



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Urbana Plan Commission

FROM: Jeff Engstrom, Planner I

DATE: December 15, 2006

SUBJECT: CCZBA 562-AM-06: Request by Ivanhoe Estates, LLC to amend the Champaign County Zoning Map to change the zoning district designation of the West 500 feet of the Ivanhoe Estates Manufactured Home Park from the R-2 Single Family Zoning District to the R-5 Manufactured Home Park Zoning District

Introduction

A petition has been submitted to the Champaign County Department of Planning and Zoning requesting a rezoning and a Special Use Permit to bring an existing nonconforming mobile home park into zoning compliance. Specifically, the petitioner requests a change in zoning to allow the ongoing use of Manufactured Home Park (Ivanhoe Estates) on a 40.83-acre tract of land north of Perkins Road and southwest of Interstate 74. The County Zoning Ordinance requires mobile home parks to operate under a Special Use Permit, and only in the R-5, Manufactured Home District. As shown in Exhibit A, approximately 19 acres of the mobile home park are zoned R-2 Single Family Zoning District, the remainder is zoned R-5. Thirty-two acres of the property needs a Special Use Permit to continue to be used as a Mobile Home Park with several waivers of development standards, as applied for in a related case (563-S-06). Eight acres are zoned R-5 and have already received a Special Use Permit to allow a Mobile Home Park.

The case was presented to the Champaign County Zoning Board of Appeals on December 14, 2006, and was continued to the March 15, 2007 meeting. After the County ZBA, the case will be heard in the Environmental and Land Use Committee, and finally voted on by the Champaign County Board.

Ivanhoe Estates lies within the one and one-half mile extra-territorial jurisdiction (ETJ) of Urbana's city 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. The Plan Commission is requested to recommend to the City Council either a "protest" or "no protest" of the rezoning. The City does not have protest rights over the related Special Use Permit request. After the Plan Commission's discussion and vote upon a recommendation, the Urbana City Council will meet to review the Commission's recommendation and vote to either approve or defeat a resolution of protest. A municipal protest would require a three-fourths super majority of affirmative votes for approval of the request by the County Board.

Background

The petitioner is applying for a state license to sell manufactured homes within Ivanhoe Estates for use only within the mobile home park. County staff's review of the status of the manufactured home park raised the issue that the zoning is not consistent with the existing use, and that most of the park had never been granted a Special Use Permit to operate a manufactured home park. Ivanhoe Estates has been used as a mobile home park since before adoption of Champaign County's first Zoning Ordinance in 1973.

Below is a table summarizing the adjacent land uses and zoning designations. Detailed background information on the rezoning case, including location and zoning maps, is contained within the attached Champaign County Department of Planning and Zoning (CCDPZ) Preliminary Memorandum. The following discussion of the issues involved will summarize the essential information as it pertains to the City's planning jurisdiction.

Location	Zoning	Existing Land Use	2005 Comprehensive Plan – Future Land Use
Subject Property	R-2, County Single-Family Residential	Mobile Home Park	Multi-Family Residential
North (across I-74)	R-5, County Manufactured Home Park	Mobile Home Park	Residential
South	CRE, Conservation-Recreation-Education	Urbana Park District Dog Park	Parks
East	R-5, County Manufactured Home Park	Mobile Home Park (remainder of Ivanhoe Estates)	Multi-Family Residential
West	R-4, County Multiple-Family Residential	Apartments	Multi-Family Residential

Issues and Discussion

County Zoning

As provided by the Champaign County Zoning Ordinance, the R-5 Manufactured Home Park District is “intended to accommodate manufactured home parks and their associated uses in a medium density housing environment.” The current designation, R-2, Single Family Residence District is “intended to provide areas for single-family detached dwellings, set on lots and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.” A portion of the existing manufactured home park was designated R-2, Single Family Residence, when the County’s Zoning Ordinance was adopted in 1973. However, in 1981 the Circuit Court invalidated this zoning designation in an order that allowed Ivanhoe Estates to use this property as a mobile home park. This request would bring the zoning into conformance with that court ruling.

