



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** Urbana Plan Commission

**FROM:** Emily Hutchinson, Planning Intern

**DATE:** June 1, 2018

**SUBJECT:** CCZBA-905-AM-18: A request by Peter Folk, d.b.a. Gargoyle Technologies to rezone 3310 North Cunningham Avenue from County B-3, Highway Business District, and County AG-2, Agriculture, to County B-4, General Business Zoning District, in order to establish and operate a business office.

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### **Introduction and Background**

Petitioner Peter Folk, d.b.a. Gargoyle Technologies, purchased the parcel at 3310 North Cunningham Avenue on February 16, 2018. The site is a 2-acre tract located within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Currently split-zoned for County B-3, Highway Business, and County AG-2, Agriculture, it is proposed that the parcel be rezoned to B-4, General Business. At present, there is a vacant house on the southwest corner of the property, which the petitioner plans to convert to an office space for an internet service company.

As the property is east of Urbana's corporate limits and lies within the City's ETJ, the City of Urbana may choose to exercise its right to protest the zoning map amendment. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes. The Plan Commission is requested to provide a recommendation to the City Council on whether the Council should defeat or adopt a resolution of protest.

### **Background**

Among the several proposed alterations to the property, the petitioner plans to remove the existing portion of driveway access along East Oaks Road and construct a new driveway access approximately 145 feet to the east of the existing portion. Ultimately, there would exist on the property two driveways: one with access to Cunningham Avenue and the other with access to Oaks

Road. In order to mitigate potential safety hazards related to traffic exiting from the site onto Cunningham Avenue, the petitioner has proposed a one-way driveway system such that egress from the site would only be allowed using the driveway access to Oaks Road. See Exhibit A for site plan.

## **Discussion**

### **County Zoning (Exhibit B)**

The County's Zoning Ordinance describes the purpose of the B-3 Zoning District as follows:

*"The B-3 Highway Business Zoning District is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the County."* (Section 5.1.11)

The County's Zoning Ordinance describes the AG-2 Zoning District as one which:

*"... is intended to prevent scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within one and one-half miles of existing communities in the county."* (Section 5.1.2)

According to the Champaign County Zoning Ordinance, the intent of the B-4 General Business Zoning District is:

*"... to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the County."* (Section 5.1.12)

### **City of Urbana Comprehensive Plan, 2005**

The Future Land Use Map #2 (Exhibit C) of the City of Urbana's 2005 Comprehensive Plan indicates the ideal future use of the land at 3310 North Cunningham Avenue to be "Regional Business" and the eastern portion of the site as "Residential". The Plan defines "Regional Business" land use classification as follows:

*"Regional Business centers are intended to serve regional as well as local demand. Typically located in a high-visibility area that offers convenient access and parking. The intensity of development may range from large-scale "big box" uses to smaller-scale buildings supporting out lot business opportunities. Although Regional Business areas are typically oriented primarily to automobile traffic, their design should include adequate facilities for pedestrians, bicyclists and public transit."* (Page 62)

The Plan defines the "Residential" land use classification as being:

*“... intended primarily for single-family residential development in areas with unique natural features. Commonly located in areas beyond the corporate limits that may be served by septic systems. Lots are typically larger than in conventional residential subdivisions, although clustering of lots may be appropriate in order to protect natural amenities. Champaign County has zoning jurisdiction outside city limits.”*

While the Comprehensive Plan envisioned two Future Land Use designations in this area, the Plan is a guidance document and context should be considered when determining the appropriate zoning. As one single two-acre lot, it is unlikely to be subdivided and then developed with both commercial uses on the west half and residential uses on the east. Additionally, to encourage safe access to and from the site, the commercial entrance from Oaks Road should be set back as far as possible from Cunningham Avenue. Rezoning the lot in its entirety to a commercial zoning would allow one entrance to serve the lot and would provide safer access.

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

- Goal 16.0*      Ensure that new land uses are compatible with and enhance the existing community.
- Objective 16.3*    Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
  
- Goal 21.0*      Identify and address issues created by overlapping jurisdictions in the one and one-half mile ETJ.
- Objective 21.1*    Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
  
- Goal 23.0*      Promote Urbana’s potential for technology-related businesses.
- Objective 23.3*    Enhance the community’s internet connection capabilities.
  
