



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Lorrie Pearson, AICP, LEED AP

DATE: September 1, 2017

SUBJECT: CCZBA-869-AM-17: A request by Stonetown Woodland Acres LLC, via agent Michael Friend, to amend the Champaign County Zoning Map for 2200 East University Avenue to change the zoning district designation of the eastern 150 feet of the property from R-1, Single Family Residence, to R-5, Manufactured Home Park AND the 1.66 acre lot on the west end from B-2, Neighborhood Business, to R-5, Manufactured Home Park to operate the expansion and use of an existing, nonconforming manufactured home park as a Special Use with waivers.

Introduction

A petition has been submitted to Champaign County requesting a zoning map amendment, or rezoning, for two sections of the mobile home park at 2200 East University Avenue. A 150-foot deep area on the west side of Smith Road would be rezoned from County R-1 Single Family Residence to R-5 Manufactured Home Park and the lot immediately to the east of the Casey's would be rezoned from County B-2 Neighborhood Business to R-5 Manufactured Home Park zoning district. The properties contain mobile homes and an open area planned for mobile home park expansion. Applications have also been submitted for the same subject properties for a Special Use Permit to allow the expansion and for a variance for rear yards.

As the property is east of Urbana's corporate limits and lies within the City's Extra Territorial Jurisdiction (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 approve a resolution of protest.

Background

The property has been a mobile home park since at least 1973. The park is under new ownership and the new owners would like to add new units in the northeast corner of the park. The proposed new units would require new sanitary sewer connections. These connections would trigger the requirement that the property enter into an annexation agreement with the City. The County is processing the rezoning and an associated Special Use Permit application as it was previously

thought that the property was exempt from the requirement to annex into the City upon provision of the new sanitary sewer connections. City staff has recently verified that the earlier determination was an error, and that the property is **not** exempt from the requirement. The City will therefore begin negotiations of an annexation agreement with the applicant. As the County zoning process was near completion, that process can continue since the proposed County zoning of the property would be consistent with the City zoning that allows mobile home parks with a special use permit.

Public hearings have been held by the County's Zoning Board of Appeals (ZBA) to consider the requests on June 29, 2017, and August 17, 2017. The memoranda for those meetings are located at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php. After extensive discussion at both meetings, the County ZBA voted unanimously at its August 17, 2017, meeting to recommend approval of the rezoning. The County Board's Environment and Land Use Committee is scheduled to consider the matter at its September 7, 2017, meeting with full County Board consideration scheduled for September 21, 2017.

Discussion

County Zoning

The mobile home park is subject to three different County zoning designations: R-1 Single Family Residence, B-2 Neighborhood Business, and R-5 Manufactured Home Park. The County only allows mobile homes in the R-5 district. The proposed rezoning would therefore bring the existing site into compliance with the County zoning and allow for expansion in the northeast corner of the property.

The table below from the County staff memorandum describes the existing zoning and land use in the area, and Exhibit A provides a zoning map.

Table 1. Land Use and Zoning Summary		
Direction	Land Use	Zoning
Onsite	Manufactured Home Park (MHP)	County R-1 Single Family Residence, County B-2 Neighborhood Business, and County R-5 Manufactured Home Park
North	vacant land to the northwest and a MHP directly north	County R-4 Multiple Family Residence and County R-5 Manufactured Home Park
East	Residential	County R-1 Single Family Residence
West	Commercial (Casey's)	City B-2 Neighborhood Business
South	Residential and commercial	County B-2 Neighborhood Business, County R-5 Manufactured Home Park, and County R-1 Single Family Residence

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. At their August 17, 2017, meeting the Champaign County ZBA found that the La Salle criteria were met.

Urbana 2005 Comprehensive Plan

When evaluating zoning amendment requests in the extra-territorial jurisdiction, the City should consider the potential impact in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County's Memoranda. Some of these goals and policies coincide with those of the City of Urbana's 2005 Comprehensive Plan.

The City's Comprehensive Plan Future Land Use Map #6 (see Exhibit B) shows the future land use of the subject property as "Multi-Family Residential." The plan defines this land use classification as:

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

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| <i>Goal 15.0</i> | Encourage compact, contiguous and sustainable growth patterns. |
| <i>Objectives</i> | |
| 15.1 | Plan for new growth and development to be contiguous to existing development where possible in order to avoid "leapfrog" development. |
| 15.2 | Extend utilities and services in an orderly fashion to encourage compact, contiguous growth. |
| 15.5 | Promote intergovernmental cooperation on development and growth issues. |
| <i>Goal 16.0</i> | Ensure that new land uses are compatible with and enhance the existing community. |
| <i>Objectives</i> | |
| 16.3 | Encourage development in locations that can be served with existing or easily extended infrastructure and city services. |
| <i>Goal 17.0</i> | Minimize incompatible land uses. |
| <i>Objectives</i> | |
| 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. |
| <i>Goal 19.0</i> | Provide a strong housing supply to meet the needs of a diverse and growing community. |
| <i>Objectives</i> | |
| 19.2 | Encourage residential developments that offer a variety of housing types, prices, and designs. |
| <i>Goal 21.0</i> | 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.

