Exhibit E. Proposed Site Plan



RECEIVED

JUL 31 2019

CHAMPAIGN CO P & Z DEPARTMENT

100 YEAR BASE FLOOD ELEVATION 718.50 FEET
 REPORTED SALT FORK OF THE VERMILION RIVER
 HYDROLOGIC MODEL BY KARL K. VISSER
 FOR THE CHAMPAIGN COUNTY SOIL AND
 WATER CONSERVATION DISTRICT AND THE
 SALT FORK WATERSHED STEERING COMMITTEE
 DATED JANUARY 16, 2003

A	CH	S38°54'10"E	91.10'	R	155.00'	A	92.46'
B	CH	S17°15'27"E	123.90'	R	780.00'	A	124.03'
C	CH	S00°18'13"E	155.54'	R	780.00'	A	155.80'
D	CH	S20°43'22"E	7.05'	R	8.00'	A	7.30'
E	CH	S06°55'53"E	73.18'	R	57.00'	A	79.45'
F	CH	N69°59'28"E	68.59'	R	57.00'	A	73.60'
G	CH	N53°20'43"E	38.38'	R	57.00'	A	39.07'
H	CH	N13°55'59"E	84.17'	R	57.00'	A	94.72'
I	CH	N33°18'31"E	7.56'	R	8.00'	A	7.88'
J	CH	N01°21'02"E	97.03'	R	720.00'	A	97.10'
K	CH	S12°10'31"W	241.68'	R	720.00'	A	242.53'
L	CH	N38°59'38"W	55.55'	R	95.00'	A	56.37'
M		S56°19'41"W	28.00'				
N		S89°23'25"W	13.82'				

LOT SIZE SUMMARY

LOT 1:	45,580 SQ FT.±	
LOT 2:	51,285 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 2:	55,620 SQ FT.±	TOTAL **
LOT 3:	99,650 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 3:	136,910 SQ FT.±	TOTAL
LOT 4:	121,930 SQ FT.±	
LOT 4A:	133,800 SQ FT.±	**
LOT 5:	23,270 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 5:	43,580 SQ FT.±	TOTAL *
OUTLOT 5A:	82,280 SQ FT.±	
OUTLOT A:	16,135 SQ FT.±	
OUTLOT B:	79,400 SQ FT.±	

*FILL WILL BE PLACED ON LOT 5
 TO REMOVE FLOOD PLANE FROM LOT 5
 **FILL MAY BE PLACED AT OWNER
 DISCRETION ON LOT 2, ON LOT 3
 AND ON OUTLOT 4A WESTERLY
 OF THE APPROXIMATE FLOODWAY LINE.

VARIANCE REQUEST FOR
 KALANTZIS/COPE FIRST SUBDIVISION
 KALANTZIS/COPE RESORT
 PART OF THE NORTHEAST QUARTER
 OF THE NORTHWEST QUARTER
 OF SECTION 32, TOWNSHIP 20 NORTH,
 RANGE 9 EAST OF THE THIRD
 PRINCIPAL MERIDIAN. SOMER TOWNSHIP
 CHAMPAIGN COUNTY, ILLINOIS

BCA BERN, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE (217) 384-1144 • FAX (217) 384-3355

