

CASE NO. 854-S-16, 855-V-16, and 862-I-16

PRELIMINARY MEMORANDUM

December 1, 2016

Petitioner: ILUR Loral Park MHP, LLC, includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, via agent Patrick Fitzgerald

Request: Authorize the following as a Special Use Permit in the R-5 Manufactured Home Park Zoning District:

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

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Case 854-S-16

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park with 34 existing manufactured home sites and an additional 4 proposed manufactured home sites as a Special Use Permit in the R-5 Manufactured Home Park Zoning District, subject to the variance requested in related Case 855-V-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the required waivers mentioned in the full legal advertisement (see attached).

Case 855-V-16

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park in the R-5 Manufactured Home Park Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the following required variance:

Part A: Authorize a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard as per Zoning Ordinance Section 6.2.2 C.2.

Part B: Authorize a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard as per Zoning Ordinance Section 4.3.2. for manufactured home site number 1.

Part C: Authorize a rear yard of 10 feet in lieu of the minimum required 15 feet as per Zoning Ordinance Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part D: Authorize the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement as per Section 4.2.2 D. for manufactured home site number 17.

Case 862-I-16

As authorized in Section 4.1.6, interpret the existing boundaries of the R-5 Manufactured Home Park Zoning District of an existing, nonconforming Manufactured Home Park subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to the variance requested in related Case 855-V-16.

Location: A tract of land in the Northwest Quarter of Section 5 Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as Loral Park Manufactured Home Park, with an address of 31 Fern Street, Urbana.

Site Area: 4.326 acres

Time Schedule for Development: Already in use

Prepared by: Susan Burgstrom
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Between 1966 and 1973, the original owner of Loral Park developed the property into 34 manufactured home sites approved by the State of Illinois Department of Public Health. All existing manufactured homes are “non-conforming structures” and cannot be replaced without the necessary variance and/or waiver. Site visits by staff indicate that homes range from older to new, and poor to good condition. Staff has requested information from the Petitioner about age and maintenance condition of the homes, but no information has been received to date.

The Champaign County Zoning Ordinance, adopted October 10, 1973, supersedes the State regulations when it is more stringent. There has been no new construction at Loral Park since October 20, 1987, when a Zoning Ordinance requirement was adopted that requires a Special Use Permit for establishing a Manufactured Home Park.

The Petitioners purchased Loral Park Manufactured Home Park in April 2016, and seek to bring the park into compliance with the Zoning Ordinance. The current owners propose to add four home sites, which triggers the need for the Special Use Permit. The existing conditions and proposed changes require a Special Use Permit for 34 existing and 4 proposed dwelling units, with 16 waivers (Parts A through P) and 4 variances (Parts A through D). Attachment D is a map showing the locations of the proposed waivers and variances.

Case 862-I-16 is necessary because the boundaries of the R-5 District do not coincide with the boundaries of the Loral Park MFH Park and also do not adhere to the Rules for Interpretation of Boundaries in Section 4.1.6 of the Zoning Ordinance, particularly with respect to paragraphs 4.1.6A. and 4.1.6G. It is possible that an amendment is required to the Zoning Map and an Interpretation of the existing zoning district boundaries by the Zoning Board of Appeals is the surest way to clarify whether a map amendment is necessary. Evidence regarding the Interpretation is in Item 23 of the Preliminary Summary of Evidence.

Housing density is directly related to the economic feasibility of a residential development such as Loral Park. Many of the proposed waivers and variances are requested because requiring those changes to the subject property could be cost prohibitive for the proposed development and improvements.

Current Zoning Ordinance regulations for Section 6.2: Manufactured Home Parks are provided as Attachment E.

EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the City of Urbana, a municipality with zoning. The City does not have protest rights in Special Use cases or Variance cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	R-5 Manufactured Home Park AG-2 Agriculture (north 90 feet)
North	Agriculture	AG-2 Agriculture
East	Residential	AG-2 Agriculture (NE) R-1 Single Family Residence
West	Woods Edge Manufactured Home Park	R-5 Manufactured Home Park
South	Agriculture	IN-1 Light Industrial/Office (City of Urbana)

PROPOSED SITE PLAN

The proposed Site Plan received from the Petitioners on September 6, 2016, was created by the Zoning Department in order to attempt estimating necessary waivers and variances. No other scalable site plan was found that outlined each manufactured home site, so staff tried to optimize each site for yards, setbacks, and square footage.

Illinois Department of Public Health (IDPH) has numerous requirements for what a Site Plan must include in order to have a valid application to alter or construct a manufactured home park. The petitioners have not had a complete site plan created because alterations and further development are contingent upon these zoning cases.

The Site Plan received September 6, 2016, does not meet the minimum Site Plan requirements established in the Zoning Ordinance or by the IDPH. A special condition has been proposed to require submittal of a revised Site Plan that meets all requirements prior to issuing a Zoning Use Permit for construction.

PROPOSED SPECIAL CONDITIONS

The following are proposed special conditions of approval for Special Use Permit Case 854-S-16:

- A. **A miscellaneous document shall be filed with the Champaign County Recorder of Deeds stating the Loral Park was authorized subject to special conditions in Cases 854-S-16, 855-V-16, and 862-I-16, and the document shall contain all of the special conditions of approval for Cases 854-S-16 and 855-V-16. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.**

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

That any prospective purchaser of the subject property is aware of all of the special conditions of approval.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- C. **That the petitioners develop the recreation areas within two years and in accordance with the most recent version of the Illinois Mobile Home Park Act (210 ILCS 115) and the Illinois Department of Public Health Manufactured Home Community Code.**

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

That Loral Park conforms to State of Illinois requirements.

- D. **On-street parking shall be prohibited at all times and shall be clearly marked with signs at each entrance to the development or sufficiently throughout the park and these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**

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

That there is always adequate emergency vehicle access.

- E. **The petitioners will ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

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

That emergency access functions as intended.

- F. **Replacement homes shall conform to setback and yard requirements established in Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than one of the existing home sites.**

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

That replacement homes do not make the manufactured home park more nonconforming with Zoning Ordinance requirements.

- G. **Prior to the issuance of a Zoning Use Permit for construction, the petitioners shall submit the Plot Plan that is required as part of the Illinois Department of Public Health application for altering a manufactured home park. The Plot Plan submitted to and approved by IDPH shall be substantially the same as the Approved Site Plan in this Special Use Permit.**

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

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

H. **Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**

- (1) **A Change of Use Permit shall be required for any replacement of existing nonconforming structures. The replacement structure shall be inspected by the Zoning Administrator prior to occupancy and if the replacement structure is in compliance with the approval in Case 854-S-16 and Case 855-V-16, then the Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change of Use Permit for replacement of existing nonconforming structures, including the Zoning Compliance Certificate, shall be \$66 per home site.**
- (2) **Each new home on proposed sites 35, 36, 37, and 38 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**
- (3) **Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

ATTACHMENTS

- A Full legal advertisement
- B Case Maps (Location, Land Use, Zoning)
- C Proposed Site Plan received September 6, 2016
- D Map of proposed waivers created by staff
- E Champaign County Zoning Ordinance Section 6.2 Manufactured Home Parks, revised April 24, 2014
- F Survey for Urbana-Champaign Sanitary District recorded September 27, 1972
- G Survey for Northern Illinois Water Corporation recorded October 5, 1972
- H Email from Rick Hafer, IDPH Champaign Regional Office, received December 1, 2015, with attachments:
 - Application to alter an existing manufactured home community dated July 10, 1972
 - Construction permit #118-1972 dated July 19, 1972
 - Letter from Regional Sanitary Engineer Michael Hines dated August 8, 1972

- Letter from Regional Sanitary Engineer Michael Hines dated June 15, 1973, with attachment:
 - Declaratory Judgment for Circuit Court Case 72-C-666 dated September 11, 1972
 - IDPH Inspection report dated December 7, 1973
- I Email from Rick Hafer, IDPH Champaign Regional Office, received January 12, 2016, with attachment:
- Plan showing original 12 home sites
- J Excerpt from Minutes of Champaign County Zoning Commission and Planning and Zoning Committee dated December 16, 1971
- K Land Survey prepared for RV Horizons received March 28, 2016
- L Aerial photography of subject property from 1973 and 2014
- M Illinois Department of Public Health Application (blank form) to alter an existing manufactured home community, effective date April 26, 2016 and accessed online by staff November 16, 2016
- N Site Images Packet
- O Draft Summary of Evidence, Finding of Fact, and Final Determination for Cases 854-S-16, 855-V-16, and 862-I-16 dated December 8, 2016

LEGAL PUBLICATION: WEDNESDAY, November 23, 2016

CASES 854-S-16, 855-V-16 and 862-I-16

NOTICE OF PUBLIC HEARING IN REGARD TO AN INTERPRETATION OF ZONING DISTRICT BOUNDARIES, A SPECIAL USE PERMIT WITH WAIVERS, AND A VARIANCE UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

CASES: 854-S-16, 855-V-16 and 862-I-16

ILUR Loral Park MHP, LLC, 110 NW 2nd Street, Cedaredge, CO 81413, includes principals David Reynolds, RV Horizons General Manager, 178830 Hanson Road, Cedaredge, CO 81413 and Jack Baczek, Manager of Coupling Investments, LLC, 32789 Weathervane Lane, Lakemoor, IL 60051. Patrick Fitzgerald, 306 W Church St, Champaign, IL 61820, is the agent on behalf of ILUR Loral Park MHP, LLC for these zoning cases and has filed petitions for an interpretation of zoning district boundaries, a Special Use Permit with waivers, and a Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, IL.

A public hearing will be held **Thursday, December 8, 2016, at 6:30 p.m.** prevailing time in the John Dimit Meeting Room, Brookens Administrative Center, 1776 E. Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

Case 854-S-16

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park with 34 existing manufactured home sites and an additional 4 proposed manufactured home sites as a Special Use Permit in the R-5 Manufactured Home Park Zoning District, subject to the variance requested in related Case 855-V-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the following required waivers:

Part A: Authorize a waiver for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites as per Section 6.2.2 B.

Part B: Authorize a waiver for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems as per Sections 6.2.1 C.2., 6.2.1 C.3., and 6.2.1 C.5.

Part C: Authorize a waiver for a Site Plan that does not include the limits of each Manufactured Home Site as per Section 6.2.2 E.1.

Part D: Authorize a waiver for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land as per Section 6.2.2 B.

Part E: Authorize a waiver with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply, as per Section 6.2.2 F.6.

- Part F: Authorize a waiver for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code, as per Section 6.2.3 D.1.
- Part G: Authorize a waiver for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations as per Section 6.2.2 G.1. for manufactured home site numbers 1 to 34.
- Part H: Authorize a waiver for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways as per Section 6.2.2 E.2.a. for manufactured home site numbers 1 to 34.
- Part I: Authorize a waiver for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet as per Section 6.2.2 F.3. for manufactured home site number 1.
- Part J: Authorize a waiver for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet, as per Section 6.2.2 C.1.C. for manufactured home site number 1.
- Part K: Authorize a waiver for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home, as per Section 6.2.3 F.2. for manufactured home site numbers 2 to 5.
- Part L: Authorize a waiver for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet as per Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.
- Part M: Authorize a waiver for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, as per Section 6.2.2 E.2.b. for manufactured home sites numbers 2, 5, 21, and 22.
- Part N: Authorize a waiver for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet as per Section 6.2.2 E.2.c. for manufactured home site numbers 21 to 34.
- Part O: Authorize a waiver for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet as per Section 6.2.2 E.3. for manufactured home site numbers 22 to 26, 30, 31, 33, and 34.
- Part P: Authorize a waiver for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office as per Section 6.2.4 A.

Case 855-V-16

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park in the R-5 Manufactured Home Park Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the following required variance:

Part A: Authorize a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard as per Zoning Ordinance Section 6.2.2 C.2.

Part B: Authorize a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard as per Zoning Ordinance Section 4.3.2. for manufactured home site number 1.

Part C: Authorize a rear yard of 10 feet in lieu of the minimum required 15 feet as per Zoning Ordinance Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part D: Authorize the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement as per Section 4.2.2 D. for manufactured home site number 17.

Case 862-I-16

As authorized in Section 4.1.6, interpret the existing boundaries of the R-5 Manufactured Home Park Zoning District of an existing, nonconforming Manufactured Home Park subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to the variance requested in related Case 855-V-16.

On the following subject property:

A 4.326 acre tract in the Northwest Quarter of Section 5 Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as Loral Park Manufactured Home Park, with an address of 31 Fern Street, Urbana.

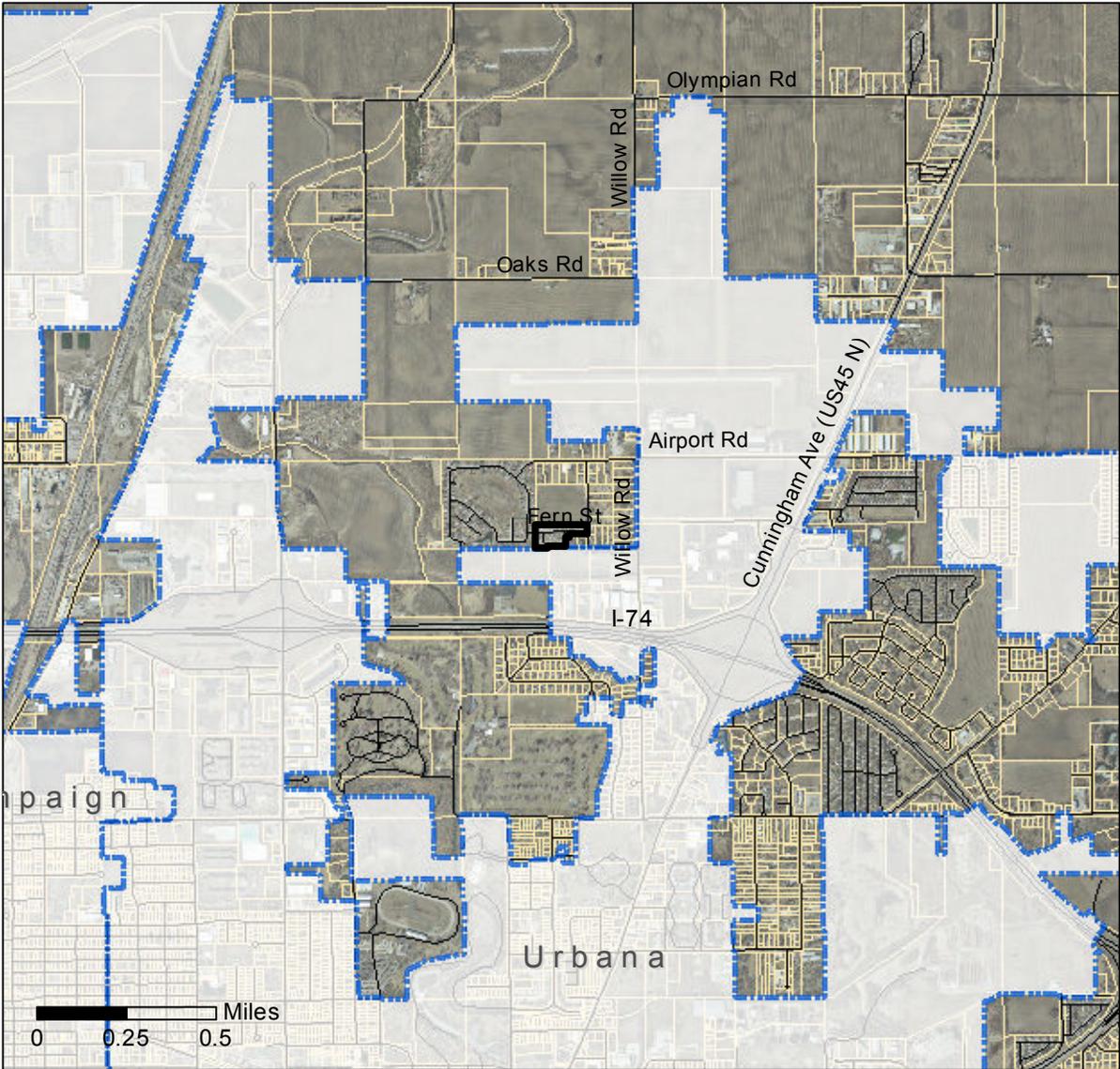
All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

