



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Jeff Engstrom, Planner I

DATE: February 16, 2007

SUBJECT: CCZBA 573-AM-06 and 579-AM-07: Request by Bill Cope and Mary Kalantis to rezone 19 acres by adding the Rural Residential Overlay (RRO) zoning designation; and to rezone 10 acres from the AG-2, Agriculture Zoning District to County CR, Conservation-Recreation.

Introduction

A petition has been submitted to the Champaign County Department of Planning and Zoning requesting a change in zoning to allow a residential development on a 19 acre tract of land on the southeast side of North Lincoln Avenue. The property currently has two zoning designations, and 10 acres are requested to be changed from AG-2, Agriculture to CR, Conservation-Recreation before the Rural Residential Overlay is granted. The portion of the property zoned AG-2 was previously used as a tree farm. The east portion, zoned CR, is an undeveloped area surrounding the Saline Branch.

The 19 acre tract parcel lies within one and one-half miles of the Urbana 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 must vote to make a recommendation to the City Council that would result in either a "protest" or "no protest" of the rezoning. A municipal protest would require a three-fourths super majority of affirmative votes for approval of the request by the County Board. After the City's 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. If a resolution of protest is passed it must be filed with the Champaign County Clerk. In that case the result of the vote on the resolution would be forwarded to the County.

Background

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 Memoranda. The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

County rezoning approval is a separate action from future subdivision approval. Because the parcel lies within one and one-half miles of the Urbana city limits the City has jurisdiction over the subdivision of land into separate legal parcels. Any subdivision must comply with the City of Urbana Subdivision and Land Development Code regulations.

Issues and Discussion

County Zoning

According to the Champaign County Zoning Ordinance, the AG-2, Agricultural District is intended to prevent scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominantly 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 (1-1/2) miles of existing communities in the County.

The County CR, Conservation-Recreation District is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the County. Since the subject property contains the Saline Branch and the floodplain surrounding it, it would be beneficial to remove the split zoning designation and assign the entire parcel CR, Conservation-Recreation.

According to the Champaign County Zoning Ordinance single-family homes are permitted by right within the AG-2 and CR districts. However the County Zoning Ordinance permits subdivisions in these districts only as follows:

“No Subdivisions totaling more than three lots less than 35 acres each from any parcel of land existing on 1/1/98 and/or with new streets or private access ways shall be created unless a Rural Residential Overlay District has been created.”

The petitioner wishes to create a 6-lot subdivision with three additional, unusable outlots. Since the site can only be subdivided into three lots by right, a Rural Residential Overlay is required to plat the additional three developable lots. The Rural Residential Overlay (RRO) zoning district is required for subdivisions of more than three lots and/or new streets in the AG-1, AG-2, and CR zoning districts. The RRO district is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. Approval of the RRO district does not change any of the existing basic requirements of the underlying districts. All other restrictions such as permitted uses, setbacks, lot coverage, etc. remain in effect.

An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District. Briefly stated the County considers whether the subject property is most suitable to be retained as agricultural farmland or for the type of development proposed.

One of the most important of the County review criteria is the LESA (Land Evaluation and Site Assessment) system and the Land Evaluation (LE) factor score it produces for the subject site. Broadly stated, the LE factor score is intended to determine whether the subject property is “Best Prime Farmland”, and if so should it be preserved for agricultural uses. The basis for that identification lays in analysis of soil type, soil suitability for agricultural production, and soil suitability for residential development.

Please see the attached County Preliminary Memorandum for detailed information on the County methodology. The County’s conclusion in this case is that the subject property is well suited for the RRO district designation and the proposed residential development.

City of Urbana 2005 Comprehensive Plan - Mobility Map

According to the 2005 Urbana Comprehensive Plan Mobility Map and the Lincoln Avenue Location Study, Lincoln Avenue will be realigned to pass through the property. The petitioner’s engineer has accounted for this; when the property is subdivided, a portion will be set aside to be used as right-of-way for Lincoln Avenue.

City of Urbana 2005 Comprehensive Plan - Future Land Use Designations

The City of Urbana 2005 Comprehensive Plan Future Land Use Map shows the site divided by the future Lincoln Avenue extension. The designation for the majority of the site (east of Lincoln Avenue) is “Residential”. The Plan states:

“The Rural Residential designation is 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.”

