



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*  
**m e m o r a n d u m**

**TO:** Urbana Plan Commission

**FROM:** Kevin Garcia, AICP, Planner II

**DATE:** March 29, 2019

**SUBJECT:** CCZBA-927-AM-19: A request by Dan Cothorn to amend the County Zoning Map to rezone 3804 North Cunningham Avenue from AG-2, Agriculture Zoning District to B-4, General Business Zoning District

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## **Introduction and Background**

The Champaign County Zoning Board of Appeals considered two related cases for a property within the City's extraterritorial jurisdiction (ETJ) at their March 14, 2019, meeting. One request was to rezone two parcels from County AG-2 (Agricultural) to County B-4 (General Business). The other request was for a Special Use Permit to allow multiple principal uses on the parcels (self-storage, a business office, and an indoor recreational facility). The cases will go to the County Board on April 18, 2019 for final approval.

The City has the right to protest County rezoning cases within the ETJ by filing a protest by the date the case goes before the County Board. The City has no protest rights regarding Special Use Permits, but historically County staff has been receptive to discussions with City staff to resolve concerns.

The Plan Commission may recommend that City Council either defeat or adopt a resolution of protest in case CCZBA-927-AM-19 depending on the compatibility of the request with the City's Comprehensive Plan and Future Land Use designations. Staff recommends a recommendation to DEFEAT a resolution of protest.

## **Background**

The applicant would like to construct a multi-use development with 35 heated self-storage warehouses, a business office, and a public recreational facility. They are communicating with a publishing company as a possible tenant for the office building and with someone who would like to establish an indoor basketball facility. The uses are all allowed by right in the County B-4 Zoning District.

The applicant requires a Zoning Map Amendment (Case 927-AM-19) to rezone the parcels from AG-2 to B-4, and a Special Use Permit (Case 928-S-19) to have multiple uses and buildings on a lot.

The property currently has several dilapidated outbuildings on a vacant farmstead, with approximately 5 acres of farmland in production.

## **Discussion**

### **County Zoning**

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)

### **Comprehensive Plan**

The Comprehensive Plan identifies the entire area north of Oaks Road and east of Cunningham Avenue (including these parcels) as "Agricultural" in the future land use map. However, the future land use map, especially in areas outside the City limits, is general by design. Cunningham Avenue is a commercial corridor, and if these parcels are ever annexed to the City, business zoning would be appropriate for this site.

In addition, 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 21.1*      Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

*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.

### **City of Urbana Zoning**

If the property is 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 be appropriate for the site and would

allow proposed office and recreational uses by right, and the self-storage use with a Conditional Use Permit. The proposed County zoning designation is therefore appropriate for any future annexation into the City.

## Summary of Staff Findings

1. The site is within the City's extraterritorial jurisdiction (ETJ).
2. The site is currently zoned AG-2, Agriculture, and is proposed to be rezoned County B-4, General Business Zoning District.
3. The proposed rezoning is generally compatible with the Urbana Comprehensive Plan.
4. The proposed rezoning is compatible with the surrounding County zoning.

## Options

The Plan Commission has the following options in Case CCZBA 905-AM-18, a request to rezone a property from 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 recommends that the Plan Commission recommend that City Council **DEFEAT a resolution of protest** for the proposed Champaign County Zoning Map amendment (CCZBA-927-AM-19).

Attachments: Draft Resolution of Protest  
Exhibit A: Location Map  
Exhibit B: Land Use Map  
Exhibit C: County Zoning Map

cc: Dan Cothorn, Applicant  
Susan Burgstrom, Champaign County Planning and Zoning  
John Hall, Champaign County Planning and Zoning

**RESOLUTION NO. \_\_\_\_\_**

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

(A request by Dan Cothern to amend the Champaign County Zoning Map to rezone 3804 North Cunningham Avenue from AG-2, Agriculture Zoning District to B-4, General Business Zoning District / CCZBA-927-AM-19)

**WHEREAS**, Dan Cothern requests an amendment to the Champaign County Zoning Map to rezone 3804 North Cunningham Avenue from AG-2, Agriculture Zoning District to B-4, General Business Zoning District; and