City of Urbana 2005 Comprehensive Plan - Future Land Use Designations

The City of Urbana 2005 Comprehensive Plan future land use designation for the site is Multi-Family Residential. The Plan states:

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

The proposed zoning would generally conform to the Comprehensive Plan’s future land use designation of Multi-Family Residential. The existing development is generally consistent with the description of a Multi-Family Residential type of development. The Comprehensive Plan’s future land use maps designate all but one of the mobile home parks within the City’s planning jurisdiction as Multiple Family Residential.

City of Urbana 2005 Comprehensive Plan - Goals and Objectives

When evaluating zoning amendment requests in the ETJ, the City is required to consider their potential impacts in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are also discussed extensively in the County’s Memoranda.

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

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objectives

15.4 Annex unincorporated areas that have been previously developed at urban densities.

15.5 Promote intergovernmental cooperation on development and growth issues.

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.

Goal 40.0 Make affordable housing available for low-income and moderate-income households.

The rezoning to R-5, Manufactured Home Park Zoning District would be consistent with the goals and objectives of the 2005 Comprehensive Plan.

City of Urbana Zoning

In evaluating the proposed rezoning from the City’s perspective one question to address is does the use match the type of uses that would be permitted in the same or similar zoning district in the City. The City of Urbana does not have a Manufactured Home Park zoning district designation. Section XIII-2 of Urbana’s Zoning Ordinance specifies the development regulations pertaining to mobile home parks. Mobile home parks are allowed only in the City’s AG, Agriculture district with a Special Use Permit. In the event of a mobile home park being annexed into the City the property’s County zoning designation would be converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. According to Table IV-1, land zoned R-5 in the County would upon annexation automatically receives a City zoning designation of AG, Agriculture.

The La Salle National Bank Criteria

In the case of La Salle National Bank v. County of Cook (La Salle), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning

classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The subject property consists of a nonconforming use—an existing mobile home park zoned R-2, while the surrounding area consists of mobile home parks to the north and east, as well as a multi-family residential area to the west, and an Urbana Park District park to the south. Land use patterns are shown in the Land Use figure attached to the Champaign County Preliminary Memorandum.

County zoning surrounding the subject property is R-5, Manufactured Home Park to the east, and north, and R-4, Multiple Family Residential to the west as shown in the figure attached to the Champaign County Preliminary Memorandum. The south portion borders on a dog park within the City zoned CRE, Conservation-Recreation-Education. The proposed R-5 designation rezoning would be generally consistent with the zoning and land use pattern found in the vicinity of the site.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned and the value it would have if it were rezoned to permit the proposed use.

The existing property has contained a mobile home park for many years. When the County Zoning Ordinance was enacted in 1973, a vacant portion of the mobile home park was zoned R-2. According to a 1981 Circuit Court ruling, R-2 zoning for this property is “unconstitutional”, and “if development was limited to single family, plaintiffs could not obtain any return on their investment.” The rezoning would help to rectify this disparity.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public. (See response to factor 4.)*

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

Since the rezoning would only allow the continued use of an existing mobile home park, there is no expected impact on the health, safety, morals, or general welfare of the public. Nor would there be any gain to the public if this rezoning were denied. There would, however, be a hardship imposed if the owner were not allowed to sell homes within the park.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The Champaign County Planning and Zoning Department has determined the subject property is well suited to the proposed use under their review criteria. The City of Urbana Planning Division is in agreement with the basis of review used by the County and their conclusions. The City's Comprehensive Plan Future Land Use designation of Multiple-Family Residential is compatible with the proposed County R-5 zoning.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The site is not vacant and has been used as a mobile home park for many years.

It is important to note that the City of Urbana's review of County zoning cases should be concerned with the impact of the proposed rezoning on the City of Urbana rather than simply whether or not the application meets the County's requirements for rezoning. In addition to review in terms of the City of Urbana's Comprehensive Plan and Zoning Ordinance, the Plan Commission and City Council may find it appropriate to review the request in strategic terms. Would the rezoning allow uses which would be incompatible with, or a nuisance to, nearby uses in the City? Would the rezoning allow undesirable development patterns, such as development which could ultimately block future city expansion?