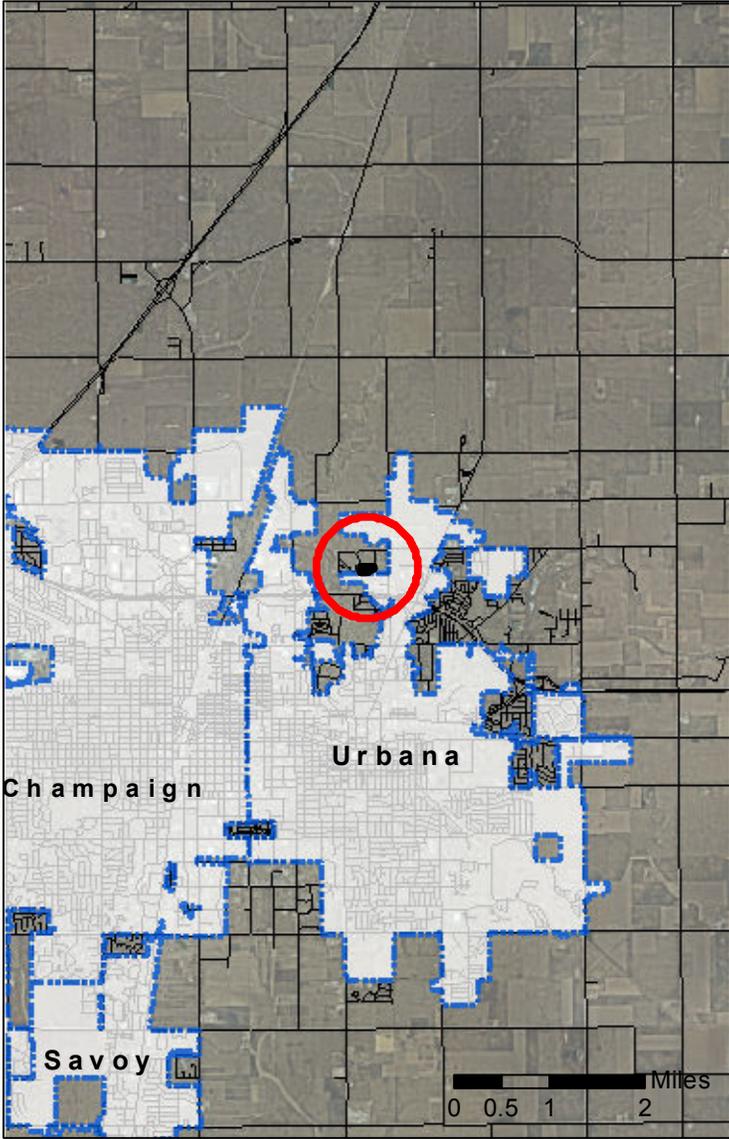
Location Map

Cases 854-S-16, 855-V-16, and 862-I-16
December 8, 2016

Subject Property



Property location in Champaign County



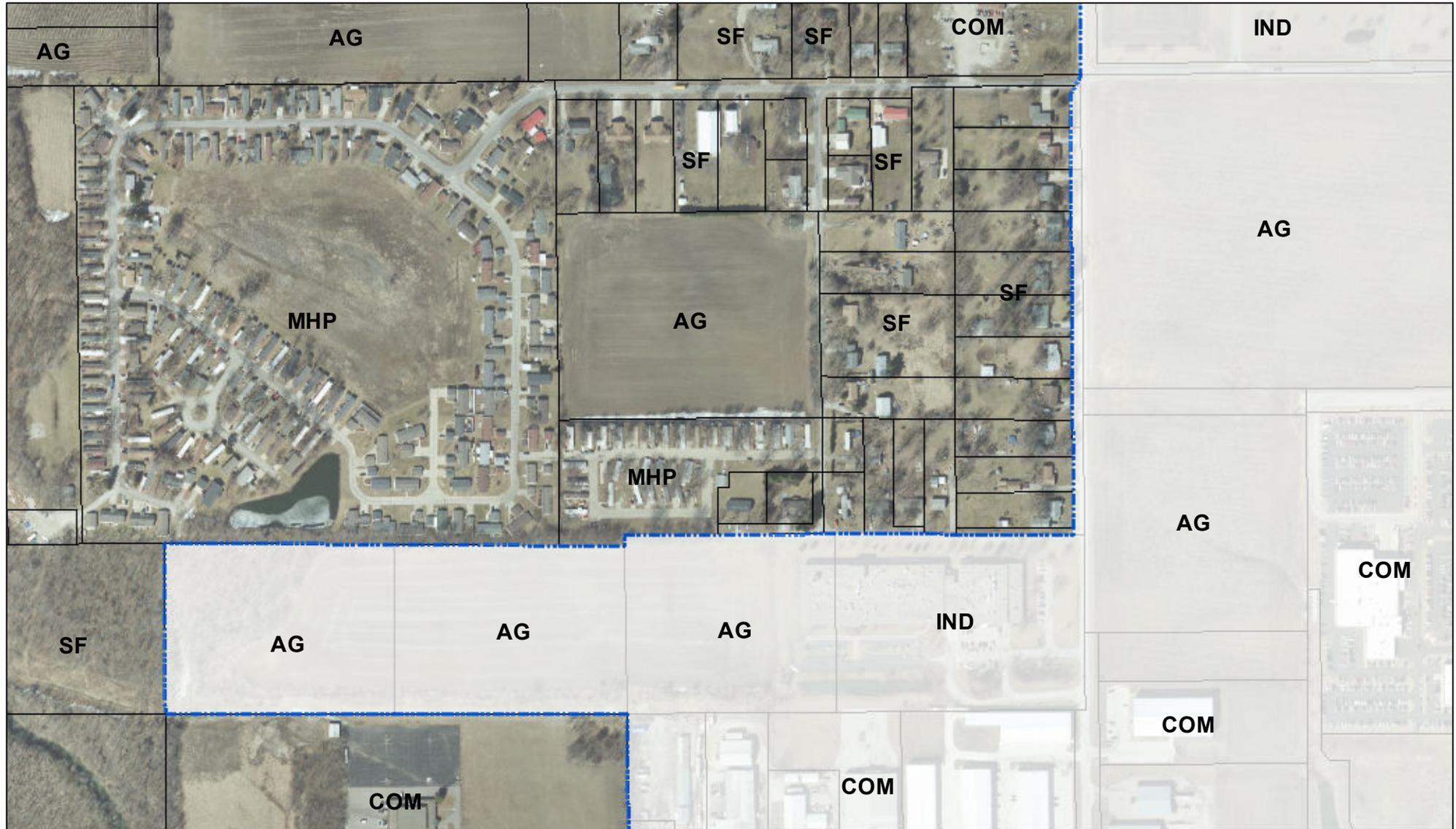
Legend

-  Subject Property
-  Municipal Boundary
-  Streets
-  Parcels



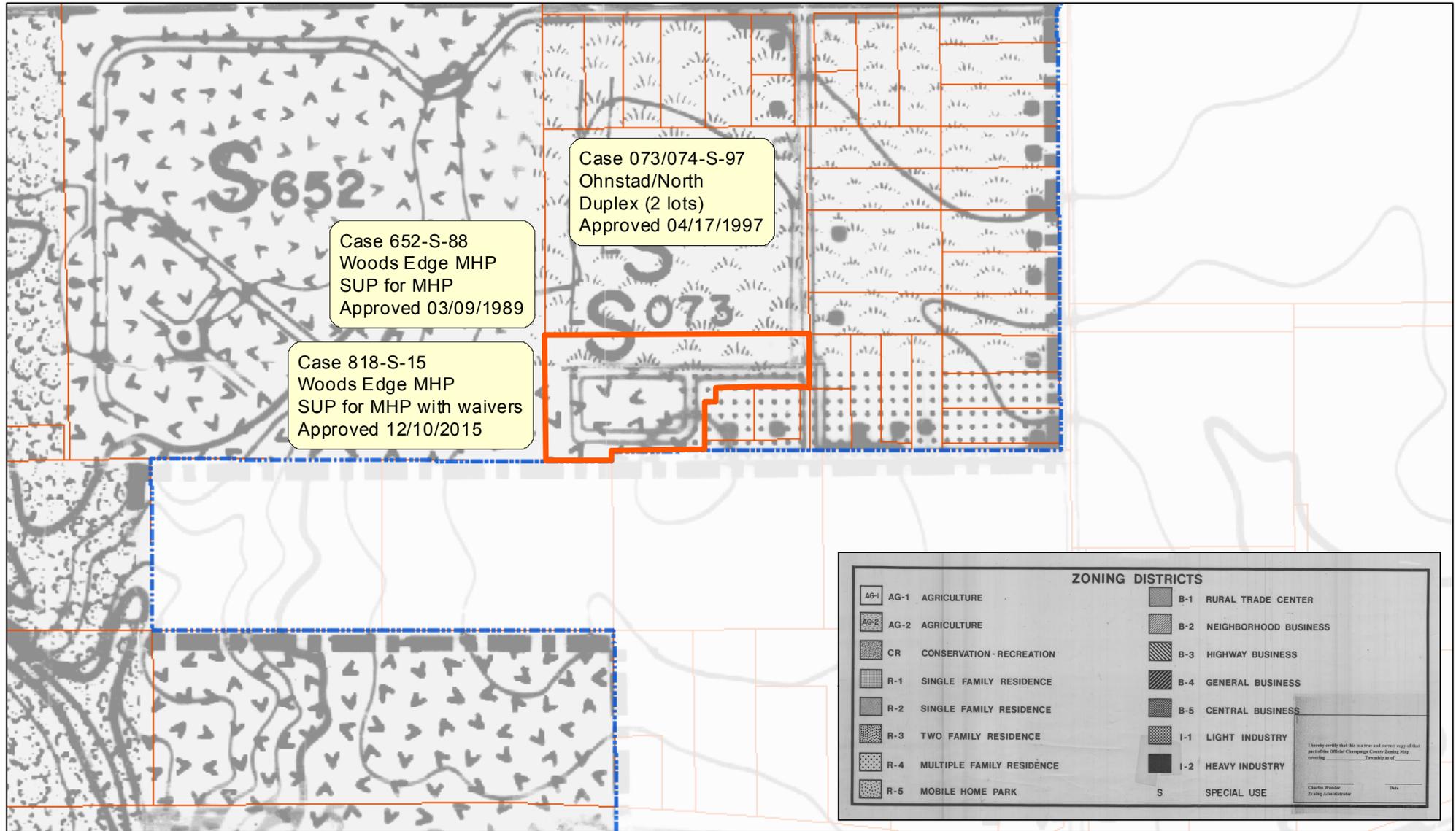
Land Use Map

Cases 854-S-16, 855-V-16, and 862-I-16
December 8, 2016



Zoning Map

Cases 854-S-16 and 855-V-16
December 8, 2016



Legend

-  Subject Property
-  Urbana Corporate Limit
-  Parcels

0 100 200 400 Feet



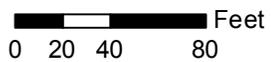
EXHIBIT B

Loral Park 30-21-05-226-006



Required waivers and variance parts

Cases 854-S-16, 855-V-16, and 862-I-16
December 8, 2016



6.2 MANUFACTURED HOME PARKS

MANUFACTURED HOME PARKS are permitted in the R-5, MANUFACTURED HOME PARK DISTRICT, subject to the following provisions and the provisions of the *Illinois Mobile Home Park Act* (210 ILCS 115/1 *et seq.*).

6.2.1 MANUFACTURED HOME PARK Permits

It shall be unlawful to CONSTRUCT, ALTER or expand any MANUFACTURED HOME PARK, unless a valid permit is issued by the Zoning Administrator for the specific CONSTRUCTION, ALTERATION or expansion proposed.

All applications for permits shall contain the following:

- A. Name and address of applicant.
- B. Location and legal description of the proposed MANUFACTURED HOME PARK.
- C. Plans and specifications of the proposed MANUFACTURED HOME PARK development including but not limited to the following:
 - 1. A map indicating the area and dimensions of the tract of land;
 - 2. The number, location and size of all MANUFACTURED HOME SITES;
 - 3. The location of all water, storm sewer and sanitary sewer lines, water supply, and refuse and sewage disposal facilities;
 - 4. All BUILDINGS existing or to be CONSTRUCTED within the MANUFACTURED HOME PARK;
 - 5. The location of internal lighting and electrical systems.

6.2.2 Development Standards

- A. General Provisions
 - 1. No MANUFACTURED HOME PARK shall be located in an area, where the conditions of soil, groundwater level, drainage or topography may cause hazard to the property, health or safety of the occupants.
 - 2. No MANUFACTURED HOME PARK shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations or other adverse influences.

SECTION 6.2.2 DEVELOPMENT STANDARDS - CONTINUED

3. ACCESS to a MANUFACTURED HOME PARK shall be provided in such a manner to facilitate ACCESS by emergency vehicles, and should be designed to provide efficient and safe traffic circulation in the vicinity.
4. No part of any MANUFACTURED HOME PARK shall be used for non-residential purposes except ACCESSORY USES that are required to directly serve MANUFACTURED HOME PARK residents and for management and maintenance of the MANUFACTURED HOME PARK.