The proposed rezoning from County R-1 and B-2 to R-5 to bring the mobile home park into compliance with the County Zoning Ordinance and allow for an expansion would be consistent with the Comprehensive Plan future land use designation of “Multi-Family Residential” and contributes to several Comprehensive goals and objectives.

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 on the basis of Urbana Zoning Ordinance Table IV-1. Should this property be rezoned to County R-5, the zoning would automatically convert to the City AG, Agricultural District. The City’s AG zoning district is the only City zoning district that would allow mobile homes, and a mobile home park is only permitted with a special use permit. 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 Extra-Territorial Jurisdiction.
- 2. The site is currently zoned County B-2, Neighborhood Business, R-1 Single Family Residence, and R-5 Manufactured Home Park. The B-2 and R-1 portions of the site are proposed to be rezoned to County R-5 to bring the existing portions of the park into compliance with the County Zoning Ordinance and allow an expansion of the park.
- 3. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
- 4. The proposed zoning change is generally compatible with the future land use designations and the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
- 5. As the planned expansion of the site will require new sanitary sewer connections, the City will begin negotiations of an annexation agreement with the applicant.

Options

The Plan Commission has the following options in CCZBA Case No. 869-AM-17, a request to rezone property from R-1 and B-2 to R-5. The Urbana Plan Commission may:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest or
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest, contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation to approve a resolution of protest.

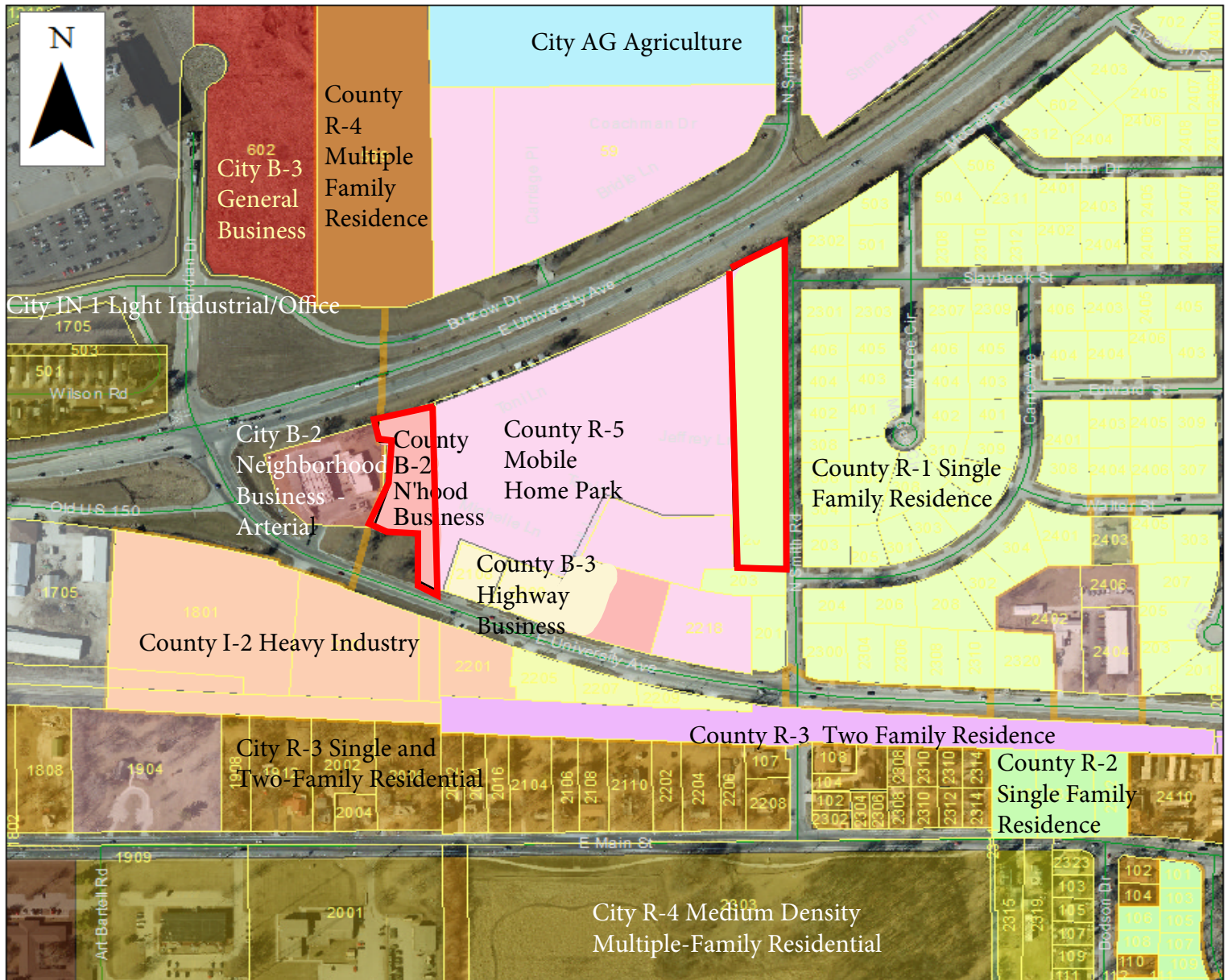
Staff Recommendation

Based upon the findings above, staff recommends that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest** as presented.