Summary of Staff Findings

1. The Illinois Counties Code (55 ILCS 5/5-12014) allows municipalities to protest a rezoning of properties within their one and one half mile extra-territorial jurisdiction.
2. Most of Ivanhoe Estates mobile home park has been in operation since at least 1973, when Champaign County first adopted its Zoning Ordinance.
3. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
4. The proposed rezoning is generally consistent with the Urbana Comprehensive Plan Future Land Use designation of Multiple Family Residential.

5. The proposed zoning change is generally consistent with the land use policy goals of the City which promote contiguous growth and compatibility of land uses.
6. A Circuit Court ruling in 1981 found that the existing zoning designation of R-2 Single Family Residential for this property is unconstitutional. The proposed rezoning is necessary to rectify this disparity.
7. The value of the property would not be diminished by the proposed rezoning.
8. There is expected to be no changes in impacts to the health, safety, morals, or general welfare of the public if the proposed rezoning were granted, nor would there be any gain to the public if the proposed rezoning were denied.

Options

The Plan Commission has the following options in CCZBA Case No. 562-AM-06, a rezoning request to rezone a portion of the Ivanhoe Estates Mobile Home Park R-5, Manufactured Home Park.

The Urbana Plan Commission may:

- a. Forward the plan case to the City Council with a recommendation of “no protest”; or
- b. Forward the plan case to the City Council with a recommendation of "no protest", contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation of “protest”.

Staff Recommendation

Based upon the findings above, Staff recommends that the Plan Commission forward Case No. 562-AM-06 to the City Council with a recommendation to **defeat a resolution of protest**.

Attachments:

- Exhibit A: Aerial Photo
- Exhibit B: Champaign County Department of Planning and Zoning Preliminary Memoranda, dated December 8, 2006 w/ Draft Findings of Fact
- Exhibit C: 1981 Circuit Court Ruling in the matter of Ivanhoe Mobile Home Park, Inc. vs. County of Champaign, Illinois.
- Exhibit D: Urbana Comprehensive Plan Future Land Use Map

cc: John Hall, Champaign County Planning and Zoning
Ivanhoe Estates, LLC.