B. Size and Density of MANUFACTURED HOME PARK

No MANUFACTURED HOME PARK shall contain an area of less than five acres nor less than 40 MANUFACTURED HOME SITES provided, however, that MANUFACTURED HOME PARKS in existence on the effective date of this ordinance having a total area or number of MANUFACTURED HOME SITES less than herein above prescribed may continue to operate. Existing MANUFACTURED HOME PARKS may be altered to bring such parks into conformity with this ordinance. However, no additions or ALTERATIONS may be made to any existing MANUFACTURED HOME PARK unless such additions or ALTERATIONS are in conformity with this ordinance and unless the total area of the MANUFACTURED HOME PARK, with such additions or ALTERATIONS, consists of three acres or 24 MANUFACTURED HOME SITES and provided further that such additions or ALTERATION to any MANUFACTURED HOME PARK shall contain not more than eight MANUFACTURED HOME SITES for each gross acre of land.

C. Required setbacks and screening for MANUFACTURED HOME PARK exterior boundary:

1. All MANUFACTURED HOME STANDS shall maintain the following setbacks from MANUFACTURED HOME PARK boundaries facing public STREETS:
 - a. State or U.S. Highways or MAJOR STREETS – 45 feet.
 - b. COUNTY Highways or COLLECTOR STREETS – 35 feet
 - c. Township Road or MINOR STREETS – 25 feet
2. There shall be minimum SIDE and REAR YARDS of 15 feet.

SECTION 6.2.2 DEVELOPMENT STANDARDS - CONTINUED

3. All MANUFACTURED HOME PARKS shall be provided with visual screening such as fences or SCREEN PLANTING along all boundary lines abutting existing residential, commercial or industrial development. Such fences or SCREEN PLANTING shall be of sufficient height and density to adequately filter from view the MANUFACTURED HOMES, ACCESSORY STRUCTURES and other USES in the MANUFACTURED HOME PARK.

D. Required Recreation Space

Not less than eight percent of the gross site area of the MANUFACTURED HOME PARK shall be devoted to recreational facilities. Such facilities shall be centrally located on the site and readily accessible to all MANUFACTURED HOME occupants. Recreation areas may include park space, play lots, SWIMMING POOLS and community BUILDINGS (exclusive of laundry and administrative offices). Recreation areas may be de-centralized provided that no single parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than thirty (30) feet.

E. MANUFACTURED HOME SITE Requirements

1. The limits of each MANUFACTURED HOME SITE shall be designated in accordance with the approved plan required by Section 6.2.1.C of this ordinance.
2. Every MANUFACTURED HOME shall maintain the following minimum SETBACKS from the boundaries of its MANUFACTURED HOME SITE:
 - a. The minimum distance between the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary adjacent to PRIVATE ACCESSWAYS or roads shall be 15 feet.
 - b. The minimum distance between the entrance side of the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary shall be 20 feet.
 - c. All other SETBACKS shall be a minimum of 10 feet.
3. In no case, however, shall a MANUFACTURED HOME SITE consist of an area of less than 3,200 square feet.

SECTION 6.2.2 DEVELOPMENT STANDARDS - CONTINUED

4. A MANUFACTURED HOME STAND or pad shall be provided on each MANUFACTURED HOME SITE of sufficient size to accommodate the MANUFACTURED HOME to be located thereon. MANUFACTURED HOME STANDS shall be concrete slabs, or runways, constructed so as to not shift or settle unevenly under the weight of a MANUFACTURED HOME or other forces due to frost, vibration, wind or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four ground anchor connections shall be provided for each MANUFACTURED HOME of less than 51 feet in length and six ground anchor connections shall be provided for MANUFACTURED HOMES exceeding 50 feet in length.
5. Each MANUFACTURED HOME SITE shall be provided with an outdoor living space to supplement the interior living space of the MANUFACTURED HOME. This outdoor living space must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a single usable surface. The area of the outdoor living space shall be a minimum of 160 square feet with a minimum dimension of eight feet.
6. The space between the MANUFACTURED HOME STAND and the floor of the MANUFACTURED HOME shall be enclosed with non-combustible skirting. The area thereby enclosed may be used for storage of ordinary household objects and material.
7. A minimum of two improved off-street PARKING SPACES shall be provided for each MANUFACTURED HOME SITE. One of these PARKING SPACES may be provided off the MANUFACTURED HOME SITE provided such PARKING SPACE is not located more than 200 feet from the MANUFACTURED HOME SITE served.

F. STREET Requirements

1. All MANUFACTURED HOME PARKS shall be provided with adequate safe and convenient vehicular ACCESS from abutting public STREETS.
2. Public STREET dedications within or abutting MANUFACTURED HOME PARKS shall be made in accordance with the subdivision regulations. No MANUFACTURED HOME SITE shall have direct ACCESS onto a dedicated public STREET.

SECTION 6.2.2 DEVELOPMENT STANDARDS - CONTINUED

3. Entrance drives into MANUFACTURED HOME PARKS shall have direct ACCESS to a public STREET and shall be designed to have free traffic flow onto such public STREETS. No parking or MANUFACTURED HOME SITE ACCESS driveway shall be permitted off an entrance drive for a distance of 50 feet from a public RIGHT-OF-WAY.
4. The internal PRIVATE ACCESSWAY system serving MANUFACTURED HOME SITES shall provide convenient circulation by means of minor PRIVATE ACCESSWAYS and properly located COLLECTOR PRIVATE ACCESSWAYS. Cul-de-sac PRIVATE ACCESSWAYS shall be limited to a length of 300 feet.
5. Minimum pavement widths for PRIVATE ACCESSWAYS shall be as follows:

COLLECTOR STREETS	30 Feet
MINOR STREETS	24 Feet
Cul-de-sac STREETS	24 Feet
Cul-de-sac Turnarounds	80 Feet

All dimensions are exclusive of parking areas.

6. With respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, the provisions of the subdivision ordinance shall apply to PRIVATE ACCESSWAYS.
7. PARKING SPACES perpendicular to PRIVATE ACCESSWAYS shall not be located within the required pavement width. Parallel parking on one side of the MINOR STREET is permitted provided the required 24 foot of pavement remains unobstructed for travel.

G. STREET Lighting

1. STREET lights shall be designed to produce a minimum of 0.1 footcandle throughout the STREET system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of STREETS abutting service BUILDINGS and recreation areas shall be illuminated with a minimum of 0.3 footcandle.
2. All gas or electrical service to the STREET lighting system shall be located underground.

SECTION 6.2.2 DEVELOPMENT STANDARDS - CONTINUED

H. Pedestrian Walkways

1. Individual walks to each MANUFACTURED HOME STAND from paved STREETS or parking areas are required and shall be a minimum of two feet in width.
2. Common walks are required at locations where heavy pedestrian traffic is likely to occur such as at entrances, service facilities and recreation areas. Common walks should be located through interior areas removed from STREETS wherever possible.
3. Individual and common walks shall be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a uniform surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.
4. No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

6.2.3 Utilities and Required Services

A. Water Supply and Distribution System

1. Where a public supply of water is reasonably available, connection shall be made thereto and its supply used exclusively.
2. Where a public supply of water is not reasonably available, a private water supply system shall be developed to furnish a minimum of 150 gallons per day per MANUFACTURED HOME at a minimum pressure of 20 pounds per square inch.
3. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

B. Sewage Systems

1. Where a public system of sewage collection and treatment is reasonably available, all sewage and water carried waste shall be disposed of into such public system.
2. Where public sewage treatment facilities are not reasonably available, a private treatment system shall be designed to collect and treat a minimum of 225 gallons per day per MANUFACTURED HOME SITE.

SECTION 6.2.3 UTILITIES AND REQUIRED SERVICES – CONTINUED

3. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

C. Solid Waste Disposal

1. All refuse shall be stored in water tight containers located on each MANUFACTURED HOME SITE or within 150 feet thereof.
2. Refuse shall be collected regularly and transported to a disposal site in compliance with State Law. Incineration of any refuse or vegetation within a MANUFACTURED HOME PARK is prohibited.
3. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

D. Electrical Distribution System

1. Electrical installations in MANUFACTURED HOME PARKS shall conform to the National Electric Code, latest edition.
2. The electrical distribution system in all MANUFACTURED HOME PARKS shall be underground.
3. MANUFACTURED HOME SITE feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/240 volts. Additional secondary receptacles or not less than 50 amperes each may be provided at MANUFACTURED HOME SITES.
4. The total load for a MANUFACTURED HOME PARK shall be calculated on the basis of 16,000 watts per MANUFACTURED HOME SITE. The minimum allowable demand factors which may be used in the calculating load on feeders and service are as follows:

Number of MANUFACTURED HOME SITES Serviced	Demand Factor <u>(Percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

SECTION 6.2.3 UTILITIES AND REQUIRED SERVICES – CONTINUED

E. Telephone Services and Telephone Systems

1. All telephone service to MANUFACTURED HOMES shall be underground.
2. Distribution of master television antenna service to MANUFACTURED HOME SITES shall be underground.

F. Fire Protection

1. MANUFACTURED HOME PARKS shall be kept free of all litter, rubbish or other accumulated flammable materials.
2. If the MANUFACTURED HOME PARK is served by a public water system, approved fire hydrants shall be located throughout the MANUFACTURED HOME PARK and shall be located not more than 500 feet from any MANUFACTURED HOME. The hydrants shall deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the MANUFACTURED HOME PARK.
3. Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health requirements.

6.2.4 Service BUILDINGS and Other Community Facilities

All MANUFACTURED HOME PARKS shall provide the following community facilities:

- A. A Management Office
- B. Management Storage Facilities
- C. Other facilities as may be required by Section 158, *et seq.*, Chapter 111 1/2, *Illinois Revised Statutes*.

6.3 RESIDENTIAL PLANNED UNIT DEVELOPMENTS

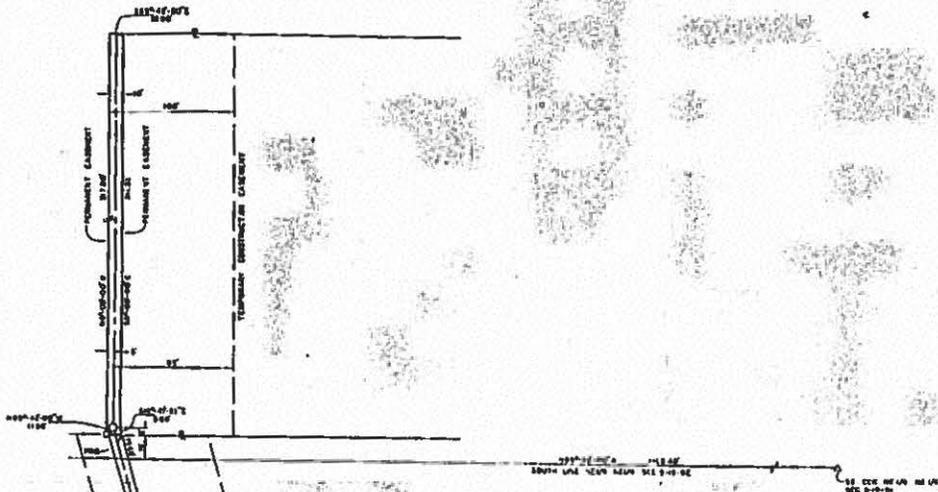
6.3.1 Purpose and Intent

The general purpose of a RESIDENTIAL PLANNED UNIT DEVELOPMENT is as follows:

- A. To promote flexibility in design and permit the planned diversification in the location of STRUCTURES.

**SURVEY FOR EASEMENT IN PART OF
SECTION 5-19-9E 3P.M.
CHAMPAIGN COUNTY, ILLINOIS**

NORTH
SCALE: 1" = 10'
LEGEND
--- OPEN PIPE
--- STAKE PLUMB
--- ASPHALT DRIVEWAY
--- PROPERTY BOUNDARY



STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN } S. S. SURVEYOR'S CERTIFICATE

I, CHARLES S. DANNEK, a Registered Illinois Land Surveyor Number 1470, do hereby certify that at the request of Devin Sepp, I have made a survey of an easement strip described as follows:

A strip of land 10 feet in width extending over, through and across a portion of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, said easement strip more particularly described as follows:

Commencing at a stake found at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois; thence N 09° 42' 00" W along the South line of the Northeast Quarter of the Northeast Quarter of said Section 5, 142.48 feet; thence N 14° 42' 31" E, 39.10 feet (to a true place of beginning; thence N 09° 42' 00" W, 11.50 feet; thence N 00° 00' 00" W, 317.00 feet; thence S 09° 42' 00" E, 10.00 feet; thence S 00° 00' 00" E, 311.32 feet; thence S 14° 42' 31" E, 5.00 feet, more or less, to the place of beginning, said easement strip containing 0.075 acres, more or less, all situated in Champaign County, Illinois.

AND ALSO,

A temporary construction easement, 100 feet in width lying 5 feet on one side and 95 feet on the other side of the centerline of the above described tract, all as shown on the attached plat and describing 0.73 acres, more or less, all situated in Champaign County, Illinois.

I further certify that I have found and/or set the surveying monuments all as shown on the attached plat.