The northwest portion of the site is designated Industrial in the Comprehensive Plan:

“Heavy Industrial areas contain intensive land uses with a strong dependence on transportation facilities such as major roadways, rail or air. Typically require significant amounts of land and can often create conditions that are generally incompatible with residential uses. Heavy manufacturing, truck terminals, construction equipment and material storage are common uses in Heavy Industrial areas.”

The proposal would generally conform to the Comprehensive Plan’s future land use designation of Residential for the surrounding area. The proposed development would not be inconsistent with the description of a Residential (suburban pattern) type of development. The intent of the Comprehensive Plan is to have Industrial uses to the west and Residential uses to the east of

Lincoln Avenue. If Lincoln Avenue is constructed according to the Location Study, as shown in Exhibit C, only a fraction of the site (0.88 acres) will be designated Industrial.

The final layout of the lots and the site engineering would need to be considered for approval as part of the City of Urbana major subdivision review process.

City of Urbana 2005 Comprehensive Plan - Goals and Objectives

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

15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” development.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.

16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

16.5 Consider the impact of new development on public services and the ability to provide those services cost effectively.

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.

When evaluating zoning amendment requests in the ETJ, the City is required to consider their 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 Comprehensive Plan. In

summary, Staff finds that the rezoning to RRO designation to accommodate the proposed subdivision would be generally 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. In the event of a subdivision being annexed into the City, the property's County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1 which is intended to provide for a directly comparable designation. The underlying County CR, Conservation Recreation district designation would convert directly to City CRE, Conservation-Recreation-Education.

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 contains a tree farm and unusable agricultural lands in the floodplain of the Saline Branch, while the surrounding area consists primarily of farmland and a single-family residence to the northeast. Land use patterns are shown in the Land Use figure attached to the Champaign County Preliminary Memorandum.

County zoning surrounding the subject properties is AG-2 to the north and west, and CR, Conservation-Recreation to the south and east as shown in the figure attached to the Champaign County Preliminary Memorandum. The proposed CR designation of the west half of the property would be consistent with the zoning and land use pattern found in the vicinity of the site. The proposed RRO designation rezoning would also 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.

A portion of the existing property has been in agricultural use for many years. The remainder of the site has been a conservation area. Rezoning to Conservation-Recreation from Agriculture to

allow for residential development can be reasonably expected to increase the value of a property, due to the appeal of the rural atmosphere of the surrounding area.

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.*
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?

The current restrictions associated with the agricultural zoning of the property are designed to protect prime farmland and promote efficient use of energy and other resources. However, the site has been determined not to be “best prime farmland”. Since the site is shown as Residential in the 2005 Urbana Comprehensive Plan, there would be no potential harm to the public caused by rezoning to the RRO designation as proposed.

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 office has determined the subject property is well suited to the proposed use under their criteria of review. The Comprehensive Plan Future Land Use designation of Residential indicates the City has found the location to be suitable for residential development.

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 west portion of the site has been in agricultural use for many years. The remainder of the site has never been developed.

Summary of Staff Findings

1. The site is within the City's Extra-territorial Jurisdiction.
2. The proposed rezoning is generally compatible with the Urbana Comprehensive Plan Future Land Use residential designation for the site and surrounding areas.
3. A portion of the site will be dedicated to the future Lincoln Avenue relocation.
4. The proposed rezoning and land use is generally compatible with the surrounding County zoning and land uses.
5. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
6. The evaluation of the LaSalle Criteria reiterates the findings above. The proposed zoning change is acceptable because the site and surrounding area are generally suitable for the proposed zoning district, and the change will not be injurious to the general welfare of the public.

Options

The Plan Commission has the following options in CCZBA Case no. 579-AM-07, a request to rezone a property from AG-2 to CR and Case no. 573-AM-06, a rezoning request to place a RRO district designation on the underlying CR district.

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 to the City Council a recommendation to **defeat a resolution of protest**.