- Goal 25.0*      Create additional commercial areas to strengthen the city’s tax base and service base.
- Objective 25.1*    Provide a sufficient amount of land designated for various types of community and regional commercial uses to serve the needs of the community.
- Objective 25.2*    Promote new commercial areas that are convenient to existing and future neighborhoods.
- Objective 25.4*    Find new locations for commercial uses and enhance existing locations so Urbana residents can fulfill their commercial and service needs locally.

The proposed rezoning of the site from County B-3/AG-2 to County B-4 would conform to the City’s future land use designation for a portion of area of “Regional Business”, as well as many of the Goals and Objectives outlined in the City’s 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?" In the event of a property being annexed into the City, its County zoning designation is converted to a City zoning designation based on IV-1 of Urbana's Zoning Ordinance. Should this property be rezoned to County B-4, upon annexation, the zoning would automatically convert to City B-3 General Business. The City's B-3 zoning district would both allow the proposed use and conform to the City's Future Land Use designation for the area. Therefore, the proposed County zoning designation is appropriate for any future annexation into the City.

## **Summary of Staff Findings**

1. The site is within the City's ETJ.
2. The site is currently split-zoned County B-3, Highway Business Zoning District, and AG-2, Agriculture, and is proposed to be rezoned County B-4, General Business Zoning District, to facilitate the operation of an internet service company.
3. The proposed rezoning and land use are generally compatible with the Future Land Use designations and notations highlighted in the Urbana Comprehensive Plan; specifically the Sensible Growth and Services and Infrastructure land use policy goals for the site and surrounding areas.
4. The proposed rezoning and land use are compatible with the surrounding County zoning and land uses.

## **Options**

The Plan Commission has the following options in Case CCZBA 905-AM-18, a request to rezone a property from B-3/AG-2 to B-4:

1. Recommend that City Council defeat a resolution of protest; or
2. Recommend that City Council defeat a resolution of protest contingent upon some specific revision(s) to the proposed zoning amendment, or;
3. Recommend that City Council adopt a resolution of protest.

## Staff Recommendation

Based on the findings above, Staff recommend that the Plan Commission recommend that City Council **DEFEAT a resolution of protest** for the proposed Champaign County Zoning Map amendment.