Signed and sealed this 21st day of January A. D., 1971

Charles S. Dannek
CHARLES S. DANNEK
Registered Illinois Land Surveyor
Urbana, Illinois

CHARLES S. DANNEK
CONSULTING ENGINEER
URBANA, ILLINOIS
1744

7-1118967
STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN }
I hereby certify that this is a true and correct copy of the original as filed for record in the Recorder's Office of said County.
SEP 27 1972 - 10 PM
Recorded in Book 290
Page 307
R. L. C. Madsen
Recorder

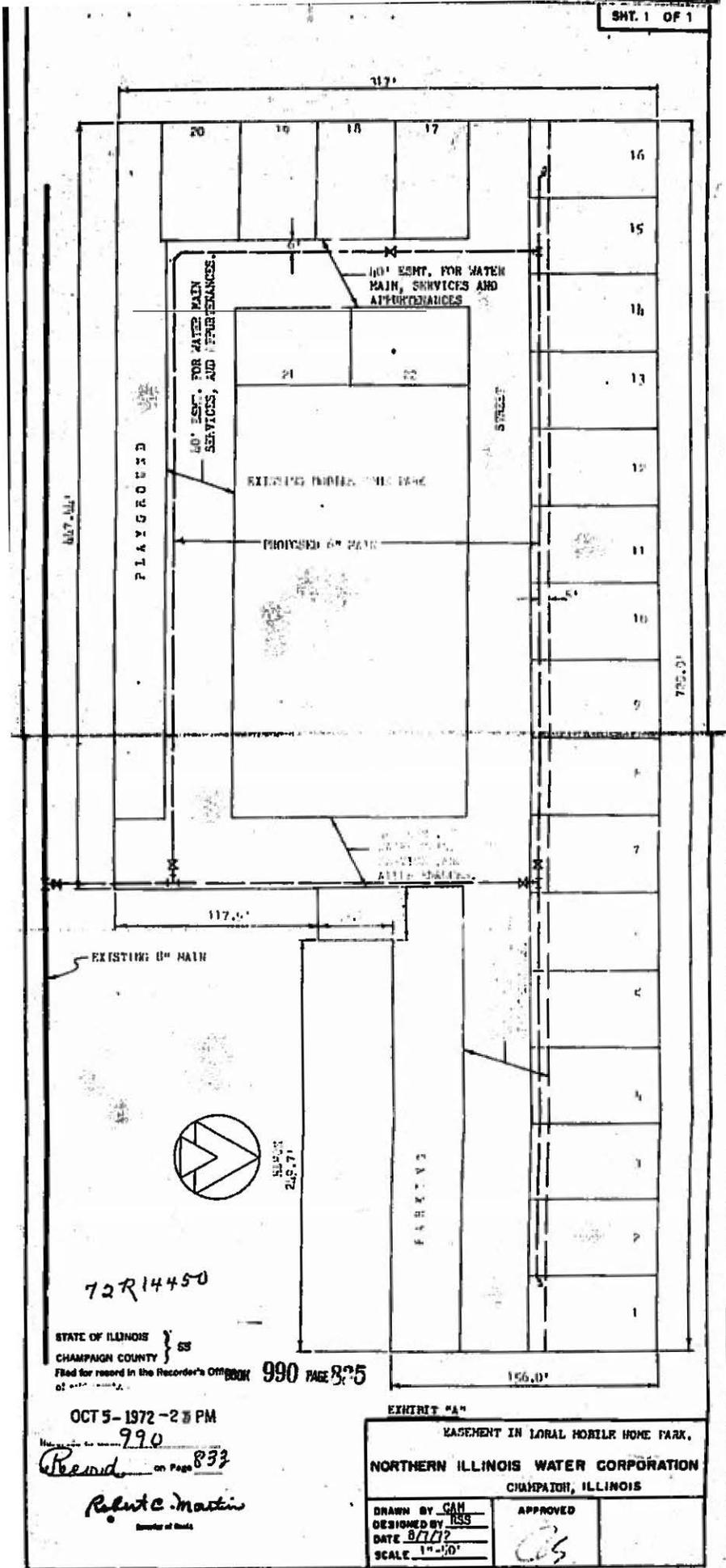
MON 800 ma211

1674



With - 5000

SHT. 1 OF 1



STATE OF ILLINOIS }
 CHAMPAIGN COUNTY } SS
 Filed for record in the Recorder's Office of 990 PAGE 835

OCT 5 - 1972 - 2 30 PM

990
 Received on page 833

Robert Martin
 Director of Road

EXHIBIT "A"
 EASEMENT IN LORAL MORILE HOME PARK.
 NORTHERN ILLINOIS WATER CORPORATION
 CHAMPAIGN, ILLINOIS

DRAWN BY CAH
 DESIGNED BY RSS
 DATE 8/7/72
 SCALE 1"=50'

APPROVED

CS

Susan Chavarria

From: Hafer, Rick <Rick.Hafer@Illinois.gov>
Sent: Tuesday, December 01, 2015 3:19 PM
To: Susan Chavarria
Cc: Kuechler, Mark
Subject: LORAL MHP SITE INFORMATION
Attachments: loral addition 118.1972.pdf

The included scan contains an inspection report, complaint investigation and a construction permit, #118-1972.

I believe you wanted to know how many sites existed in October of 1973 and this documentation suggests that construction on a 22 site addition to 12 existing sites commenced prior to June 13, 1973. Also on or before December 7, 1973 all sites appear to have been complete. The memo from this date indicates that 34 sites were complete and added to the license at this time.

SUBMIT TWO NOTARIZED COPIES OF THIS APPLICATION

Area of Park
in Acres 4.26

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF SANITARY ENGINEERING
Springfield, Illinois

<u>No. of Trailer Spaces</u>	
Existing	<u>12</u>
Proposed	<u>22</u>
TOTAL	<u>34</u>
Eliminated	<u>0</u>
TOTAL	<u>34</u>

Check One (See attached instructions, paragraph #1)

APPLICATION FOR: Original license to operate a Trailer Coach Park
 Permit to alter existing Trailer Coach Park
 Permit to construct a new Trailer Coach Park

A. Application Fee enclosed \$ 50.00. The application fee shall be paid to the Department by a certified check or United States Postal Money Order. Personal checks can not be accepted.

B. Name of Applicant (Owner ~~XXXXXXXX~~) Mr. Forrest Rawdin

Address 2106 Gunn Drive, Champaign, Illinois 61820 356-5437
 No. Street City Zip Code Phone No.

Name of Manager or Attendant Mr. Forrest Rawdin

C. Name of Trailer Park Loral Mobile Home Park

Location of Trailer Park R.R. #1 Urbana 61801 356-5437
 No. Street City Zip Code Phone No.
 Inside city limits Outside city limits .

P. O. Address R.R. #1 Urbana, Illinois

Legal Description Part of the NE¹/₄ NE¹/₄ Sec. 5 T19N R9E 3 PM Champaign
County, Illinois

Proposed New Spaces: No. of independent trailer spaces 22 No. of
 Dependent Trailer Spaces 0. TOTAL No. of Spaces 22
 Area of Smallest Trailer Coach Space 3200 Square feet.

D. Trailer Park to be operated 12 months.

E. Fire-fighting facilities: Are public facilities available (municipal, fire district, etc.) Yes. No. If yes, give name of municipality or fire district and briefly describe facilities and service: Eastern Prairie

Fire Protection District-Pum per units (Volunteer)

Fire extinguishers in park: (State number)

() 5 lb. CO₂

() 5 gallon water pump can

() 4 lb. Dry Chemical

Other _____

Maximum distance from most remote trailer space to fire equipment _____

F. Refuse Handling:

Size of containers 20 Gallons: Collections per week 2 containers

located at (each space) - central location) disposed of by (incinerator - hauled away.)
(circle one) (circle one)

G. Attach a plot plan of the park in duplicate, which is made a part of this application, drawn to a scale sufficiently large to show all the following details clearly: (1) Location of each individual trailer coach space, (2) Roadways, (3) Water lines, (4) Sewers and other drain lines, (5) Utility buildings, (6) Lighting of park area, (7) Location of fire-fighting equipment (extinguishers, hydrants, etc.), (8) Location of garbage and refuse receptacles, (9) Location of water supply wells, pumps and storage facilities, (10) Location of sewage treatment facilities. (See sample plot plan in instructions)

Application to alter shall include in addition to the above, all proposed alterations or changes in existing facilities.

H. Attach building plans and specifications in duplicate which are made a part of this application, for existing and proposed community service building or buildings or the proposed alterations in existing buildings that will include a properly dimensioned floor plan and a description of all toilets, urinals, sinks, wash basins, slop sinks, showers, drains, water heater, space heater, laundry facilities and floor construction (concrete, terrazzo, etc.).

(See sample floor plan in instructions.)

Number of Lavatories 0 Toilets 0 Urinals 0 Showers 0 Laundry Units _____

I. If municipal water supply is used give name of municipality Northern Ill. Water Corp.

Size of main serving park 6" (Diameter in inches).

If private well: Total depth of well NA Length of casing or outside wall NA

Type of casing material NA Diameter of well NA Is top of casing sealed

watertight NA Describe seal NA Is there a well

pit NA Is platform of concrete NA Is platform cracked NA Capacity of pump in

G.P.M. or G.P.H. NA Capacity of storage tank NA gallons. Storage tank

pressures: Maximum Pressure NA psi. Minimum Pressure NA psi. Has a sample of

well water been submitted for bacterial analysis to state laboratory within the

last year NA If so give laboratory number of sample NA

J. Park served by (Municipal) - private) sewer system. If private system, indicate (circle one) type below and complete descriptive information for all units:

Septic tank: Seepage tile: Sand filter: Other (Circle applicable units)

Septic tank dimensions NA Size of filter NA SQUARE FEET

Lineal feet of seepage tile NA Size of dosing tank NA

Branches from distribution box NA Filter outlet to NA (Jitch, stream, etc.)

If treated sewage discharges above ground has a permit from Sanitary Water Board

been granted (NA) Yes. (NA) No. If treated sewage is discharged to a stream give name NA

K. Area of land described in this application has been properly zoned (X) Yes. () No.

Name of Zoning Board City of Urbana. Are there any zoning restrictions to development of subject trailer park? (x) Yes. () No.

NOTE: Plans and specifications for all sewage treatment plants must be on file with the Illinois Sanitary Water Board or must accompany this application in duplicate.

STATE OF ILLINOIS :
County of Champaign : ss

Mr. Forrest Rawdin residing at 2106 Gunn Drive Street
(Name of Applicant) (Street Address)

Champaign County of Champaign Illinois, being first duly sworn on oath (City)

declared that all statements made on all pages of this application and all attachments hereto are true and correct.

(Signed) Forrest E. Rawdin
(Applicant)

SUBSCRIBED AND SWORN TO

before me this 10th day of July 19 72

James R. Hill
Notary Public

My Commission Expires May 15, 1973

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
SPRINGFIELD, ILLINOIS 62706
July 19, 1972

BUREAU OF ENVIRONMENTAL HEALTH
VERDUN RANDOLPH, M.P.H., CHIEF

RECEIVED

JUL 20 1972

EAST CENTRAL REGION
BUREAU OF ENVIRONMENTAL HEALTH
ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FRANKLIN D. YODER, M.D., M.P.H.
DIRECTOR

CHAMPAIGN - Urbana
Loral Mobile Home Park/00536
Permit to Alter No. 118-1972

Mr. Forrest Rawdin
2106 Gunn Drive
Champaign, Illinois 61820

Dear Mr. Rawdin:

Permit subject to the conditions following is hereby given to alter a mobile home park known as Loral Mobile Home Park located on R.R. #1, Urbana, Champaign County, Illinois, which proposed alteration is to include the addition of twenty-two (22) spaces, #1 through #22 inclusive, making a new total of thirty-four (34) spaces, and expanded sewer and water line facilities, all in accordance with plans and application submitted by you.

Authority for this permit is granted in accordance with the provisions of "An Act in relation to the licensing and regulation of trailer coach parks" (Approved July 13, 1953, as amended) and subject to the provisions hereof:

The conditions of permit are:

1. This permit shall not be considered in any manner effecting the title to the premises upon which any of the proposed improvements are to be located.
2. This permit does not in any way release the permittee from any liability for damage to person or property caused by or resulting from installations, maintenance or operation of these improvements, located and constructed in accordance with the plans and specifications herein referred to.
3. The State Department of Public Health, in issuing this permit, has relied upon the statements and representations made by the permittee in the application herefor; and in case any statement or representation in said application is found to be incorrect, this permit may be revoked without further notice, and the permittee thereupon waives all rights thereunder.
4. There shall be no deviations from the plans and specifications

MM AM

submitted with the application for this permit unless revised plans and specifications therefore shall first have been submitted to the State Department of Public Health and a supplemental permit issued therefore.

5. The State Department of Public Health or any person duly authorized by it, may at any time during the progress of the construction or the installation of these improvements or any part thereof under authority hereof have the right and authority to inspect such work during the progress thereof; and such Department or its duly authorized agent shall have the authority any time and all times after the erection or the completion of these improvements to inspect the same or the operation thereof.

6. This permit does not relieve the applicant from securing building permits in municipalities or counties having a building code, or complying with any municipal or county zoning or other ordinances applicable thereto.

7. The Department of Public Health shall be notified when construction, as authorized herein, is completed and ready for inspection.

8. This permit shall become void one year after date of issue, unless the project as authorized is completed prior to date of expiration.

9. No mobile homes shall be accommodated on the additional mobile home spaces authorized in this permit to alter until the additional spaces have been licensed.

Very truly yours,

ILLINOIS DEPARTMENT OF PUBLIC HEALTH



Verdun Randolph, Chief
Bureau of Environmental Health

JW:dz

cc - Region 3B ✓
- County Clerk
- Charles S. Danner
2604 E. University Avenue
Urbana, Illinois 61801

P. S. to Region 3B
Attached is a copy of the application and plans for permit to alter subject mobile home park.

DEPARTMENT OF PUBLIC HEALTH

SPRINGFIELD

August 8, 1972

Franklin D. Yoder, M.D., M.P.H.
DIRECTOR

CHAMPAIGN COUNTY - Urbana/Alteration
Loral Mobile Home Park/00536

REPLY TO:
REGION IV
2125 SOUTH FIRST STREET
CHAMPAIGN, ILLINOIS 61820
TELEPHONE: Area Code (217) 333-6914
333-6998

Mr. Forrest Rawdin
2106 Gunn Drive
Champaign, Illinois 61820

Dear Mr. Rawdin:

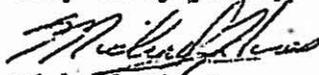
Recently you received correspondence from our Springfield Office issuing permit #118-1972 for alteration of your trailer park facilities. A part of the field responsibility of personnel in our Champaign Regional Office is to maintain a check on construction while it is in progress, to make a final check after completion, and to approve the facilities for licensure. Would you, therefore, please return the enclosed, self-addressed card to us as soon as construction is started.

In some instances in the past, we have found that construction was not carried out strictly in accordance with approved plans. Delay in qualifying for licensure, plus additional expense for corrections, has resulted. You can be assured that we want to prevent development of such problems if at all possible. Therefore, if problems or questions develop during construction, please contact us at 2125 South First Street or by telephone at 217-333-6914. You will note from item #4 of the permit that any changes from the originally approved plan requires written approval in the form of a supplemental permit. In some cases involving minor "changes", it may be possible to work out agreement with this Office which would not involve the formality of a supplemental permit.

You probably have also noted that item #7 of the permit letter requires that you notify our Department when the construction "is complete and ready for inspection". Since personnel from this Office make the final construction check and arrange for licensing, you should contact us a few days before construction is complete so that we can set up a suitable field schedule which will prevent delay in your being able to accommodate trailers.

Please do not hesitate to contact this Office any time you have questions regarding our trailer park licensing program or requirements.

Very truly yours,



Michael Hines
Regional Sanitary Engineer

MH:dm
cc:-Region IV, Champaign
-Division of General Sanitation

COUNTIES: CHAMPAIGN, CLARK, COLES, CUMBERLAND, EDGAR, FORD, KANKAKEE, MOULTRIE.

CONSULTIVE SERVICES TO THE FULL-TIME HEALTH DEPARTMENTS ESTABLISHED PRIOR TO JANUARY 1, 1968: DeWITT-PIATT, EFFINGHAM COUNTY, McLEAN COUNTY, MACON COUNTY, SHELBY COUNTY, CHAMPAIGN-URBANA PUELIC HEALTH DISTRICT.

CONSULTIVE SERVICES TO THE OPERATING FULL-TIME HEALTH DEPARTMENTS ESTABLISHED SINCE JANUARY 1, 1968: DOUGLAS COUNTY, IROQUOIS COUNTY, LIVINGSTON COUNTY, VERMILION COUNTY.