**WHEREAS**, the proposed 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-927-AM-19”; and

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

**WHEREAS**, the proposed map amendment is compatible with the Goals and Objectives of the 2005 City of Urbana Comprehensive Plan; and

**WHEREAS**, the Urbana Plan Commission met on April 4, 2019, to consider the proposed map amendment and voted with \_\_\_ ayes and \_\_\_ nays to forward to the City Council a recommendation to [approve/deny] a resolution of protest; 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-927-AM-19.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSTAINED:

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**Charles A. Smyth, City Clerk**

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**Diane Wolfe Marlin, Mayor**

# Location Map

Cases 927-AM-19 and 928-S-19  
March 14, 2019

Subject Property

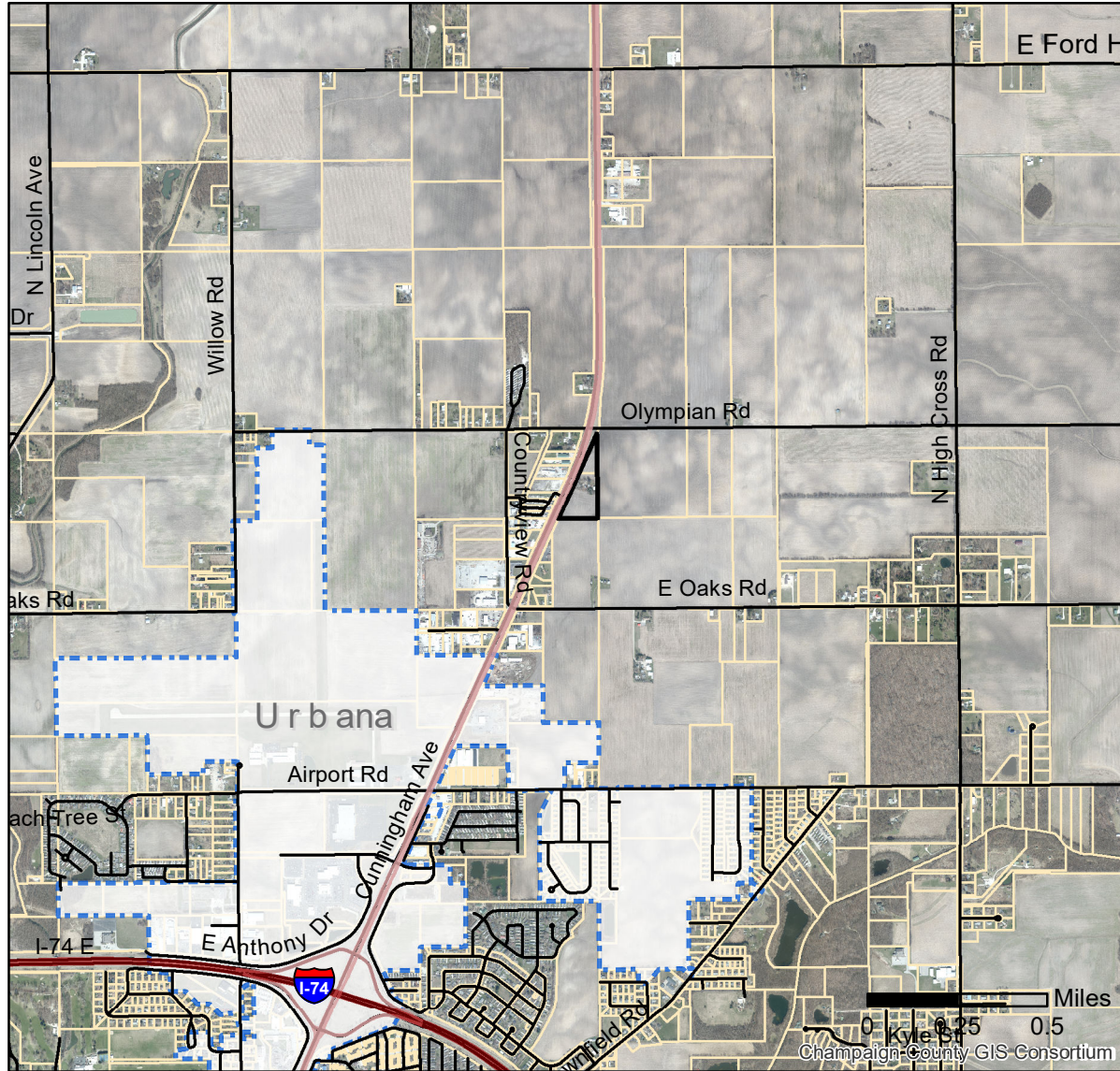
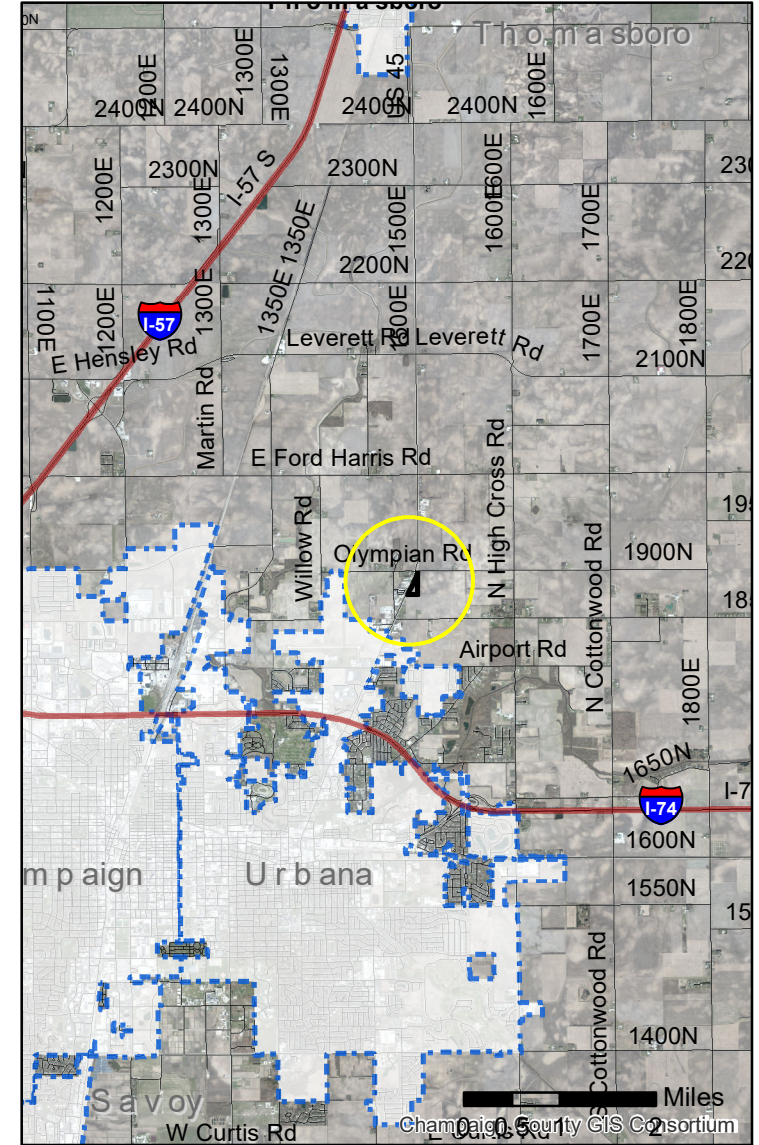