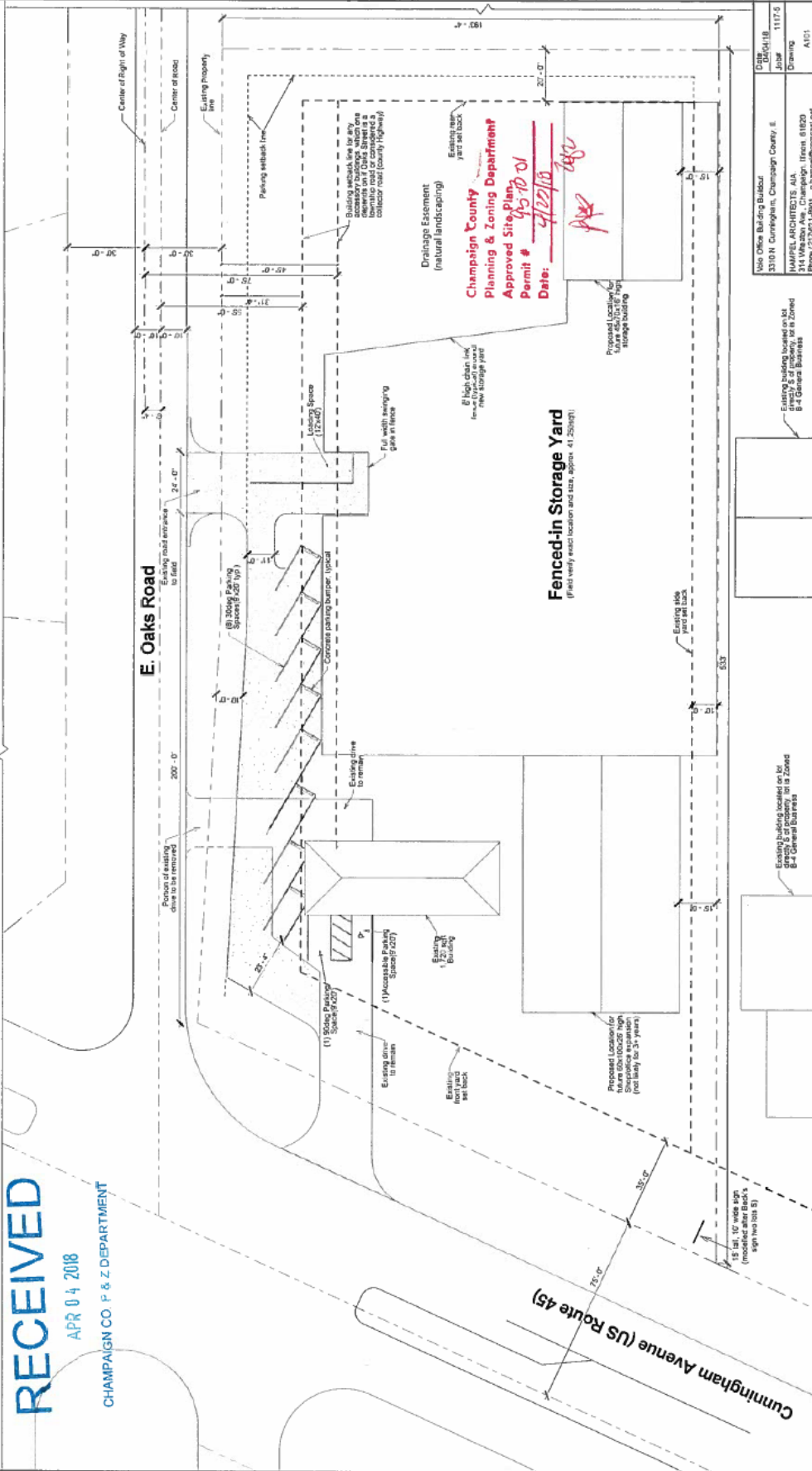
Attachments: Exhibit A: Site Plan  
Exhibit B: Zoning Map  
Exhibit C: Future Land Use Map #2

cc: Susan Burgstrom, Champaign County Planning and Zoning - Senior Planner  
John Hall, Champaign County Planning and Zoning - Senior Planner  
Peter Folk, d.b.a. Gargoyle Technologies

# Site Plan - 3310 N. Cunningham Ave., Urbana

3310 N. Cunningham Avenue, Champaign County, Illinois

**RECEIVED**  
 APR 04 2018  
 CHAMPAIGN CO. P & Z DEPARTMENT



**Champaign County Planning & Zoning Department**  
 Approved Site Plan  
 Permit # 4570-01  
 Date: 4/22/18

Site No.	1117-5
Job No.	1117-5
Drawn	
Checked	
Scale	
Notes	

Visit Office Building/Builder  
 3310 N. Cunningham, Champaign County, IL  
 HANFEL ARCHITECTS, AIA  
 214 Wheaton Ave., Champaign, Illinois 61820  
 Phone (217) 247-8801 g.hanfel@hanfela.com

Existing building located on lot directly S of property lot is Zoned B-4 General Business

Existing building located on lot directly S of property lot is Zoned B-4 General Business

Existing building located on lot directly S of property lot is Zoned B-4 General Business

Existing building located on lot directly S of property lot is Zoned B-4 General Business

Existing building located on lot directly S of property lot is Zoned B-4 General Business

Existing building located on lot directly S of property lot is Zoned B-4 General Business