M E M O R A N D U M

TO: Division of General Sanitation

FROM: Michael Hines
Region 3b, Champaign

SUBJECT: CHAMPAIGN COUNTY - Urbana/Loral Trailer Park
Zoning Requirements

DATE: June 15, 1973

On June 13, 1973, Inspector Arthur Mitchell received a telephone complaint from an area citizen regarding the expansion of this mobile home park. In checking the file, he noted that the routine letter to the county offices regarding compliance with local ordinances had not been sent.

In checking the location of this park, it was noted that it lies within the 1½ mile zoning boundary of the City of Urbana. Mitchell contacted the Urbana zoning authorities who informed him that the Champaign County Circuit Court had issued a Declaratory Judgement prohibiting the zoning authority or any one else from interfering with the use of the property in question for a mobile home park.

On June 14, 1973, park owner Mr. Forrest E. Rawdin delivered to me a xerox copy of the Declaratory Judgement which is attached. Finding #3 indicates that on April 25, 1966, the Zoning Board of Appeals granted a Use Permit for use of the premises for a mobile home park. The Court ruled that the Use Permit was valid and could not be rescinded at this time.

After review of the court judgement, I informed Mr. Rawdin that there would be no problem with the licensing of the additional spaces

Page #2. CHAMPAIGN COUNTY - Urbana/Loral Trailer Park
Zoning Requirements

being constructed under permit upon satisfactory completion of the
construction.


Michael Hines
Regional Sanitary Engineer

MH:db

cc:-Region 3b, Champaign ✓

FORREST E. RAWDIN and
VIRGINIA E. RAWDIN,

PLAINTIFFS,

vs.

CITY OF URBANA, ILLINOIS,

DEFENDANT.)

NO. 72-C-666

DECLARATORY JUDGMENT

PRESENT THE HONORABLE CREED S. TUCKER, PRESIDING JUDGE OF SAID COURT:

THIS CAUSE, coming on to be heard upon the verified Petition filed by FORREST E. RAWDIN and VIRGINIA E. RAWDIN, the Answer filed by the City of Urbana, Illinois, evidence in the form of testimony and exhibits presented, and upon argument of counsel, the Court finds as follows:

1) That the Court has jurisdiction of the parties and of the subject matter hereto.

2) That Plaintiffs are the owners of the following described real estate together with the improvements located thereon:

Commencing 420 feet West of the Southwest Corner of Lot 1 of Country Club Heights First Subdivision in Champaign County, Illinois, and 19 feet North of the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Five (5), in Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois, thence North 317 feet, thence West 720 feet, thence South 317 feet to a point 19 feet North of the South line of the North Half (N $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Section Five (5), thence East 720 feet to the place of beginning, together with the right of ingress and egress from said premises over that part of the South 19 feet of the West 1473 feet of the East 1503 feet of the North Half (N $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Section 5 lying East of said premises, situated in Champaign County, Illinois, except Lots 1 and 2 of Keith First Subdivision, Champaign County, Illinois.

by the owners of the above-described premises, at a hearing held pursuant to notice, all as set forth in the Petition filed in the within Cause, granted a Use Permit for use of said premises for a mobile home court.

4) That the owners of the above-described real estate improved said premises for a mobile home court as authorized by the decision of said Zoning Board of Appeals of the City of Urbana in granting said Use Permit.

5) That Plaintiffs, in reliance upon the Use Permit authorizing the above premises to be used for a mobile home court, purchased said premises for such use.

6) That Plaintiffs have applied to the Department of Public Health of the State of Illinois for authority to make additional improvements to the above-described premises as a mobile home court and that said application was approved as set forth in letter dated July 19, 1972, attached to the Petition.

7) That the Zoning Board of Appeals of the City of Urbana was established by Ordinance of the City of Urbana; that by Ordinance dated February 1, 1966, said Zoning Board of Appeals of the City of Urbana was granted the power to issue Use Permits; that the latter Ordinance was adopted with questionable statutory compliance with requirements for publication; that the Ordinance adopted February 1, 1966, was superseded by Ordinance adopted by the City of Urbana in October of 1969.

8) That the Zoning Board of Appeals of the City of Urbana granted Use Permits under the authority of the Ordinance adopted February 1, 1966, including the granting of a Use Permit to the owners of the premises herein described, to use said premises as a mobile home court.

9) That the City of Urbana had the power to enact an Ordinance creating the Zoning Board of Appeals, and had the power to enact the Ordinance above referred to on February 1, 1966.

representation that the Ordinance was in force.

10) That Plaintiffs relied upon and were entitled to rely upon the above-stated actions of the City of Urbana and of the Zoning Board of Appeals of the City of Urbana, as being proper.

11) That Plaintiffs will suffer irreparable injury and loss unless the aforesaid actions of the Zoning Board of Appeals of the City of Urbana, in granting the Use Permit for premises above described, are determined to be valid and in full force and effect.

12) That the City of Urbana is estopped from changing the position taken or questioning the validity of its actions with respect to authorizing the Zoning Board of Appeals to issue Use Permits and the granting of such Use Permits by the Zoning Board of Appeals for the premises herein described for use as a mobile home court.

13) That the Plaintiffs were advised prior to filing the within Petition that legal action would ensue in the event they proceeded to rely upon the Use Permit granted for said premises and that there is, therefore, an actual or potential controversy and that Plaintiffs have no adequate remedy by action at law for damages.

14) That the equities in the within Cause are with the Plaintiffs.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

A) That the acts and decisions of the Zoning Board of Appeals of the City of Urbana, relating to the granting of a Use Permit for the premises above described to authorize use thereof as a mobile home court are hereby decreed to have the full force of law.

B) That Plaintiffs are decreed to have the right to complete the construction of a mobile home court on said premises to use and operate said premises for mobile home court purposes.

C) That the Defendant and anyone acting by and through under the authority of Defendant are hereby perpetually enjoined and refrained from taking any action or otherwise preventing Plaintiffs from using said premises as aforesaid, and otherwise interfering or attempting to interfere with the construction on or use of said premises for a mobile home court.

ENTER this 17th day of September, 1972.

Charles D. Tucker
JUDGE

NOTES ON INSPECTION OF ALTERATION TO THE LORAL MOBILE HOME PARK

CHAMPAIGN COUNTY (URBANA) ILLINOIS

INSPECTED: December 7, 1973

TO: Division of General Sanitation

INTERVIEWED: Mr. Forrest Rawdin, Owner
by phone after the inspection

Permit to Alter # 118-1972 was issued to construct 22 independent mobile home spaces numbered 1-22 inclusive, making a new total of 34 spaces for this park. Public utilities consists of electricity, gas, water and sewer.

LAND AREA

Surface drainage has been provided. Each space contains approx. 3,000 sq.ft. and abuts onto a 28' wide roadway that was surfaced with concrete.

ELECTRICAL FACILITIES

Underground wiring with metered electrical outlets have been provided for each space. A decorative 6' pole light is located at each space.

FIRE FIGHTING FACILITIES

This park is located within the Eastern Prairie Fire Protection District.

GARBAGE AND REFUSE

At least two 20 gal. garbage containers are provided at each space in the existing park. Mr. Rawdin said two cans will be provided at each space when occupied. Cement trailer pads and patios have been provided at each space where the cans may set in this new addition.

WATER SUPPLY

Water is supplied to this park from the Northern Illinois Water Company by a 6" water main. 4" cast iron water main serves these new spaces with 3/4" copper lead in lines to each space. The new Thermaline water risers are properly located at each space.

WASTE DISPOSAL

Sewage from these new spaces is directed to the Sanitary District sewage system thru 6" vcp sewer line. The 4" sewer risers were properly located

Page # 2. CHAMPAIGN COUNTY (URBANA) - Loral Mobile Home Park
Alteration Inspection

at least 10' from the water risers and properly sealed at this time.
The sewer and water lines are all more than 10' apart in this new
area.

COMMENTS

The 22 new spaces may be considered satisfactory for a supplemental
license making a new total of 34 spaces for this park.

A. Mitchell

A. Mitchell
Environmental Health Inspector
Region 3B, Champaign

AM:ss

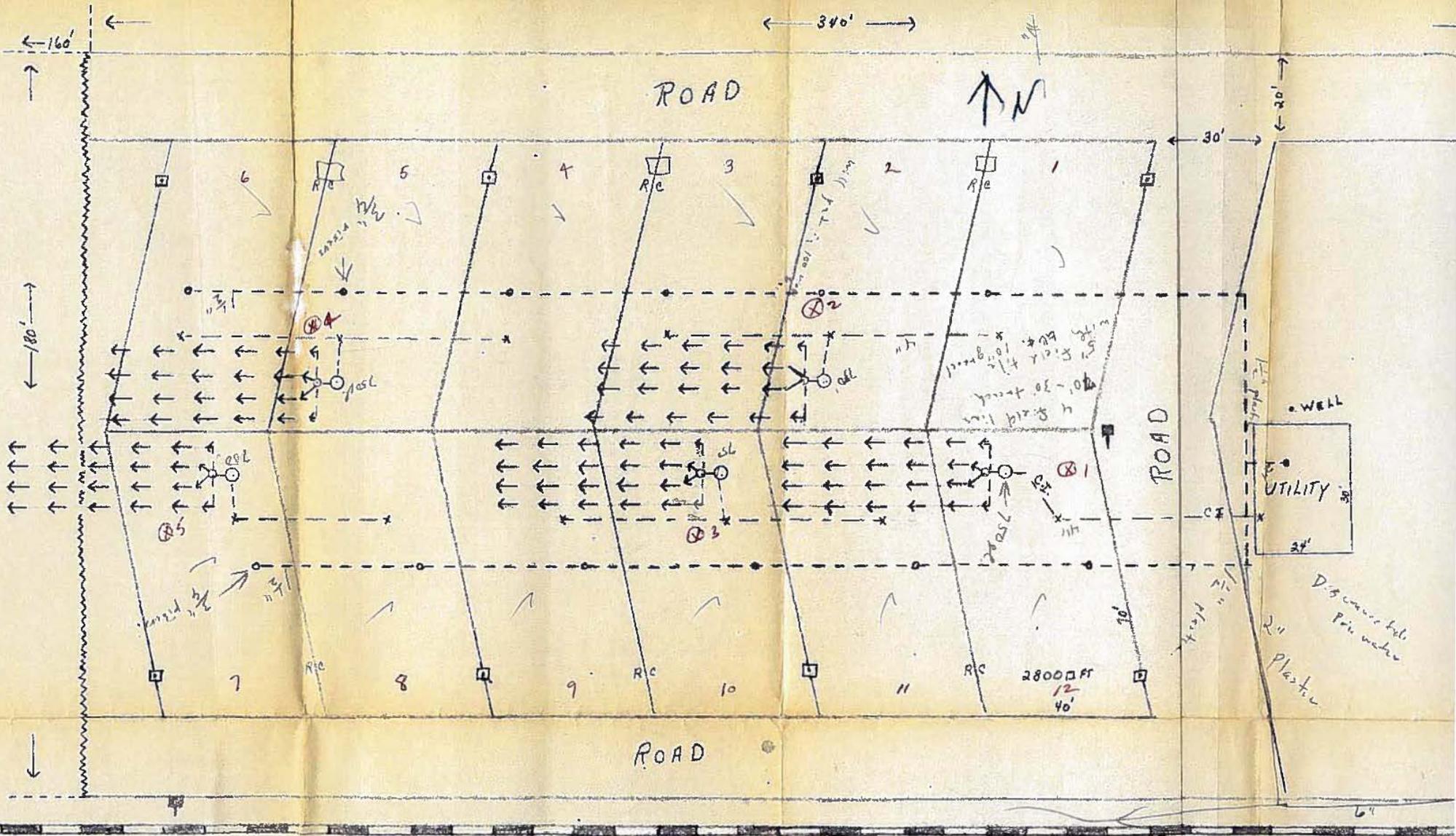
jt

Susan Chavarria

From: Hafer, Rick <Rick.Hafer@Illinois.gov>
Sent: Tuesday, January 12, 2016 1:57 PM
To: Susan Chavarria
Cc: Kuechler, Mark
Subject: Loral MHP
Attachments: loral 1 east plan.pdf

Susan,

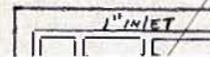
This is the first of 2 scans of a plan from May 1966.



LORAL PARK
No of SPACES

SCALE 1" = 20'
12

50
64



SIZE

received just before or just after Christmas.

2. It was noted that the Zoning Commission was meeting Monday December 20, 1971, and that they would meet at the Regional Planning office.
3. Concerning the City of Urbana's suggestions for the zoning map, Mr. Pinkerton noted the changes suggested by Mr. Goodell, Commissioner of Public Works for Urbana. These included the following:

- A. Concerning several areas where current conditional use permits exist for mobile home parks to the north and north-east of Urbana, Mr. Goodell had suggested that where all existing conditional use permits which are greater than one year old where no development has occurred, that the zoning be returned to AG-2 from the county district of R-5.
- B. Existing businesses on North 45 at the edge of the mile and one-half area should be left in the AG-2 District.
- C. The township garage on Perkins Road should be zoned R-4 rather than the R-1 zoning as originally proposed by the county.
- D. Several less dense categories were proposed for the area along Brownfield Road from Interstate 74 North to Illini Airport Road.
- E. In areas surrounding the Sunnycrest Shopping Center, Mr. Goodell recommended zoning of R-3 and R-4. The current county zoning proposal lists these areas as AG-2 which is in conformance with the current zoning of these areas.
- F. At the corner of Philo Road and Windsor Road on the Douglas property the existing area of R-3 zoning was reduced in size by Mr. Goodell and proposed for R-1 zoning.
- G. In several areas Mr. Goodell contradicted the CUUATS study in designating major and collector traffic arteries.

The Commission, noting that it differed with Mr. Goodell on points C, E, F, and G, instructed the Regional Planning Commission staff to consult with Mr. Goodell.

4. Mr. Burwash questioned how the Zoning Board of Appeals would make a decision when a great number of people have taken part in a public hearing either voicing objection to a change or supporting a change. Mr. Pinkerton responded that an official objection petition is forwarded automatically to the County Board, but that the Board of Appeals is not obligated to make its recommendation on the basis of the feelings of the majority of people participating in the public hearing. Also it is not legal to instruct the Board of Appeals on how to arrive at a decision in the Zoning Ordinance. Mr. Burwash then requested staff to check other county zoning Boards of Appeals to see if any are meeting after the first of the year so that the Zoning Commission may observe a meeting. Mr. Pinkerton noted that staff would check, among others, Macon, Tazewell, McLean, and Sangamon counties.
5. Mr. Gordon noted that the Zoning Commission would meet next Monday and that a joint meeting between the Planning and Zoning Committee and the Zoning Commission was scheduled for January 5, 1972 which

Loral Park 1973



Champaign County GIS Consortium

60
Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGISC), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



Loral Park 2014



60
Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGISC), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



This page intentionally left blank

ID# _____

Log# _____

City _____

cc'd Region _____

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
525 WEST JEFFERSON STREET
SPRINGFIELD, IL 62761
217-782-5830

This application form and all attachments must be submitted in duplicate (including two copies of plan drawings) to the above address. Attach properly identified supplementary sheets for information that cannot be placed in the blank spaces provided on these forms.