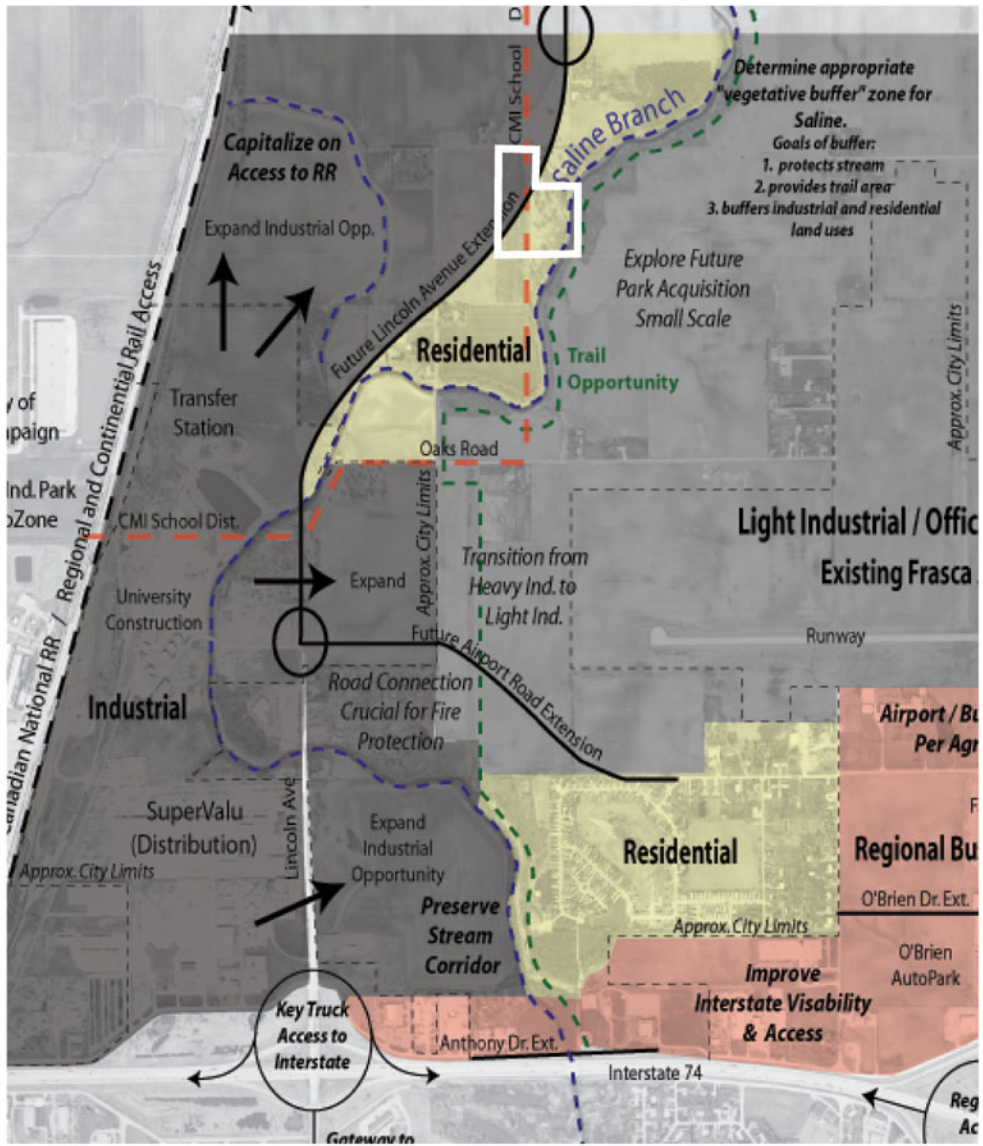
Attachments:

CCDPZ = Champaign County Department of Planning and Zoning

- A) Urbana Comprehensive Plan Future Land Use Map
- B) Aerial Photo
- C) Lincoln Avenue Location Study Schematic
- D) CCDPZ Preliminary Memoranda, dated February 9, 2007 w/ Draft Findings of Fact

cc: John Hall, Champaign County Planning and Zoning

Exhibit A: Future Land Use Map



Plan Case: CCZBA 573-AM-06 & 579-AM-07

Cope Subdivision Rezoning

Request for a rezoning from AG-2, Agriculture to CR, Conservation Recreation and implementation of the Rural Residential Overlay.

Prepared 2/14/07 by Community Development Services - jme

Exhibit B: Aerial Photo



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