JOB: 5730-4 DATE: SHEET 1 OF 1
 FILE: 5730-4EX6.DWG 073119

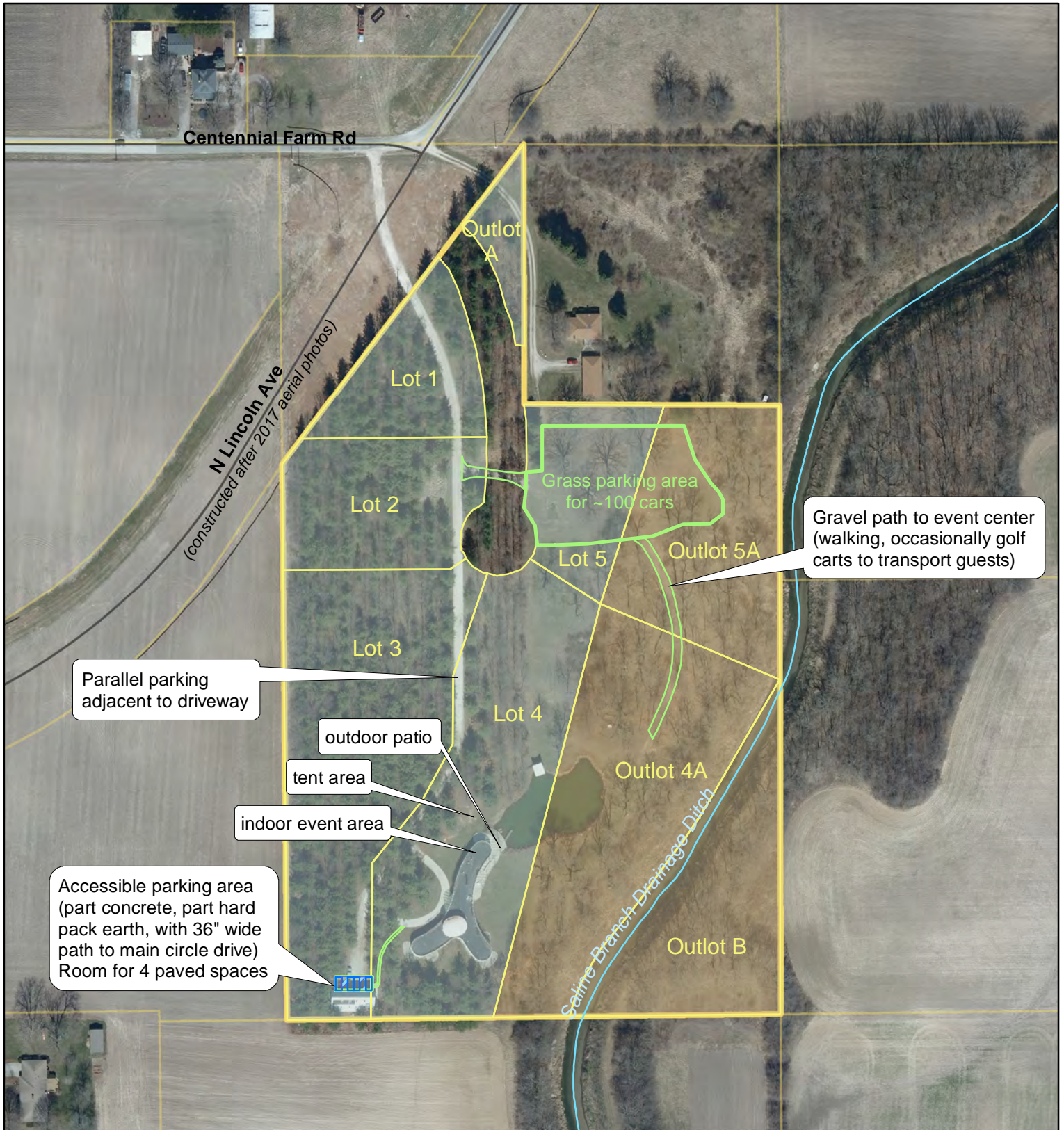
Exhibit F. Proposed Zoning - Site Plan Overlay