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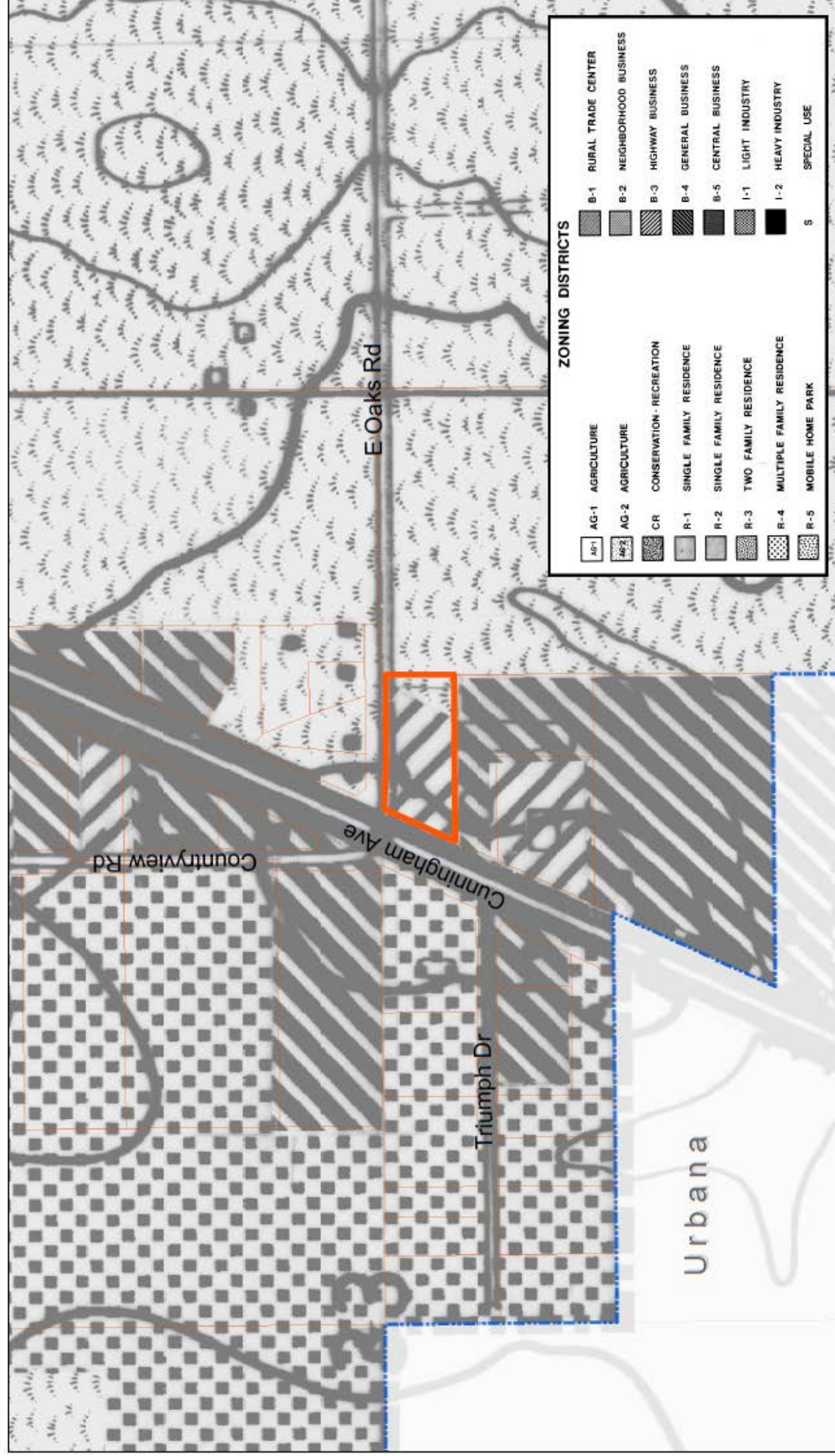
Cunningham Avenue (US Route 45)

# Zoning Map

Case 905-AM-18  
May 31, 2018

Case 905-AM-18, ZBA 05/31/18, Attachment A Page 3 of 3

Official Zoning Map does not scale exactly to the official CCGIS parcel layer. Subject property is split zoned B-3 and AG-2.