Exhibit A: Aerial Map

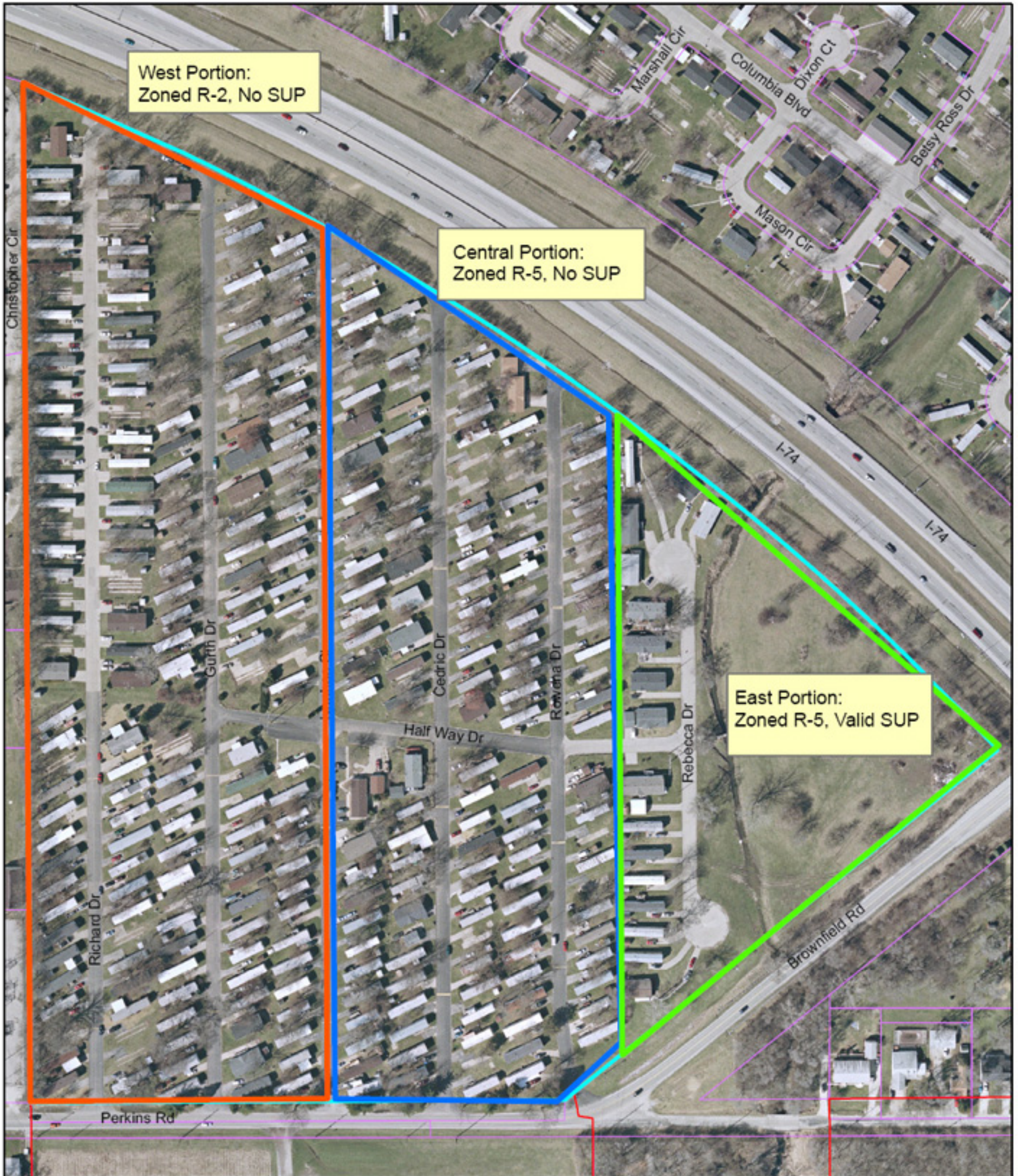
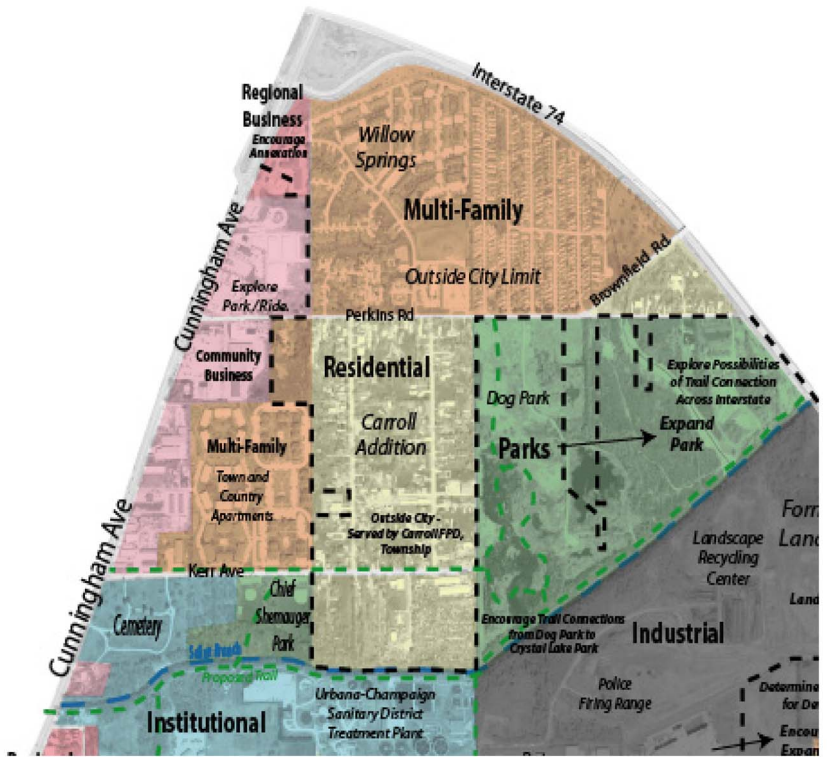


Exhibit D: Future Land Use Map



Plan Case: CCZBA 562-AM-06

Ivanhoe Estates

Request for a rezoning from R-2, Single Family Residential District to R-5, Manufactured Home District

Prepared 12/14/06 by Community Development Services - jme