Cases 931-AM-19/932-S-19/934-AM-19,
ELUC 09/05/19, Attachment C Page 1 of 1

Cases 934-AM-19 & 935-S-19

April 25, 2019

Subdivision lot lines are approximate



Legend

- Subject Property
- Parcels
- Streets
- Proposed AG-2
- Proposed CR

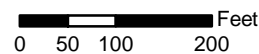
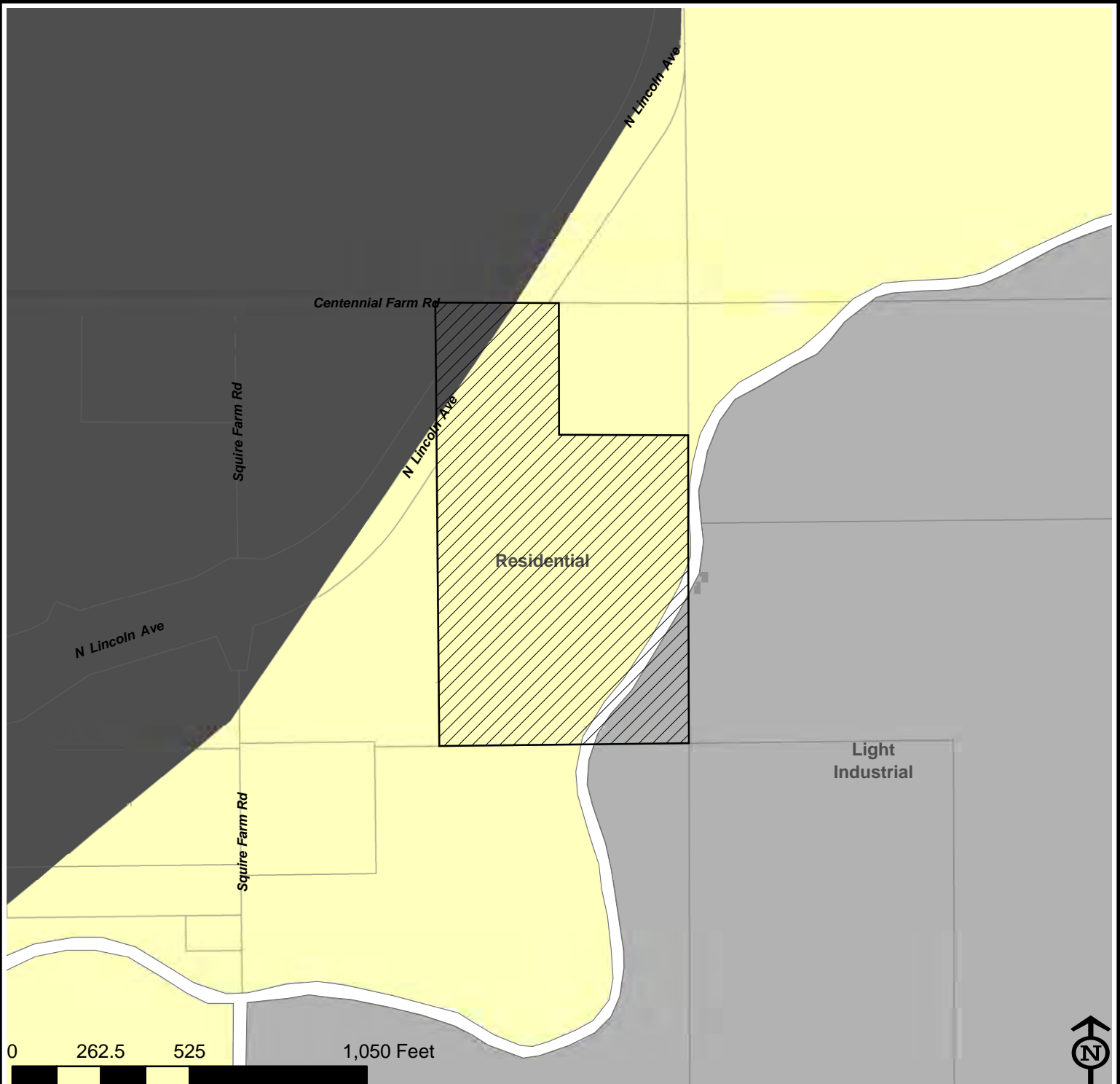


Exhibit G. Future Land Use Map



Case: CCZBA 931-AM-19 and CCZBA-934-AM-19
Subject: Rural Residential Overlay District & AG-2 Rezoning
Location: 4108 North Lincoln Avenue
Petitioner: Bill Cope & Mary Kalantzis

- Residential
- Heavy Industrial
- Light Industrial/Office
- Subject Property

Exhibit H. Plan Commission Meeting Minutes - 10/10/2019

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: October 10, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Barry Ackerson, Dustin Allred, Jane Billman, Tyler Fitch, Lew Hopkins, Chenxi Yu

MEMBERS EXCUSED: Andrew Fell, Jonah Weisskopf

STAFF PRESENT: Lorrie Pearson, Deputy Director of Community Development Services; Kevin Garcia, Planner II; Marcus Ricci, Planner II

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

Chair Fitch called the meeting to order at 7:01 p.m. Roll call was taken, and there was a quorum of the members present.