CHECK ONE OF THE FOLLOWING

- () Original license to operate a manufactured home community - \$100 (Community in existence, but not currently licensed. Submit as built plans of the community.)
- () Permit to construct a new manufactured home community - \$100 (Submit two copies of complete plans sealed by an Illinois registered engineer or architect.)
- () Permit to alter an existing manufactured home community - \$50
- () Permit to alter an existing manufactured home community by reduction of sites - NO FEE (Complete only Part I of this application.)

ALL FEES ARE TO BE MADE PAYABLE TO THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH IN THE FORM OF A MONEY ORDER OR CHECK.

PART I - GENERAL

- A. Name of Community _____
- B. Name of Applicant _____
- C. Name of Partnership or Corporation (if applicable) _____

Names of Partners or Officers

Addresses of Partners or Offices

_____	_____
_____	_____
_____	_____
_____	_____

- D. Address of Applicant _____

(Street)
(City)
(ZIP Code)

Telephone Number: () _____ Fax Number () _____

- E. Address of Manufactured Home Community _____

- F. Location of Manufactured Home Community _____

(County)
(City)

_____ (Township) _____ (ZIP Code) _____ (Telephone)

Legal Description of Tract of Land _____

- G. Number of Manufactured Home Sites Specify the Sites in Each Category by Site Number
- | | | |
|-------------------------------------|-------|-------|
| 1. Existing Manufactured Home Sites | _____ | _____ |
| 2. New Sites to be Constructed | _____ | _____ |
| 3. Sites to be Eliminated | _____ | _____ |
| 4. New Total | _____ | _____ |

- H. Manager
1. Name _____
2. Address: _____
- (Street) (City) (ZIP Code)
- Telephone (____) _____ Fax Number (____) _____

- I. Zoning Requirements
1. Name of Zoning Board _____
2. Address _____
3. Is the manufactured home community properly zoned? () Yes () No
4. Location of manufactured home community () inside municipality
() outside municipal limits

PART II GENERAL CONSTRUCTION

- A. Width of Roadway _____
- B. Type of Roadway Surface _____
- C. Traffic Flow Pattern _____
- D. Parking Facilities _____
- E. Type of Roadway Curbing _____
- F. Manufactured Home Lot Size _____
- (Minimum Length) (Maximum Length)
- (Minimum Square Footage)
- G. Type of Home Foundation () Runner () Slab () Other
If other, explain _____
- H. Type of Tiedown Anchors and Manufacturer _____

PART III WATER SUPPLY

- A. Municipal Water Supply () Yes () No Public Water District () Yes () No
1. Name of Municipality or District _____
2. Size of Water Main Serving Community _____
3. Copy of Water Agreement is Attached () Yes () No
4. Pressure in Main at Point of Tap _____
- B. Private Water Supply*
1. Location of Well _____
2. Depth of Well _____
3. Diameter of Well _____
4. Length of Casing _____
5. Type of Casing Material _____
6. Type of Annular Seal _____
7. Type of Well Seal _____
8. Pitless Adapter _____
- (Name of Manufacturer) (Model Number)
9. Capacity of Test Pump (Gallons Per Minute) _____

- 10. Pump Time _____
- 11. Static Water Level _____
- 12. Yield _____
- 13. Drawdown _____
- 14. Capacity of Pump Installed (Gallons Per Minute) _____
- 15. Name or I.D.# of Licensed Well Driller _____
- 16. Name or I.D.# of Licensed Pump Installer _____
- 17. Have the well and pump been properly disinfected? _____
- 18. Sampling
 - a. Has a sample of well water been submitted for bacterial analysis to a State laboratory? () Yes () No Lab Number of Sample _____
 - b. If sample has not been submitted, please specify address where sample bottles can be mailed: _____

- 19. Additional Treatment - If water treatment is proposed, plans and specifications must be submitted.
 - a. Is continuous disinfection of water supply proposed? () Yes () No
 - b. Is fluoridation of water supply proposed? () Yes () No
 - c. Is additional treatment/conditioning proposed? () Yes () No

* Submit identical information on all additional wells that are to be used in this manufactured home community.

PART IV WATER STORAGE Plans must be submitted in accordance with Section 860.230 of the Manufactured Home Community Code.

- A. Type of Storage Proposed/Existing _____
- B. Capacity of Storage Proposed/Existing _____
- C. Maximum Pressure _____(psi) Minimum Pressure _____(psi)

PART V WATER DISTRIBUTION SYSTEM

- A. Length of Water Main _____ Feet
- B. Size of Water Main (Inside Diameter) _____ Inches
 - 1. Type of Water Main Material _____
 - 2. Testing Agency Approval Number (i.e. ASTM #) _____
- C. Size of Water Service Connection Lines (Inside Diameter) _____ Inches
 - 1. Type of Water Connection Material (Illinois Plumbing Code Table A) _____
 - 2. Testing Agency Approval Number (i.e. ASTM #) _____
- D. Type of Water Service Riser _____
 - 1. Name of Manufacturer _____
 - 3. Model Number _____
 - 3. Height of Riser Above Ground (Minimum 4 inches) _____
- E. Installation of Water Lines (Illinois Plumbing Code)
 - 1. Distance separation between water and sewer main. (Minimum 10 feet)
 () Yes () No - If no, indicate how the lines are installed. _____

 - 2. Indicate how crossings of water and sewer lines are constructed. _____

PART VI SEWAGE SYSTEM

- A. Municipal sewage system or sanitary district. () Yes () No
 - 1. Name of Municipality or District _____
 - 2. Copy of agreement with city or sanitary district is attached. () Yes () No
- B. Private Sewage Disposal System (Private Sewage Disposal Code) Submit identical information on all private sewage disposal systems that are to be used in this manufactured home community.
 - 1. Septic Tank Approval Number and Capacity _____
 (Approval #) (Capacity)
 - 2. Depth of Ground Water Table _____
 - 3. Percolation Tests Performed By _____
 - 4. Percolation Data
 - Test Hole #1 _____ hours _____ minutes
 - Test Hole #2 _____ hours _____ minutes
 - Test Hole #3 _____ hours _____ minutes
 - At least 3 percolation tests are required for each subsurface seepage disposal system.
 - 5. Installation/Maintenance must be done by a licensed private sewage disposal contractor.
 - d. Name of Contractor _____
 - e. I.D. # _____
 - 6. Calculations of Required Capacities
 - a. The number of sites times the volume per site per day divided by the percolation rate equals the required absorption area.
 _____ Sites x 400 gallons/day/site ÷ _____ gallons/ft²/day = _____ ft²
 - b. The absorption area divided by the trench width equals the lineal feet of absorption trench.
 _____ ft² ÷ _____ = _____ Feet of trench needed.
 - 7. Other Private Sewage Disposal Systems (Plans and specifications must be submitted.)
 - a. Sand Filter ()
 - b. Package Treatment ()
 - c. Three Cell Lagoon ()
 - d. Other - Specify _____
 - e. If treated sewage discharges above ground, has a permit to alter/construct and operate a sewage treatment facility been obtained from the Illinois Environmental Protection Agency? () Yes () No
 - f. If treated sewage discharges to a stream, give name of stream:

 (Name of Stream) (NPDES Permit #)

PART VII SEWAGE COLLECTION SYSTEM

- A. Length of Mains in Community _____
- B. Size of Mains in Community _____
- C. Type of Sewer Main Material _____
- D. Testing Agency Approval Number of Sewer Main Material (i.e. ASTM#) _____
- E. Size of Sewer Riser _____
- F. Type of Sewer Riser Material (Illinois Plumbing Code Table A - Approved Building Drain Material), Testing Agency Approval Number (i.e. ASTM#) _____
- G. Elevation of sewer riser above finished grade. (4 inches minimum) _____

PART VIII SOLID WASTE DISPOSAL (Check A or B)

- A. Individual Service Containers ()
 - 1. () 1 - 40 gallon container per site
 - 2. () 2 - 20 gallon containers per site
 - 3. () 1 - 30 gallon container plus 1 - 10 gallon container
 - 4. () 1 - 20 gallon containers per site with collection two times per week
 - 5. () Other - Specify _____
- B. Bulk Containers ()
 - 1. Size of container _____ gallons or _____ cubic yards
(_____ gallons ÷ 202 gallons/yd³ = _____ cubic yards)
 - 2. Number of bulk containers _____
 - 3. Bulk containers located within 250 feet of each site. () Yes () No

PART IX LIGHTING (Check A or B)

- A. Central ()
 - 1. Height of Light _____
 - 2. Wattage _____
 - 3. Type of Light (i.e. sodium, mercury vapor) _____
 - 4. Average distance between lights _____
- B. Individual Lighting ()
 - 1. Gas ()
 - 2. Electric () Wattage of Light _____

PART X FIRE FIGHTING FACILITIES

- A. Name of Local Fire Department _____
- B. Description of Facilities and Service _____
- C. (Communities constructed after January 1, 1998) Fire hydrants within 500 feet of any structure () Holding pond () Other - Specify _____

PART XI ELECTRICAL DISTRIBUTION

- A. Size of service supplied _____
- B. Location of conductors:
 - 1. Above ground - Height above vehicular traffic _____
Height above pedestrian traffic _____
 - 2. Below ground - burial depth _____
- C. Type, size and number of conductors from the meter to the home _____
- D. Type and rating of service center _____

PART XII FUEL GAS

- A. Type of Pipe _____
- B. Burial Depth of Pipe _____
- C. Location of Meter and Service Valve _____

SUBMIT TWO COPIES OF PLOT PLANS, DRAWN TO SCALE, SHOWING THE FOLLOWING:

1. Boundaries of each manufactured home site
2. Site numbers for each site
3. Roadways and width
4. Location, sizes and materials of water lines
5. Location, sizes and materials of sewer lines
6. Typical water and sewer riser plans
7. Location and sizes of lighting
8. Garbage and refuse collection locations
9. Location(s) of water supply/wells
10. Locations of sewage treatment facilities and type
11. Elevation contours of the community
12. Provisions for surface drainage
13. Location of fire hydrants/holding ponds
14. Typical site plans indicating location of parking, foundation systems for the homes, utilities and lights.
15. Location of fuel supply systems and distribution lines

PLANS OF THE MANUFACTURED HOME COMMUNITY SHOULD INDICATE ALL THE INFORMATION CONTAINED IN THIS APPLICATION.

IMPORTANT NOTICE

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Public Act 78-929. Disclosure of this information is mandatory.

IL-042-0141

854-S-16, 855-V-16, and 862-I-16 Images



From Loral Park entrance facing west



At intersection of Management Storage building facing south, sites 28-29 shown at right

854-S-16, 855-V-16, and 862-I-16 Images



Fern Street facing west, sites 1-16 on the right, some interior sites on the left



Emergency access between Loral Park and Woods Edge MHP

854-S-16, 855-V-16, and 862-I-16 Images



Example of homes too close to each other (interior area of MHP)



Home Site 17 possibly sits inside UCSD easement

854-S-16, 855-V-16, and 862-I-16 Images



Proposed Home Sites 35 – 38 (south end of property)



Former MHP Management Office (sits too close to property line)

PRELIMINARY DRAFT

854-S-16, 855-V-16 and 862-I-16

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

Final Determination: ***{GRANTED/GRANTED WITH SPECIAL CONDITIONS/DENIED}***

Date: ***{December 8, 2016}***

Petitioners: ILUR Loral Park MHP, LLC, includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, via agent Patrick Fitzgerald

Request: Case 854-S-16
Authorize the use and expansion of an existing, nonconforming Manufactured Home Park with 34 existing manufactured home sites and an additional 4 proposed manufactured home sites as a Special Use Permit in the R-5 Manufactured Home Park Zoning District, subject to the variance requested in related Case 855-V-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the following required waivers:

Part A: Authorize a waiver for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites as per Section 6.2.2 B.

Part B: Authorize a waiver for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems as per Section 6.2.1 C.2., 6.2.1 C.3., and 6.2.1 C.5.

Part C: Authorize a waiver for a Site Plan that does not include the limits of each Manufactured Home Site as per Section 6.2.2 E.1.

Part D: Authorize a waiver for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land as per Section 6.2.2 B.

Part E: Authorize a waiver with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply, as per Section 6.2.2 F.6.

Part F: Authorize a waiver for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code, as per Section 6.2.3 D.1.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 2 of 55

Part G: Authorize a waiver for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations as per Section 6.2.2 G.1. for manufactured home site numbers 1 to 34.

Part H: Authorize a waiver for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways as per Section 6.2.2 E.2.a. for manufactured home site numbers 1 to 34.

Part I: Authorize a waiver for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet as per Section 6.2.2 F.3. for manufactured home site number 1.

Part J: Authorize a waiver for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet, as per Section 6.2.2 C.1.C. for manufactured home site number 1.

Part K: Authorize a waiver for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home, as per Section 6.2.3 F.2. for manufactured home site numbers 2 to 5.

Part L: Authorize a waiver for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet as per Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part M: Authorize a waiver for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, as per Section 6.2.2 E.2.b. for manufactured home sites numbers 2, 5, 21, and 22.

Part N: Authorize a waiver for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet as per Section 6.2.2 E.2.c. for manufactured home site numbers 21 to 34.

Part O: Authorize a waiver for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet as per Section 6.2.2 E.3. for manufactured home site numbers 22 to 26, 30, 31, 33, and 34.

Part P: Authorize a waiver for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office as per Section 6.2.4 A.

Case 855-V-16

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park in the R-5 Manufactured Home Park Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and also subject to the following required variance:

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Part A: Authorize a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard as per Zoning Ordinance Section 6.2.2 C.2.

Part B: Authorize a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard as per Zoning Ordinance Section 4.3.2. for manufactured home site number 1.

Part C: Authorize a rear yard of 10 feet in lieu of the minimum required 15 feet as per Zoning Ordinance Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part D: Authorize the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement as per Section 4.2.2 D. for manufactured home site number 17.

Case 862-I-16

As authorized in Section 4.1.6, interpret the existing boundaries of the R-5 Manufactured Home Park Zoning District of an existing, nonconforming Manufactured Home Park subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to the variance requested in related Case 855-V-16.

