



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: January 4, 2007

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

Introduction

Ivanhoe Partners, LLC of Urbana has submitted a petition to Champaign County requesting a rezoning and a Special Use Permit to bring an existing, nonconforming mobile home park into zoning compliance. Specifically, the petitioner is requesting a change in zoning for the west 500 feet (approximately 19 acres) of Ivanhoe Estates mobile home park, located north of Perkins Road and southwest of Interstate 74. The County Zoning Ordinance only allows mobile home parks in in R-5, Manufactured Home Districts and also requires a Special Use Permit. As shown in Exhibit A, approximately 19 acres of Ivanhoe Estates are zoned R-2 Single-Family Zoning District with the remainder zoned R-5.

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. 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.

Although application has been made for a Special Use Permit for 32 acres of Ivanhoe Estates, along with several waivers of development standards, the City of Urbana does not have protest rights over these related requests.

This rezoning case was presented to the Champaign County Zoning Board of Appeals on December 14, 2006 which recommended approval of the application. The case will be reviewed at the January 16, 2007 Environmental and Land Use Committee meeting and could be voted on by the Champaign County Board at their January 25, 2007 meeting.

Background

The petitioner has applied for a state license to sell manufactured homes at Ivanhoe Estates for use only within the mobile home park. The State does not issue licenses contrary to local zoning. Champaign County’s subsequent review of Ivanhoe Estates’ zoning raised the issue that the property’s zoning and use are inconsistent, and that most of the park had never been granted a Special Use Permit to operate a manufactured home park. Most of Ivanhoe Estates has been used as a mobile home park since before adoption of Champaign County’s first Zoning Ordinance in 1973. The west 500 feet of the mobile home park, which was undeveloped in 1973, was then zoned County R-2, Single-Family Residential. In 1981, however, the 6th Judicial District Circuit Court (Case No. 81-C-630) declared the R-2 zoning invalid and void and ordered that the entire mobile home park be treated as if were zoned R-5, Mobile Home Park. This court order allowed development of the remainder of the mobile home park, but the zoning was never modified. This request would bring the zoning into conformance with that court ruling.

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) memorandum. The discussion following this table summarize the essential information pertaining 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 County zoning 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.”

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 County 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 whether or not the use matches the types of uses permitted in the same or similar zoning districts 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 City’s 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 partly zoned R-2 -- while the surrounding area consists of mobile home parks to the north and east, apartments to the west, and a 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 a dog park within the City's CRE, Conservation-Recreation-Education Zoning District. The proposed R-5 designation rezoning would be generally consistent with the zoning and land use pattern found in the site's vicinity.

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 property has been used as a mobile home park for many years. When the County Zoning Ordinance was enacted in 1973, the west 500 feet of the mobile home park, then vacant, was zoned R-2, Single-Family Residential. According to a 1981 Circuit Court ruling, the existing R-2 zoning for this property was declared invalid and void based on a finding that "if development was limited to single family, plaintiffs could not obtain any return on their investment." The rezoning would help to rectify this disparity and could reasonably be expected to support the value of the property.

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, no changes are expected in impacts to the health, safety, morals, and 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.

Summary of Findings

1. State law (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 City Council 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 City Council may:

- a. Defeat a resolution of protest for the proposed rezoning;
- b. Defeat a resolution of protest for the proposed rezoning, contingent upon specific provisions to be identified; or
- c. Adopt a resolution of protest of the proposed rezoning.

Recommendation

At their December 21, 2006 meeting, the Urbana Plan Commission voted 7-0 to recommend the Urbana City Council **defeat a resolution of protest** of the proposed rezoning based upon the above findings. City Staff concurs with this recommendation.

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
- Exhibit E: Excerpt of Minutes from the December 21, 2006 Meeting of the Urbana Plan Commission

cc: John Hall, Champaign County Planning and Zoning
Ivanhoe Estates, LLC, 135 W Main Street, Urbana, IL 61801

RESOLUTION NO. 2007-01-001R

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

(A 19 Acre Tract of Land on the North Side of Perkins Road
Southwest of Interstate 74 / Ivanhoe Estates, LLC)

WHEREAS, Ivanhoe Estates, LLC, has petitioned the County of Champaign for a map amendment to the zoning map of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 562-AM-06 to rezone a 19 acre tract of land on the North side of Perkins Road and Southwest of Interstate 74 from R-2, Single-Family Residential to R-5, Manufactured Home District; and

WHEREAS, Ivanhoe Estates Mobile Home Park has been operating since at least 1973 when Champaign County adopted zoning, and the R-2 zoning for that portion of Ivanhoe Estates is inconsistent with its current use as a mobile home park; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 in cases of any proposed County zoning map amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue a written protest against the proposed map amendment; and

WHEREAS, said proposed zoning 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-562-AM-06"; and

WHEREAS, the Urbana Plan Commission on December 21, 2006 considered the request and subsequently voted seven (7) ayes and zero (0) nays to recommend that the Urbana City Council defeat a resolution of protest against the proposed map amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment 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-562-AM-06.