2. CHANGES TO THE AGENDA

There was none.

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8. NEW BUSINESS

Case No. CCZBA-931-AM-19 – Amend the County Zoning Map to allow for the development of five single-family residential lots in the County CR, Conservation-Recreation, Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

CCZBA-934-AM-19 – Amend the County Zoning Map to change the zoning district designation from County CR, Conservation-Recreation, Zoning District to County AG-2, Agriculture, Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated and received July 31, 2019,

Exhibit H. Plan Commission Meeting Minutes - 10/10/2019

in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

Chair Fitch opened the public hearing for these two cases simultaneously. Marcus Ricci, Planner II, presented the staff report. He began by explaining the reason for the two proposed rezoning requests. He talked about recent activity and future plans for the subject property. Referring to Exhibit C: Proposed Site Plan, he showed where the applicants propose to subdivide the parcel into five lots.

Mr. Hopkins stated that there are potential problems with the proposed plat, which will come before the Plan Commission at a later time. The Plan Commission should only take those potential problems into consideration if those problems create difficulties for considering the rezoning of portions of the parcel. He asked for clarification that the Rural Residential Overlay (RRO) is a zoning designation. It has nothing to do with subdivision other than Champaign County requires it if a subdivision is asked for. Mr. Ricci said that was correct.

Chair Fitch asked if the Plan Commission was to only consider whether rezoning portions of the parcel from County CR, Conservation-Recreation, to AG-2, Agriculture, in order to allow residential is acceptable to the City. Mr. Ricci replied yes.

Mr. Ricci continued with his presentation. Referring to Exhibit D: Proposed Zoning – Site Plan Overlay, he showed the portions of the parcel that would be rezoned, if approved. Mr. Hopkins wondered how the City could rezone a portion of the property until a Subdivision Plat of the property is approved. Kevin Garcia, Planner II, stated that the task before the Plan Commission is to forward a recommendation to City Council on whether or not they should protest the proposed rezoning and special use permit requests. The Plan Commission members do not need to concern themselves with where the line splitting the zoning would be located. Mr. Hopkins noted that the City would then not be approving where the split zoning line is shown on the exhibits.

Mr. Ricci stated the previous split zoning until it was all rezoned to County CR in 2007. He believed that the applicants had not thought through how the CR Zoning District would affect their plans for the property. He reviewed the goals and objectives of the 2005 Comprehensive Plan that relate to the proposed rezoning requests. He summarized staff findings, read the options of the Plan Commission and presented City staff's recommendation to defeat a resolution of protest.

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

Ms. Yu asked if a RRO is also required in the CR Zoning District. Mr. Ricci said that single-family homes are permitted by right within the AG-2 and CR districts; however, if there are more than three lots less than 35 acres each, then they must also have a RRO created.

There was no public present for public input. Chair Fitch opened the hearing for Plan Commission discussion and/or motion(s).

Chair Fitch stated that he did not like the proposed rezoning. They should not rezone because the applicant wants to do something that is highly unorthodox. The proposed residential lots would be sandwiched between Agriculture and Industrial zones. Mr. Allred agreed. He did not believe

Exhibit H. Plan Commission Meeting Minutes - 10/10/2019

that the proposed use would meet Goal 15.0 of the 2005 Comprehensive Plan because it would indeed be a leapfrog development even though it would provide a residential use in an area that the City has envisioned to be residential in the future.

Mr. Ackerson asked for clarification in how many cases are before them. Rezoning the property back to AG-2 is less problematic than the RRO. Chair Fitch said that there are two cases. Mr. Ricci said that the Plan Commission could recommend that City Council protest the RRO rezoning case and defeat a resolution of protest for the rezoning to AG-2. This would still rezone a portion of the parcel but would limit the applicants to subdivide into three lots.

There was discussion about the impact of protesting the RRO. This would be the first time the City has protested a case in many years. Ms. Yu stated that if the City Council protested a case, it would only force a super majority vote by the Champaign County Zoning Board. Mr. Ricci said that is correct.