Table of Contents

General Application Information.....4 - 7

Specific Ordinance Requirements.....7 - 12

Special Use Evidence12- 36

Documents of Record..... 37 - 38

Cases 854-S-16, 855-V-16, and 862-I-16 Findings of Fact.....39 - 49

Case 854-S-16 Final Determination..... 50 – 53

Case 855-V-16 Final Determination 54

Case 862-I-16 Final Determination 55

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 4 of 55

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 8, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, ILUR Loral Park MHP, LLC, which includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, own the subject property.
2. The subject property is a 4.326 acre tract in the Northwest Quarter of Section 5 Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as Loral Park Manufactured Home Park, with an address of 31 Fern Street, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned R-5 Manufactured Home Park except the north 90 feet, which is zoned AG-2 Agriculture. Land use is residential.
 - B. Land to the north of the subject property is zoned AG-2 Agriculture and is in agricultural production.
 - C. Land to the east of the subject property is zoned AG-2 and R-1 Single Family Residence, and is residential in use.
 - D. Land to the south of the subject property is within the City of Urbana, zoned IN-1 Light Industrial/Office, and is in agricultural production.
 - E. Land on the west of the subject property is zoned R-5 Manufactured Home Park and is in use as the Woods Edge Manufactured Home Park.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the subject property site plan:
 - A. Loral Park Manufactured Home Park has been developed in phases since 1966.
 - (1) The 12 initial home sites were approved for construction by the Illinois Department of Public Health on May 18, 1966, and licensed upon inspection on April 24, 1967, prior to the adoption of the Zoning Ordinance on October 10, 1973.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 5 of 55

- (2) Another 22 units were approved for construction by the Illinois Department of Public Health on July 20, 1972, and licensed upon inspection on December 7, 1973. Permission for construction was granted prior to the adoption of the Zoning Ordinance on October 10, 1973.
- (3) In *Forrest E. Rawdin and Virginia E. Rawdin vs. City of Urbana, Illinois*, a Declaratory Judgment was entered by the Honorable Creed S. Tucker on September 11, 1972.
 - a. The owners improved the subject property for a mobile home court as authorized by the decision of the City of Urbana Zoning Board of Appeals in granting a Use Permit.
 - b. The court found that the owners would suffer irreparable injury and loss unless the actions of the City of Urbana Zoning Board of Appeals, in granting the Use Permit for the property, were determined to be valid and in full force and effect.
 - c. The court found that “the City of Urbana is estopped from changing the position taken or questioning the validity of its actions with respect to authorizing the Zoning Board of Appeals to issue Use Permits and the granting of such Use Permits by the Zoning Board of Appeals for the premises herein described for use as a mobile home court”.
 - d. The court decreed the following:
 - (a) “That the acts and decisions of the Zoning Board of Appeals of the City of Urbana, relating to the granting of a Use Permit for the premises above described to authorize use thereof as a mobile home court are hereby decreed to have the full force of the law.”
 - (b) “That Plaintiffs are decreed to have the right to complete the construction of a mobile home court on said premises and to use and operate said premises for mobile home court purposes.”
 - (c) “That the Defendant (City of Urbana) and anyone acting by and through under the authority of Defendant are hereby perpetually ended and refrained from taking any action or otherwise preventing Plaintiffs from using said premises as aforesaid, and otherwise interfering or attempting to interfere with the construction on or use of said premises for a mobile home court”.
- (4) The Official Zoning Map districts were created prior to October 10, 1973, around the same time that (1) the 22 additional home sites were being constructed on the subject property between July 12, 1972, and December 7, 1973, and (2) that the owners were in a legal dispute with the City of Urbana regarding use of the property for a mobile home court, for which a Declaratory Judgment was issued on September 11, 1972.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 6 of 55

- (5) The zoning of the subject property has not changed since adoption of the Zoning Ordinance.
 - (6) There has been no new construction at Loral Park since October 20, 1987, when a Zoning Ordinance requirement was adopted that requires a Special Use Permit for establishing a Manufactured Home Park.
 - (7) Regarding the existing manufactured homes:
 - a. Site visits by staff indicate that homes range from older to new, and poor to good condition. Staff has requested information from the Petitioner about age and maintenance condition of the homes, but no information has been received to date.
 - b. All existing manufactured homes are “non-conforming structures” and cannot be replaced without the necessary variance and/or waiver.
 - c. There is only 1 record of a nuisance violation in Loral Park; a report of garbage and debris at one home site that was being demolished was remedied once the Zoning Department made them aware of the violation.
 - (8) The current owners purchased the property in April 2016, and propose to add four home sites, which triggers the need for the Special Use Permit.
- B. The Overall Site Plan received September 6, 2016, indicates the following:
- (1) Existing features on the subject property include:
 - a. 34 home sites - numbers encircled on each site are the house numbers;
 - (a) Each site has an outdoor living space as required by paragraph 6.2.2 E.5.;
 - (b) Each site has two improved off-street parking spaces as required by paragraph 6.2.2 E.7.; and
 - (c) Each site has individual walkways from parking areas as required by paragraph 6.2.2 H.1.
 - b. Fern Street, which has a pavement width ranging from 28 to 32 feet; and
 - c. A gated access on the west end which serves as emergency access for the adjacent Woods Edge Manufactured Home Park.
 - (2) Proposed features include:
 - a. 4 new home sites on the undeveloped south end of the property that is in the R-5 zoning district;
 - b. One 5,700 square feet open space in the southwest corner of the property; and
 - c. One 9,100 square feet open space along the south side of Fern Street on the eastern part of the property.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 7 of 55

- C. There are no previous Zoning Use Permits for the subject property.
- D. Previous Zoning Cases in the vicinity of the subject property include:
 - (1) Cases 073-S-97 and 074-S-97 were to approve duplexes on two lots located on the south side of Airport Road, approximately 500 feet north of the subject property.
 - (2) Case 652-S-88 was approved on March 9, 1989, for a Special Use Permit for the Woods Edge Manufactured Home Park.
 - (3) Case 818-S-15 was approved on December 10, 2015, for a Special Use Permit with waivers, for additions to the Woods Edge MHP.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding the requested Special Use and Variance in the R-5 Manufactured Home Park Zoning District:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit and Variance (capitalized words are defined in the Ordinance):
 - (1) “AREA, LOT” is the total area within the LOT LINES.
 - (2) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (3) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (6) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
 - (7) “LOT LINES” are the lines bounding a LOT.
 - (8) “MANUFACTURED HOME” is a factory assembled DWELLING UNIT designed and constructed to be transported in one or more parts by truck or by towing on wheels temporarily or permanently attached to its frame. This definition shall

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 8 of 55

include mobile homes and modular homes or housing units and shall exclude MOTOR VEHICLES and TRAVEL TRAILERS.

- (9) “MANUFACTURED HOME PARK” is a designated contiguous parcel of land planned and improved for the placement of five or more MANUFACTURED HOMES.
- (10) “MANUFACTURED HOME PARK SERVICE BUILDING” is a permanent STRUCTURE housing laundry, recreation, office, sanitation or other community facilities as required in MANUFACTURED HOME PARKS for use by MANUFACTURED HOME PARK occupants.
- (11) “MANUFACTURED HOME SITE” is a designated parcel of land in a MANUFACTURED HOME PARK intended for the placement of an individual MANUFACTURED HOME, for the exclusive use of its occupants.
- (12) “MANUFACTURED HOME STAND” is that part of an individual MANUFACTURED HOME SITE which has been constructed for the placement of a MANUFACTURED HOME.
- (13) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (14) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (15) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (16) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (17) SIDEWALK: That paved portion of the RIGHT-OF-WAY designed and intended for the movement of and use of pedestrian traffic.
- (18) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (19) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (20) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 9 of 55

are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (21) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (22) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
 - (23) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (24) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (25) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (26) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Section 4.1.6 A. states, “Boundaries indicated as approximately following the centerlines of STREETS or ALLEYS shall be construed to follow such centerlines.
 - C. Section 4.1.6 G. states, “Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A through F above, the BOARD shall interpret the DISTRICT boundaries.”
 - D. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 10 of 55

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

- E. Current Zoning Ordinance regulations for Section 6.2: Manufactured Home Parks are provided as an attachment to this Summary of Evidence.

- F. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
 - (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 11 of 55

- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- G. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- H. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 12 of 55

the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- I. Paragraph 9.1.11 D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioners testified on the application, **“The property is currently a non-conforming use. Approval of this Special Use Permit will allow for (i) enhanced affordable housing opportunities for local residents; (ii) decrease in urban sprawl; (iii) increased recreational space for mobile home park residents; and (iv) upgraded mobile home park aesthetics.”**
 - B. Regarding the existing manufactured homes:
 - (1) Most of the 34 existing home sites in Loral Park are occupied.
 - (2) Site visits by staff indicate that homes range from older to new, and poor to good condition. Staff has requested information from the Petitioner about age and maintenance condition of the homes, but no information has been received to date.
 - (3) All existing manufactured homes are “non-conforming structures” and cannot be replaced without the necessary variance and/or waiver.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The mobile home park will be operated in conformance with the site plan attached hereto as Exhibit B and incorporated by**

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 13 of 55

reference herein as well as the rules and regulations attached hereto as Exhibit C and incorporated by reference herein.”

- B. Regarding traffic, the following evidence is provided:
- (1) The subject property is off Bartlow Road, approximately 900 feet south of Airport Road and approximately 0.85 mile by road west of US 45 North.
 - (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2012 in the vicinity of the subject property. Airport Road west of US 45 North had an ADT of 1,300.
 - (3) No significant increases in traffic volumes are expected due to additional development of Loral Park.
 - (4) The Urbana Township Road Commissioner has been notified of this case, and no comments have been received.
- C. Regarding fire protection on the subject property, the subject property is located within the Eastern Prairie Fire Protection District. The FPD is aware of the Fern Street emergency access between Loral Park and the Woods Edge manufactured home park to its west, and has a key to the gate. The Fire Chief has been notified of this case but no comments have been received.
- D. No part of the subject property is located within the mapped floodplain.
- E. The subject property is not considered BEST PRIME FARMLAND. The soils on the subject property consist of Birkbeck silt loam 233B, with the exception of the far west edge, which consists of Russell silt loam 322C2. The property has an average LE of 85.
- (1) The property has not been in agricultural production for decades.
 - (2) Future development will not change the use of the property.
- F. Regarding outdoor lighting on the subject property, no lighting was indicated on the proposed site plan. There are lampposts in front of some, but not all, sites.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) The 22 sites constructed in 1972-1973 have a private sanitary sewer system, which connects to the Urbana-Champaign Sanitary District public system.
 - (2) The original 12 interior sites were built on septic. Staff has requested information from the Illinois Department of Public Health regarding whether those homes were later connected to the private sanitary sewer that was constructed with the additional 22 home sites. No response has been received to date.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 14 of 55

- (3) No information has been provided regarding current status and maintenance of the private system.

- H. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the Code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.

- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“As part of this application for Special Use Permit, applicant is requesting approval of the waivers further detailed on**

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16
Page 15 of 55

Exhibit D attached hereto and incorporated by reference herein. These waivers are required to bring the Loral Mobile Home Park, as further detailed on Exhibit B, into conformity with the County Zoning Ordinance.”

B. Regarding compliance with the *Zoning Ordinance*:

- (1) Establishment and expansion of Manufactured Home Parks are allowed in the R-5 Manufactured Home Park Zoning District with a Special Use Permit.
- (2) None of the existing sites meet the minimum requirement of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways.
- (3) All existing sites but one meet the minimum required separation of 50 feet between a public right of way and a manufactured home site driveway.
- (4) All existing sites but one meet the minimum required setback of 25 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary.
- (5) All but 4 existing sites are within the maximum distance of 500 feet of a fire hydrant.
- (6) All but 2 existing sites meet the minimum required rear yard of 15 feet.
- (7) All but 4 existing sites meet the minimum required setback (yard) of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary.
- (8) Existing site numbers 1 through 20 meet the minimum setback (rear and side yards) of 10 feet.
- (9) All but 9 existing sites meet the minimum required 3,200 square feet per manufactured home site.
- (10) The proposed site plan complies with all other setback requirements.
- (11) Regarding parking on the subject property: all manufactured home sites in Loral Park are in compliance by having two spaces per site.
- (12) Each site in the proposed expansion will comply with all setback, yard, and other requirements as established in Section 6.2.2.

C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: The proposed development on the subject property will disturb less than one-half acre. This amount of land disturbance is exempt from requiring a Storm Water Drainage Plan review and a Land Disturbance Erosion Control Permit, even though the site is within the MS-4 Area.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 16 of 55

- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the *Subdivision Regulations*, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property conforms to City of Urbana subdivision regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the R-5 Manufactured Home Park Zoning District:
 - (1) Manufactured homes in Manufactured Home Parks are acceptable and permitted uses in the R-5 District.
 - (2) The visual character of the subject property will not change.
 - (3) The proposed expansion is unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
- G. Regarding the *Illinois Mobile Home Park Act* (210 ILCS 115):
 - (1) In many cases, the Champaign County Zoning Ordinance is more stringent than the *Illinois Mobile Home Park Act*, and the more stringent code takes precedence.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Subsection 5.1.8 of the *Zoning Ordinance* states the general intent of the R-5 Manufactured Home Park and states as follows (capitalized words are defined in the Ordinance):
 - (1) The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
 - (2) The types of uses authorized in the R-5 District are in fact the types of uses that have been determined to be acceptable in the R-5 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the *Zoning Ordinance*:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

The setback waiver seeks to utilize the minimum standard adopted by the State of Illinois for Manufactured Home Parks. The State's regulations refer to the Office of the State Fire Marshal for fire safety in mobile home parks, as does the *Champaign County Zoning Ordinance*. Section 21 of Illinois Mobile Home Park Act (210 ILCS 115) states "the Department (Illinois Department of Public Health) shall enforce the

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 17 of 55

provisions of this Act and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage, fire safety, and waste disposal, and the Department shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith.”