Section 4. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Ivanhoe Partners, LLC, 135 W Main Street, Urbana, IL 61801 and to the State's Attorney for Champaign County, at the Champaign County Courthouse, Urbana, IL 61801.

PASSED by the City Council this _____ day of _____, 2007.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, Mayor

Exhibit A: Aerial Map

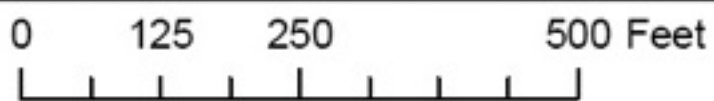
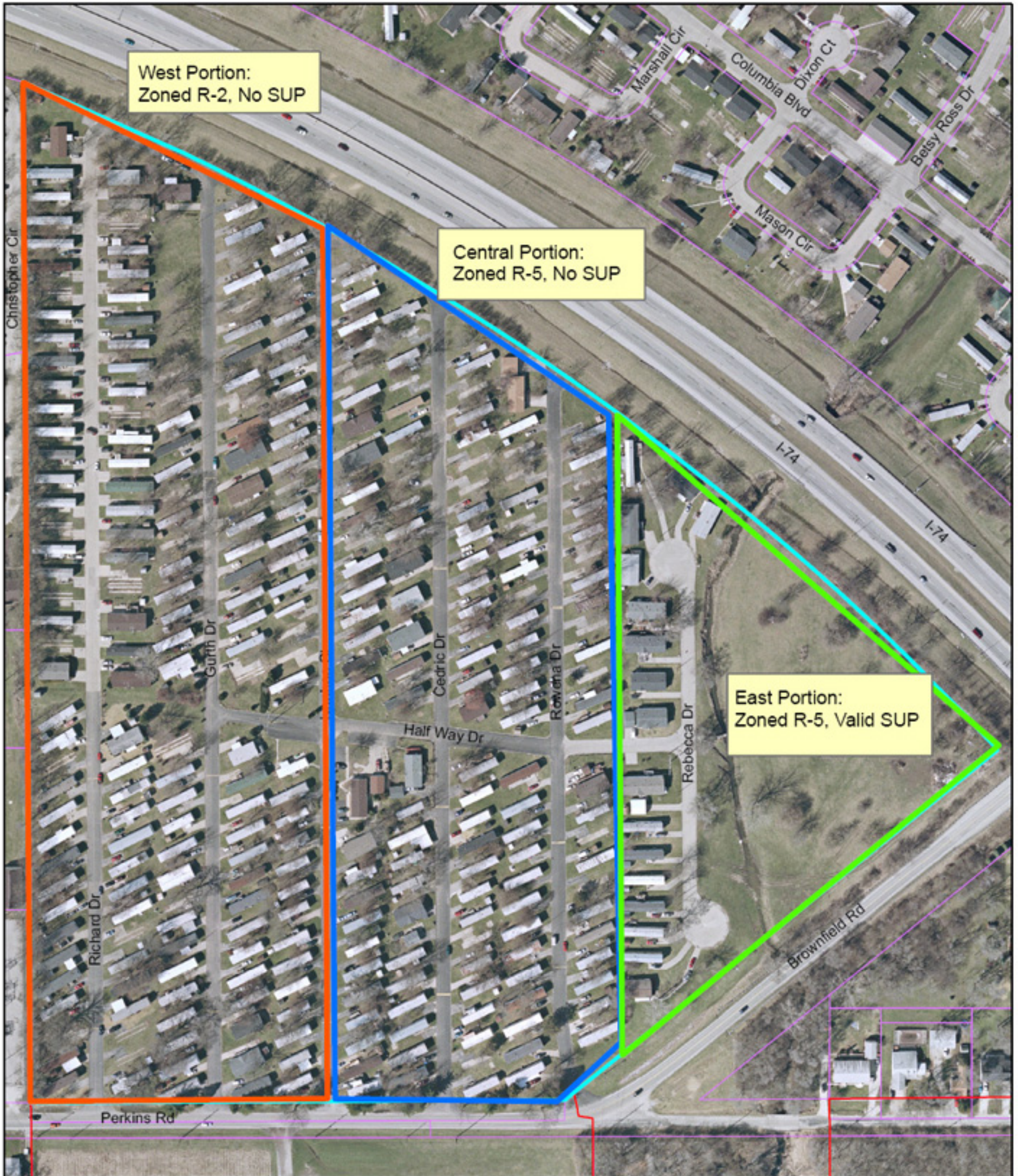
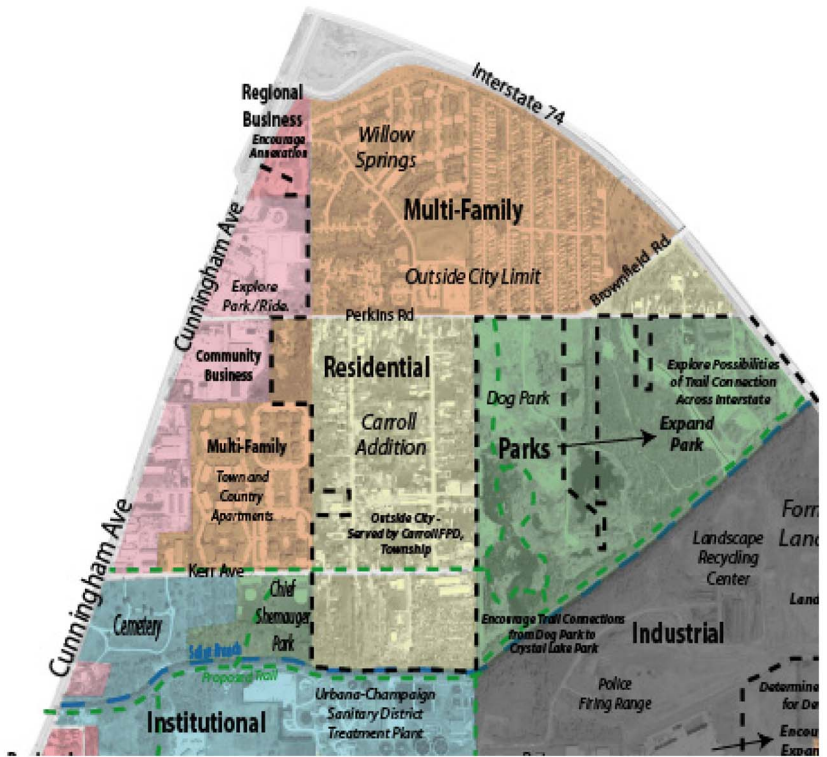