Mr. Hopkins believed that the applicants were probably rezoning to AG-2 to be able to have their Events Center use. He has a concern with creating too small of lots, especially in this location. He talked about why the subject property is designated as residential in the City's 2005 Comprehensive Plan, which is because it is already a residential property. Given the realignment of Lincoln Avenue, Lincoln Avenue became the line of where heavy industrial stopped. However, the implication was that there would not be a high level of residential.

He talked about the alignment of the proposed driveway and about each of the proposed lots. Lot 1 strikes him as an impractical lot. Lot 2 is tiny. Lot 5 is not buildable. Since the applicants use it as parking, it does not need to be divided from Lot 4. The Outlots do not need to be defined because they do not count anyway. He believed the applicants would only need to divide into three lots. Ms. Billman said that we do not know what the applicants planned to do on each lot. Mr. Hopkins explained that he was trying to figure out how many lots the applicants would need to determine if they would need the RRO rezoning. He is not opposed to rezoning the property to AG-2 or to the event center use; however, he is concerned about various things, some of which are creating a leapfrog development with small lots being isolated with no fire protection.

Mr. Ackerson stated that he would support the rezoning to AG-2, but he would not support the rezoning to RRO. He felt the Plan Commission had made it clear as to why in their discussion. He believed that they could subdivide into three lots under the CR zoning. Mr. Ricci stated that the County CR requires a one-acre minimum, and he believed the rezoning from CR to AG-2 was more about the lot average or minimum being 200 feet rather than 100 feet. Mr. Ackerson said that rezoning to AG-2 would allow the applicants some flexibility.

Chair Fitch wondered what City zoning district would an event center be allowed. Would the use be considered an Outdoor Commercial Recreation Enterprise in Table V-1. Table of Uses? Mr. Ricci said yes. It is allowed in the City's AG, Agriculture Zoning District with approval of a conditional use permit.

Mr. Allred inquired where the split zoning boundary was located before it was rezoned to CR. Mr. Ricci explained that the line was further west than what is shown in the exhibits. Mr. Allred expressed concern with moving the CR boundary line further into the floodplain. Mr. Ricci said

Exhibit H. Plan Commission Meeting Minutes - 10/10/2019

that the Plan Commission could place a contingency on defeating a resolution of protest stating that the CR boundary line be located where the floodplain line is currently located.

Chair Fitch suggested that the Plan Commission add a contingency to Case No. ZBA-934-AM-19 that the County provide further information to the Urbana City Council on the relationship of the zoning district boundary to the floodplain. Mr. Hopkins felt that this might work because the Plan Commission cannot get an answer at this meeting and it allows the case to move forward with their concern on the table.

Ms. Billman noticed that the creek is a drainage ditch, which has its own Board. That Board must have rules about what can happen along the drainage ditch, including changing the topography. Mr. Ricci pointed out that a major development requires external review by the relevant agencies including the drainage districts.

Chair Fitch suggested a revised contingency that the County provide the City Council with further information on how the AG-2 district's eastern boundary relates to the western boundary of the floodplain.

Mr. Ackerson moved that the Plan Commission forward Case No. CCZBA-931-AM-19 to the Urbana City Council with a recommendation to adopt a resolution of protest. Ms. Yu seconded the motion. Roll call on the motion was as follows:

Mr. Ackerson	-	Yes	Ms. Billman	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Yu	-	Yes	Mr. Allred	-	Yes

The motion passed by unanimous vote.

Chair Fitch moved that the Plan Commission forward Case No. CCZBA-934-AM-19 to the Urbana City Council with a recommendation to defeat a resolution of protest contingent upon the following:

1. Champaign County provide the Urbana City Council with information on how the County AG-2 zoning district eastern boundary relates to the western boundary of the floodplain.

Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Allred	-	Yes	Ms. Yu	-	Yes
Mr. Fitch	-	Yes	Ms. Billman	-	Yes
Mr. Ackerson	-	Yes	Mr. Hopkins	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that these two cases would be forwarded to City Council on October 21, 2019.

8. AUDIENCE PARTICIPATION

Exhibit H. Plan Commission Meeting Minutes - 10/10/2019

There was none.

9. STAFF REPORT

There was none.

10. STUDY SESSION

There was none.

11. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Kevin Garcia, Secretary
Urbana Plan Commission