**Legend**

- Subject Property
- Parcels
- Urbana Corporate Limit

Champaign County Department of PLANNING & ZONING

0 100 200 400 Feet

North Arrow





# Future Land Use Designations - City of Urbana Comprehensive Plan







May 16, 2018

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**Charles Smyth**, City Clerk  
City of Urbana  
400 South Vine Street  
Urbana, IL 61801

**RE: Request for rezoning on property in unincorporated Champaign County  
(Case 905-AM-18)**

Dear Mr. Smyth:

An application for rezoning of property in unincorporated Champaign County has been requested on property within one-and-one-half-miles of the City of Urbana. The Champaign County Zoning Ordinance requires that applications for rezoning be referred to any zoned municipality with one-and-one-half miles of the subject property proposed for the rezoning. This letter constitutes such referral for **Case 905-AM-18**.

Petitioner Peter Folk, d.b.a. Gargoyle Technologies, Inc., 3310 North Cunningham Avenue, Urbana, has filed a petition for **Case 905-AM-18** as follows:

Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to establish and operate a business office on the subject property described below.

A 2 acre tract in the Northeast Quarter of the Southwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3310 North Cunningham Avenue, Urbana.

The public hearing for this case will be held at the Champaign County Zoning Board of Appeals meeting on **Thursday, May 31, 2018, at 7:00 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL.

The City has protest rights on the proposed Map Amendment. A City protest must be signed and acknowledged by the City Council and filed with the Champaign County Clerk prior to close of business (normally 4:30 p.m.) on the day of the County Board meeting with a certified mail notice of said protest. A notice of protest shall also be sent to the petitioner. In the event of a City protest, a three-fourths majority of the County Board will be required to grant the Map Amendment request instead of a simple majority.

If you have any questions or comments at any time, please do not hesitate to call me at 384-3708 regarding **Case 905-AM-18**.

Sincerely,



**John Hall**  
Director  
Zoning Administrator

**Cc: John Schneider**, Community Development Director, City of Urbana, 400 South Vine Street, Urbana, IL 61801  
**Lorrie Pearson**, Planning Manager/Zoning Administrator, City of Urbana, 400 South Vine Street, Urbana, IL 61801

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

(217) 384-3708

# CASE NO. 905-AM-18

PRELIMINARY MEMORANDUM

MAY 24, 2018

**Petitioners:** Peter Folk, d.b.a. Gargoyle Technologies

**Request:** Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture and B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to establish and operate a business office.

**Location:** A tract in the Northeast Quarter of the Southwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3310 N. Cunningham Ave., Urbana.

**Site Area:** 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](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

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## BACKGROUND

The petitioners would like to establish a business office in the vacant residential structure on the west half of the property. Future development would include a fenced outdoor storage area and two detached accessory structures for office expansion and storage. A business office is not an authorized use in the B-3 Highway Business or AG-2 Agriculture Zoning Districts, but is allowed by-right in the B-4 Zoning District.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Vacant building, agriculture	B-3 Highway Business and AG-2 Agriculture (Proposed rezoning to B-4)
North	Residential	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture
West	Commercial (Cross Construction)	I-1 Light Industrial
South	Commercial (truck parts and service)	B-4 General Business

## EXTRATERRITORIAL JURISDICTION

The subject property is located 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. Notice of the public hearing was sent to the City.

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

## DECISION POINTS

Regarding LRMP Goal 4 Agriculture, Objective 4.1/Policy 4.1.1: While staff does not recommend any negative findings under this Goal, the ZBA is being asked to consider whether this Objective is achieved because the property is Best Prime Farmland with an LE of 100, but is also surrounded by industrial, commercial, and residential uses on 3 sides. The map amendment would not remove any farmland from production, but the by-right proposed use would remove approximately 1.15 acres of farmland from production.

- D. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.1.1 because the Site Plan received April 4, 2018, will remove approximately 1.15 acres from agricultural production.

## PROPOSED SPECIAL CONDITIONS

The following special conditions are proposed for the Map Amendment:

- 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 (see attached).**

The above special condition is necessary to ensure the following:

**Conformance with Land Resource Management Plan Policy 4.2.3.**

- B. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

**That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.**





Case 905-AM-18  
05/08/18

**From East Oaks Road at US45, facing SE**



Case 905-AM-18  
05/08/18

**From East Oaks Road, facing SSW**