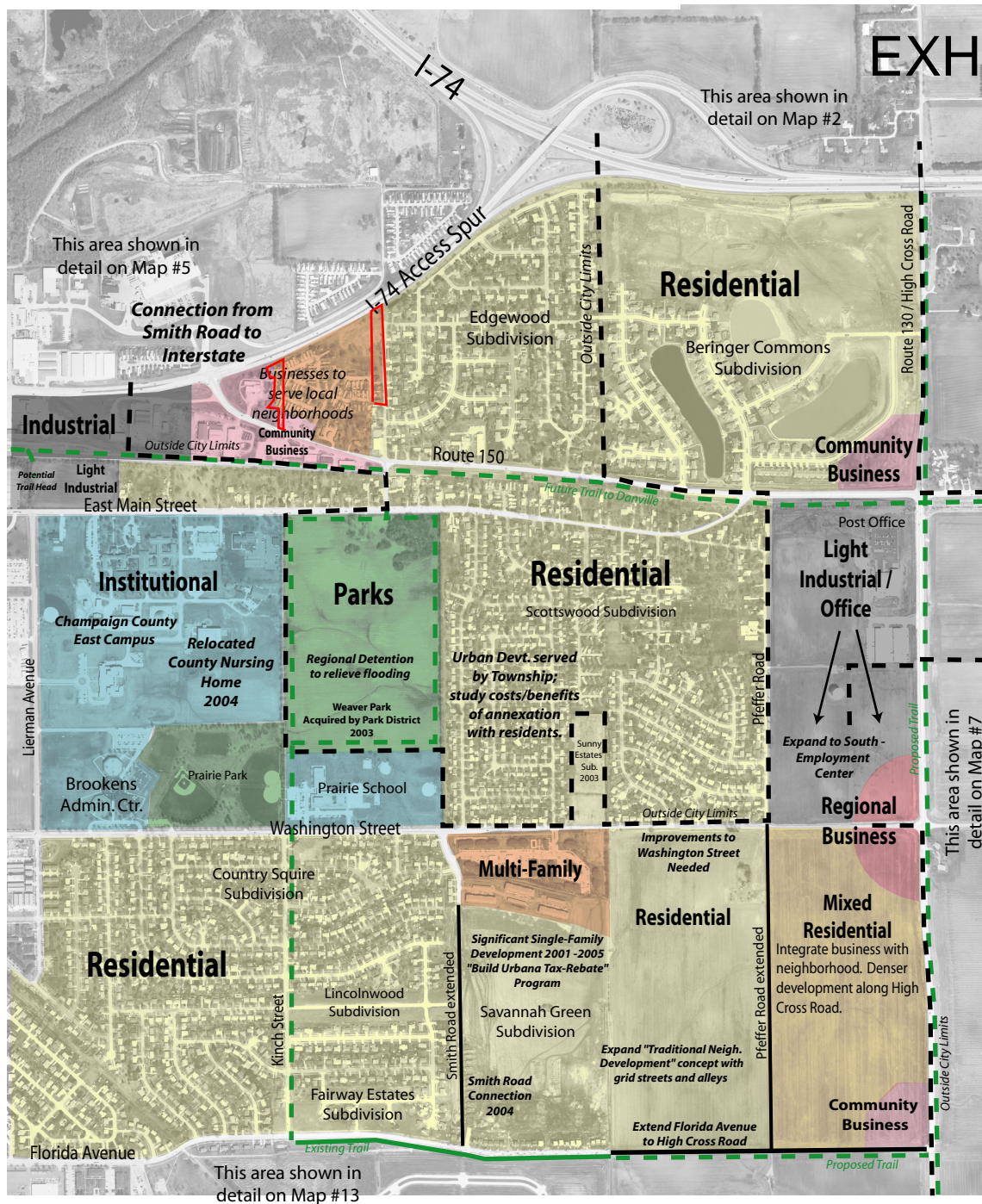
Attachments: Exhibit A: Zoning Map
 Exhibit B: City Future Land Use Map #6

cc: Susan Burgstrom, Champaign County Planning and Zoning

Exhibit A: Zoning Map



Case: CZBA-869-AM-17
 Subject: Amendment to County Zoning Map
 Location: 2200 East University Avenue
 Petitioner: Stonetown Woodland Acres Mobile Home Park LLC



ADOPTED

April 11, 2005
Map Created by City of Urbana
Community Development Services Dept.

Areas proposed to be rezoned to County R-5