



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Elizabeth H. Tyler, AICP, Director

DATE: October 14, 2005

SUBJECT: CCZBA-517-AT-05: Request by Champaign County Zoning Administrator to amend both Section 4.2.1 H.1. and Section 8 of the Champaign County Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance

Introduction & Background

The Champaign County Zoning Administrator is requesting an amendment to the Champaign County Zoning Ordinance to allow for easements of access rather than direct public street access without the need for variances for lots created in subdivisions that were platted between May 17, 1977 and February 18, 1997 and which meet certain other conditions. During the period in question, Champaign County allowed lots in subdivisions to attain access via an easement of access rather than direct public street access. The proposed Zoning Ordinance amendment would “grandfather” lots that were created under these circumstances as long as the following additional conditions are met: the easement of access is clearly shown on the plat; no more than four (4) lots in the same subdivision are serviced by the easement of access; the easement of access does not extend more than 1,100 feet from the public street right-of-way; a private covenant providing for maintenance of the easement of access has been duly recorded; the easement of access contains an all weather pavement consisting of at least six inches of compacted gravel and has a width of at least 20 feet; and a means of turnaround is provided to accommodate emergency service vehicles.

The Zoning Administrator is proposing this amendment as an accommodation for property owners who prepared plats of subdivision during the 20-year time period, but then may find that they are not in conformance with the County’s Zoning regulations.

Further background information and discussion regarding the proposed amendment is provided in the attached Champaign County Department of Planning & Zoning Preliminary Memorandum, dated August 19, 2005. County staff have also submitted a number of example subdivision plats where easements of access were approved. This text amendment was delayed from its original schedule and was most recently scheduled to be discussed at the October 13, 2005 Zoning Board of Appeals meeting. Staff will provide an update on the status of the case at the Plan Commission meeting.

The proposed text amendment is of interest to the City of Urbana as it may affect subdivision, 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. Additionally, 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. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan. A municipal protest of the proposed amendment enforces a three-fourths super majority of affirmative votes for approval of the request at the County Board.

Issues and Discussion

Section 21-36 of the Urbana Subdivision and Land Development Code requires that each buildable lot within a new development shall be adjacent to a public street and that all streets shall be properly integrated with the existing and proposed system of streets and thoroughfares established in the Comprehensive Plan. Private streets may be permitted only in a Planned Unit Development or Mobile Home Park and are to be maintained by the developer or other entity. The Comprehensive Plan includes a number of policies aimed at improving accessibility and connectivity of development to multiple transportation modes.

Direct access to a public street is a critical land development principle that is necessary to provide for a functional network of road connections and to ensure that roads are maintained in passable and safe condition. Public street access is also critical to ensure proper fire protection and emergency access. Rural subdivisions in some locations do not provide sufficient means for road maintenance and emergency access. This can lead to maintenance and responsibility disputes between neighbors, periods of inaccessibility due to storms or flooding, and impaired fire and emergency access. The City of Urbana would consider a waiver from the requirement to have access from a public street only in very unusual circumstances and only if all waiver standards are met.

To the extent that the proposed text amendment may affect subdivisions and developments that are within the City's extra-territorial jurisdictional area, situations could occur that would present a conflict between compliance with the County's Zoning Ordinance and the City's Subdivision and Land Development Code. City staff have requested County staff to research any locations where plats of subdivision may have been approved within our now current extra-territorial jurisdictional limits. According to the County, it is unlikely that very many of these plats exist and there may in fact be no affected subdivisions.

Summary of Staff Findings

1. The proposed text amendment would recognize certain subdivision plats that were duly recorded in Champaign County during the period of May 17, 1977 and February 18, 1997 and which provided for easements of access to lots rather than direct access to a public street, as currently required.
2. The proposed text amendment would include additional conditions to minimize impacts on public health and safety for the subject lots, including limitation on the number of lots to be served by the easement of access, limitation on the length of the easement of access, requirement for a minimum width of the easement, requirement for a minimum surfacing of the easement of access, and requirement for recording of maintenance responsibilities for the easement of access.
3. The City of Urbana Subdivision and Land Development Code requires that each buildable lot within a new development shall be adjacent to a public street and that all streets shall be properly integrated with the existing and proposed system of streets and thoroughfares established in the Comprehensive Plan.
4. The proposed text amendment is not consistent with the Urbana Subdivision and Land Development Regulations and Comprehensive Plan Goals and Objectives to the extent that any of the affected plats exist within our now current or potential future extra-territorial jurisdictional area.

Options

In CCZBA Case #517-AT-05, the Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendment.

Staff Recommendation

Based on the findings summarized above, and subject to additional information that may be provided by Champaign County, Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment **subject to the following condition**:

1. That the proposed amendment be modified so that it does not pertain to properties located within the City of Urbana's Extra-Territorial Jurisdiction.

This condition will prevent any instances of conflict between the Urbana Subdivision and Land Development Code and the County's Zoning Ordinance and will help to ensure compliance with the City's Comprehensive Plan policies promoting access and connectivity to the planned road system.

Attachments:

- 1) Letter to Municipalities from John Hall, Champaign County Department of Planning & Zoning
- 2) Champaign County Department of Planning and Zoning, Preliminary Memorandum, August 19, 2005
- 3) Example Relevant Plats of Subdivision Provided by the Champaign County Department of Planning and Zoning

c: John Hall, Champaign County Planning and Zoning

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