Exhibit D: Future Land Use Map



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

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: December 21, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward

MEMBERS EXCUSED: Don White

STAFF PRESENT: Robert Myers, Planning Manager; Matt Wempe, Planner II; Jeff Engstrom, Planner I

OTHERS PRESENT: Greg Abbott, Sandy Bales, George Carlisle, Marianne Downings, Scott Dossett, Alice Englebretsen, Tyler Fitch, Rick Kallmayer, Dennis Roberts, Christopher Stohr, Susan Taylor

NEW BUSINESS

CCZBA 562-AM-06: Review of a request by Ivanhoe Estates, LLC to amend the Champaign County Zoning Map for the West 500 feet of the Ivanhoe Estates Manufactured Home Park; generally located north Perkins Road, south of I-74, and west of Brownfield Road; from County R-2, Single-Family Zoning District to County R-5, Manufactured Home Park Zoning District.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave background information on the zoning history of the mobile home park known as Ivanhoe Estates. He described the adjacent properties noting their zoning and existing land uses. He discussed the County R-5, Manufactured Home Park Zoning District and the County R-2, Single-Family Zoning District. He talked about how the 2005 Comprehensive Plan's Future Land Use Designations and Goals and Objectives relate to the proposed rezoning to County R-5. He pointed out that if the mobile home park should ever be annexed into the City of Urbana, the County R-5 zoning designation of the mobile home park would be converted to City AG, Agriculture Zoning District. He reviewed the LaSalle National Bank criteria that pertained to the proposed County rezoning case. He summarized staff findings and read the options of the Plan Commission. He presented staff's recommendation, which was as follows:

Based upon the findings in the written staff report, staff recommended that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest.

Ms. Stake wondered if there is pedestrian access and other means of traveling available to the mobile home park. Mr. Engstrom reported that there are no sidewalks on Perkins Road in this area. Most of the properties nearby are in the County. The City of Urbana's Public Works Department considers any properties in the City limits in this area to be considered fringe, semi rural development. It is not necessary to have sidewalks at this point. There is a bus stop right outside the park along Perkins Road.

Chair Pollock opened the hearing up to hear input from the public. With no input or testimony from the public, Chair Pollock opened the meeting up for Plan Commission discussion.

Mr. Grosser moved that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest. Mr. Ward seconded the motion. Roll call was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that this case would be forwarded to the City Council on January 8, 2007.