Exhibit A - Location Map

Property location in Champaign County



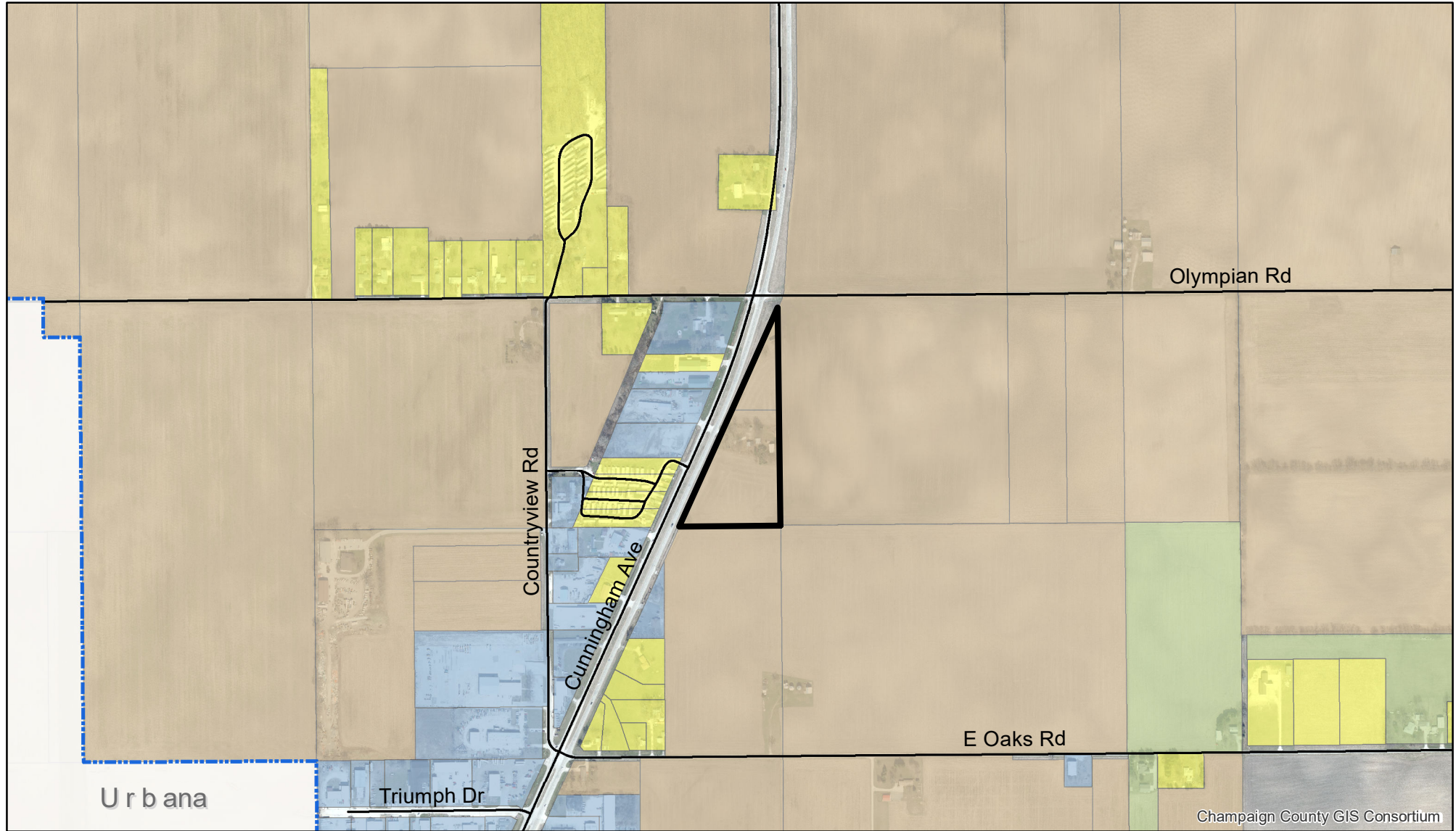
## Legend

-  Subject Property
-  Corporate Limits
-  Streets
-  Parcels



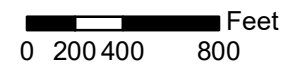
# Land Use Map

Cases 927-AM-19 and 928-S-19  
March 14, 2019



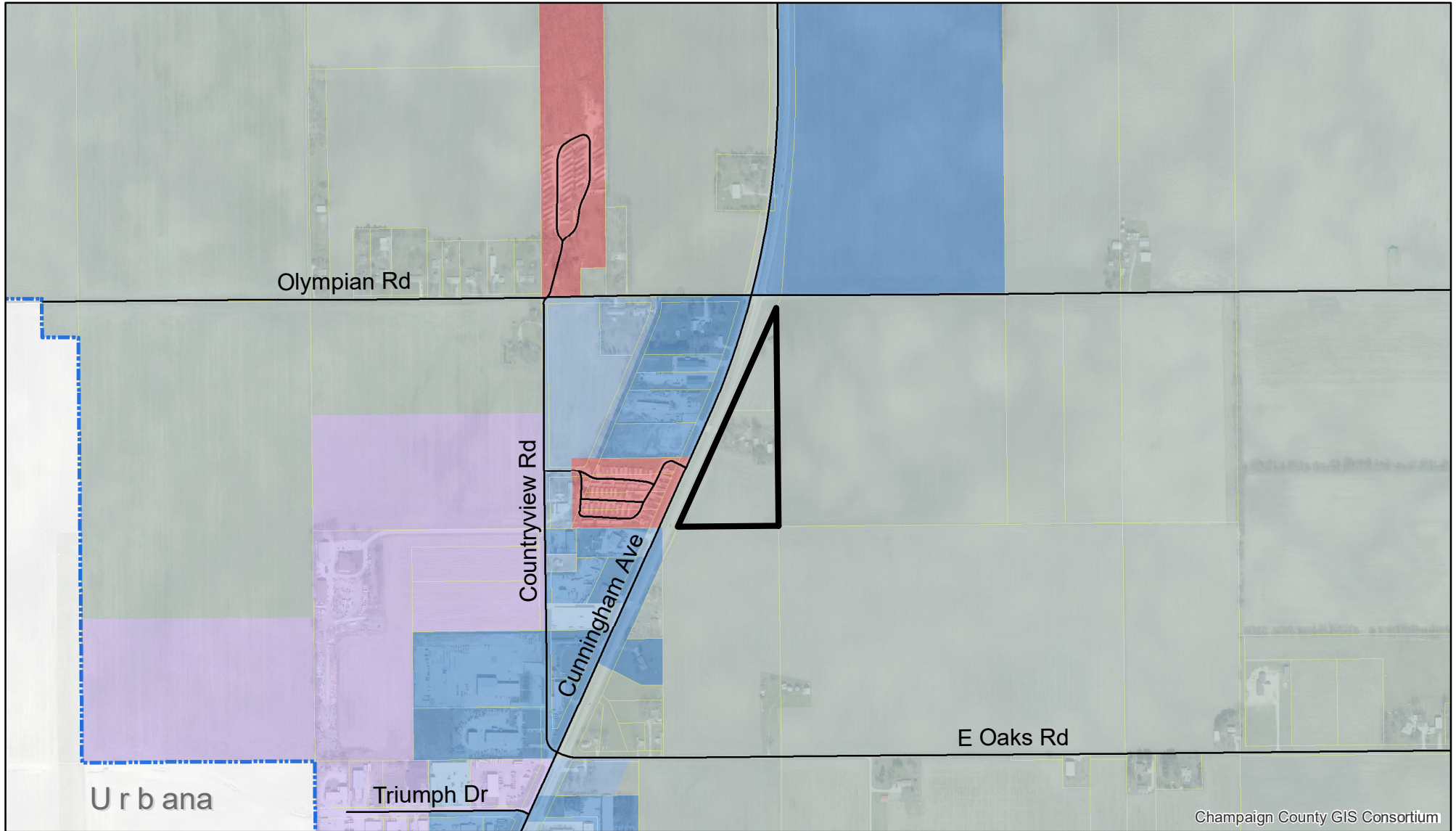
## Legend

- Subject Property
- Municipal Boundary
- Streets
- Agriculture
- Ag-Residential
- Residential
- Commercial
- Industrial



# Zoning Map

Cases 927-AM-19 and 928-S-19  
March 14, 2019



## Legend

- |                        |      |     |
|------------------------|------|-----|
| Subject Property       | AG-2 | CR  |
| Urbana Corporate Limit | B-3  | I-1 |
| Streets                | B-4  | R-5 |

0 200 400 800 Feet

Champaign County  
Department of  
PLANNING &  
ZONING