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

The requested Special Use Permit should not decrease the value of nearby properties.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:

The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. A Natural Resource Report was not required by the Zoning Administrator because the property has been developed for many years.
 - b. The subject property is relatively flat and drains to the southwest.
 - c. The proposed development on the subject property will disturb less than one-half acre. As per the *Stormwater Management and Erosion Control Ordinance*, this amount of land disturbance is exempt from requiring a Storm Water Drainage Plan review and a Land Disturbance Erosion Control Permit, even though the site is within the MS-4 Area.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 18 of 55

the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

- a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance.
 - b. The existing home sites conform to the less stringent Illinois Mobile Home Park Act (210 ILCS 115), which has similar intent to the *Champaign County Zoning Ordinance* regarding setbacks.
 - c. The setback requirements for Manufactured Home Parks have been a part of the Zoning Ordinance since its adoption on October 10, 1973.
 - d. The existing Loral Park site numbers 1 through 34 existed prior to the adoption of the Zoning Ordinance.
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The Petitioners seek to bring the existing manufactured home park into compliance by applying for a Special Use Permit. They also seek waivers and variances in order to bring the property into full compliance.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- a. The property is residential, located in a residential area.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 19 of 55

b. The proposed use will not take any agricultural land out of production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

a. The property is residential, located in a residential area.

b. The proposed use will not take any agricultural land out of production.

c. The proposed use will maintain the character of the existing community.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

A. The Petitioner has testified on the application: **“Yes”**

B. The existing use on the property is a non-conforming use.

RELATED TO THE WAIVERS, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

A. Regarding Part A of the proposed waivers, for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 20 of 55

- (1) There is no regulation in the *Illinois Mobile Home Park Act (210 ILCS 115)* or in the Illinois Department of Public Health Manufactured Home Community Code regarding minimum acreage or minimum number of manufactured home sites.
- B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems:
- (1) Incomplete information was found for each of these site plan elements; however, staff created approximate site boundaries in order to estimate yards and setbacks.
 - (2) A special condition has been proposed that requires submittal of a revised Site Plan prior to receipt of a Zoning Use Permit.
- C. Regarding Part C of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:
- (1) Incomplete information was found for this site plan element; however, staff created approximate site boundaries in order to estimate yards and setbacks.
- D. Regarding Part D of the proposed waivers, for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land:
- (1) The 34 existing manufactured home sites on the 4.326 acres property calculate to 7.86 sites per gross acre of land, below the maximum allowed.
 - (2) The 4 proposed sites will increase the density to 8.78 sites per gross acre, which exceeds the maximum allowed.
- E. Regarding Part E of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply:
- (1) Fern Street was constructed prior to adoption of the Zoning Ordinance on October 10, 1973. The Subdivision Ordinance was adopted on May 17, 1977.
 - (2) No new roads are proposed in Loral Park.
- F. Regarding Part F of the proposed waivers, for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code:
- (1) No information was provided regarding the existing electrical system and whether it was installed in conformance to the National Electric Code or equivalent at the time; however, the property was inspected by the Illinois Department of Public Health after construction of the original 12 home sites in 1967 and again after construction of the 22 home sites in 1973.
 - (2) The proposed expansion must comply with the Illinois Department of Public Health Manufactured Home Community Code, which requires conformance to the National Electric Code.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 21 of 55

- G. Regarding Part G of the proposed waivers, for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations:
- (1) No street lighting information was provided on the Site Plan received September 6, 2016.
 - (2) There are lampposts along Fern Street, but their specifications and functionality are unknown.
 - (3) The Illinois Department of Public Health Manufactured Home Community Code has street lighting requirements for communities constructed after July 1, 1998.
- H. Regarding Part H of the proposed waivers, for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:
- (1) Section 9.3 of the *Illinois Mobile Home Park Act* (210 ILCS 115) states, “No mobile home shall be parked closer than 10 feet to a public street, alley or building.” There is no reference in the *Act* to a required distance between a home and the private street within the Manufactured Home Park.
 - (2) The manufactured home pads on the 34 existing home sites were constructed 10 feet from Fern Street, but homes were placed closer than 10 feet prior to 1973 aerial photography.
 - (3) Section 860.200 of the Illinois Department of Public Health Manufactured Home Community Code states, “Homes located on these sites shall not be closer to a private street than the previous home on that site. Manufactured homes located on sites constructed after July 1, 1998 shall be located at least 10 feet from private streets or other manufactured homes, and shall not extend over a sidewalk”.
- I. Regarding Part I of the proposed waivers, for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet:
- (1) There is no regulation in the *Illinois Mobile Home Park Act* (210 ILCS 115) or in the Illinois Department of Public Health Manufactured Home Community Code regarding separation distance between a home site parking area and a public right-of-way.
- J. Regarding Part J of the proposed waivers, for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet:
- (1) There is no regulation in the *Illinois Mobile Home Park Act* (210 ILCS 115) or in the Illinois Department of Public Health Manufactured Home Community Code regarding the setback between a home site that faces a public street and the manufactured home park exterior boundary.
- K. Regarding Part K of the proposed waivers, for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 22 of 55

- (1) Section 9.15 of the *Illinois Mobile Home Park Act (210 ILCS 115)* states, “Nothing in this Section shall be construed to mandate a mobile home park, constructed prior to 1998, to install new water supply systems or hydrants for fire safety purposes.”
 - (2) Proposed expansion sites 35 through 38 are located within 500 feet of a hydrant.
- L. Regarding Part L of the proposed waivers, for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet:
- (1) The manufactured home sites to which this waiver applies were established prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) Section 9.3 of the *Illinois Mobile Home Park Act (210 ILCS 115)* states, “No mobile home shall be parked closer than 5 feet to the side lot lines of a park.”
- M. Regarding Part M of the proposed waivers, for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary:
- (1) There is no regulation in the *Illinois Mobile Home Park Act (210 ILCS 115)* or in the Illinois Department of Public Health Manufactured Home Community Code regarding the setback between the entrance side of the manufactured home and the manufactured home site boundary.
 - (2) Section 9.3 of the *Illinois Mobile Home Park Act (210 ILCS 115)* states, “There shall be an open space of at least 10 feet adjacent to the sides of every mobile home.”
- N. Regarding Part N of the proposed waivers, for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet:
- (1) This waiver pertains to the interior home site numbered 21 through 34.
 - (2) Section 9.3 of the *Illinois Mobile Home Park Act (210 ILCS 115)* states, “There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.”
 - (3) 1973 aerial photography shows that there was at least a 5 feet rear yard for each interior home site.
 - (4) 2014 aerial photography shows several larger homes placed on these sites, which has reduced the rear yard of some home sites.
 - (5) Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, “testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected.”

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 23 of 55

- a. A special condition was added to Case 818-S-15 that “There shall be a minimum separation distance of 10 feet between residential buildings. The special condition stated above is required to ensure compliance with IDPH standards.”
 - b. As per Case 818-S-15 Findings of Fact approved on December 10, 2015, the ZBA approved the waiver for side yards because it is in compliance with IDPH regulations and it is comparable to the standards that apply in the R-3 and R-4 zoning districts.
- O. Regarding Part O of the proposed waivers, for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet:
- (1) Section 9.3 of the *Illinois Mobile Home Park Act* (210 ILCS 115) states, “Each site on which a mobile home is accommodated shall have a minimum area of 2,500 square feet, provided that sites existing in parks or approved by the Department for construction prior to August 21, 1967, shall contain an area of not less than 1,000 square feet, and sites constructed between August 21, 1967 and the effective date of this amendatory Act of 1987 shall contain an area of not less than 2,100 feet.”
 - (2) Home site numbers 23 through 34 were constructed prior to 1967 and all exceed the 1,000 square feet minimum as per staff’s estimated home site boundary lines.
 - (3) Home site numbers 1 through 22 were constructed prior to 1973 and all exceed the 2,100 square feet minimum as per staff’s estimated home site boundary lines.
 - (4) Proposed expansion sites 35 through 38 must meet the more stringent *Champaign County Zoning Ordinance* requirement of 3,200 square feet.
- P. Regarding Part P of the proposed waivers, for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office:
- (1) Loral Park was purchased in 2016 along with several other manufactured home parks around Urbana. Effective September 12, 2016, the petitioners consolidated the management offices into one office at the Northwoods MHP, which is approximately 1.5 road miles east of the subject property.
 - (2) There is no regulation in the *Illinois Mobile Home Park Act* (210 ILCS 115) or in the Illinois Department of Public Health Manufactured Home Community Code stating that the park office must be located on-site.

RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 24 of 55

acres and the minimum 40 manufactured home sites: the acreage and maximum number of homes cannot increase due to constraints that have been in place for decades.

- B. Without Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems: The petitioners are required to provide this information to the Illinois Department of Public Health as part of their application to alter the manufactured home park; their application to IDPH is contingent upon zoning approval and the petitioners do not have all necessary information at this time.
- C. Without Part C of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: The petitioners are required to provide this information to the Illinois Department of Public Health as part of their application to alter the manufactured home park; their application to IDPH is contingent upon zoning approval and the petitioners do not have all necessary information at this time. The Site Plan received September 6, 2016, includes estimated home site limits created by Zoning staff in order to estimate yards and setbacks, but these are not official site limits.
- D. Without Part D of the proposed waivers, for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land: Proposed expansion site numbers 35 through 38 would not be allowed.
- E. Without Part E of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply: There would be no change to the existing conditions or proposed expansion because no changes are proposed to the streets, which were constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- F. Without Part F of the proposed waivers, for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code: The petitioners would have to inspect the electrical systems of each home and the overall system in order to ensure compliance.
- G. Without Part G of the proposed waivers, for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations: The petitioners would have to install sufficient lighting, which would add another expense that may make the proposed improvements financially infeasible.
- H. Without Part H of the proposed waivers, for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: The petitioners would have to remove enough sites and homes to meet this requirement, which could make the expansion and improvements to the park financially infeasible.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 25 of 55

- I. Without Part I of the proposed waivers, for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet: required parking would have to be removed from home site number 1.
- J. Without Part J of the proposed waivers, for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet: home site number 1 would have to be removed.
- K. Without Part K of the proposed waivers, for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home: the petitioners would need to install a hydrant to serve home site numbers 2 through 5.
- L. Without Part L of the proposed waivers, for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet: the existing homes on home site numbers 17 and 19 would have to be replaced with shorter homes.
- M. Without Part M of the proposed waivers, for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary: The petitioners would have to remove enough sites and homes to meet this requirement, which could make the expansion and improvements to the park financially infeasible.
- N. Without Part N of the proposed waivers, for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet: The petitioners would have to remove enough sites and homes to meet this requirement, which could make the expansion and improvements to the park financially infeasible.
- O. Without Part O of the proposed waivers, for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet: The petitioners would have to remove enough sites and homes, which could make the expansion and improvements to the park financially infeasible.
- P. Without Part P of the proposed waivers, for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office: The petitioners would have to staff the existing former office at Loral Park.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner testified the following on the variance application, which is also applicable to the proposed waivers: **“The setback variance requests deal with pre-existing circumstances; the density variance request addresses the existing inefficient layout of the mobile home park and allows existing infrastructure to be better utilized to provide additional affordable housing and reduce urban sprawl.”**

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 26 of 55

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVERS ARE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding Part A of the proposed waivers, for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites: The requested waiver (variance) for area is 87% of the minimum required, for a variance of 13%; the requested waiver (variance) for number of home sites is 95% of the minimum required, for a variance of 5%.
 - B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - C. Regarding Part C of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - D. Regarding Part D of the proposed waivers, for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land: The requested waiver (variance) is 113% of the minimum required, for a variance of 13%.
 - E. Regarding Part E of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - F. Regarding Part F of the proposed waivers, for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - G. Regarding Part G of the proposed waivers, for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
 - H. Regarding Part H of the proposed waivers, for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 27 of 55

- I. Regarding Part I of the proposed waivers, for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet: The requested waiver (variance) is 60% of the minimum required, for a variance of 40%.
- J. Regarding Part J of the proposed waivers, for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet: The requested waiver (variance) is 80% of the minimum required, for a variance of 20%.
- K. Regarding Part K of the proposed waivers, for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home: The requested waiver (variance) is 125% of the minimum required, for a variance of 25%.
- L. Regarding Part L of the proposed waivers, for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet: The requested waiver (variance) is 67% of the minimum required, for a variance of 33%.
- M. Regarding Part M of the proposed waivers, for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary: The requested waiver (variance) is 25% of the minimum required, for a variance of 75%.
- N. Regarding Part N of the proposed waivers, for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet: The requested waiver (variance) is 33% of the minimum required, for a variance of 67%.
- O. Regarding Part O of the proposed waivers, for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet: The requested waiver (variance) is 78% of the minimum required, for a variance of 22%.
- P. Regarding Part P of the proposed waivers, for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office: The requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- Q. Regarding minimum acreage, maximum density, and minimum home sites, the Zoning Ordinance does not clearly state the considerations that underlie establishing densities for manufactured home parks. Presumably, the requirements are intended to reflect state requirements and to ensure the following:
 - (1) Adequate light and air: The subject property is in residential use. The surrounding properties are in residential use, industrial use, or agricultural production.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Eastern Prairie Fire Protection District and the station is approximately 5.6 road miles from the subject property. The nearest building on neighboring property is a residence in Woods Edge that is approximately 30 feet from the shared property line.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 28 of 55

- (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

- R. Regarding minimum site plan requirements, the Zoning Ordinance reflects the requirements of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health Manufactured Home Community Code.

- S. Regarding minimum street requirements referencing the *Champaign County Subdivision Ordinance*, the Zoning Ordinance does not clearly state the considerations that underlie pavement and other street specifications. Presumably the street requirements are intended to ensure the following:
 - (1) Conformance to state road specifications.
 - (2) Safe infrastructure for all users.
 - (3) Accessibility for persons with disabilities.
 - (4) Access for emergency vehicles.
 - (5) Adequate stormwater drainage.
 - (6) Logical and adequate connectivity to existing public streets.

- T. Regarding minimum electrical system requirements, the Zoning Ordinance does not clearly state the considerations that underlie the electrical system. Presumably the requirements are intended to ensure the following:
 - (1) Conformance to National Electric Code.
 - (2) Consideration of life safety.

- U. Regarding minimum setback and yard requirements, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - (3) Parking, where applicable.
 - (4) There are no known developments or road improvements that would trigger road expansion or additional right-of-way needs.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 29 of 55

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVERS ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Urbana Township Road Commissioner has been notified of this variance and no comments have been received.
 - B. The Eastern Prairie Fire Protection District has been notified of this variance and no comments have been received.
 - C. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

17. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“This site is an existing mobile home park. Variances dealing with setbacks are needed to bring existing uses into conformity with the County Zoning Ordinance. The density variance is needed to allow for additional affordable housing opportunities and reduce urban sprawl.”**
 - B. Regarding Part A of the proposed variance, for a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard:
 - (1) The management storage facility was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) The storage facility was previously the Loral Park management office, until that office was consolidated at Northwoods MHP effective September 12, 2016.
 - (3) A survey completed March 16, 2016, and received March 28, 2016, shows a rear yard of 1.9 feet and a side yard of 9.25 feet.
 - (4) The closest building on the adjacent property is a duplex located approximately 35 feet from the storage facility.
 - C. Regarding Part B of the proposed variance, for a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard:
 - (1) The home to which this variance applies was placed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) There is no regulation in the *Illinois Mobile Home Park Act (210 ILCS 115)* or in the Illinois Department of Public Health Manufactured Home Community Code

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 30 of 55

regarding the setback between a home site that faces a public street and the manufactured home park exterior boundary.

- D. Regarding Part C of the proposed variance, for a rear yard of 10 feet in lieu of the minimum required 15 feet:
- (1) The manufactured home sites to which this variance applies were established prior to adoption of the Zoning Ordinance on October 10, 1973.
- E. Regarding Part D of the proposed variance, for the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement:
- (1) Urbana-Champaign Sanitary District recorded a 10 feet wide permanent easement along the west property line on September 27, 1972.
 - (2) 1973 aerial photography shows a manufactured home stand approximately 11 feet from the west property line.
 - (3) 2014 aerial photography shows a manufactured home approximately 11 feet from the west property line. A 6 feet tall mesh fence on the west side appears to be approximately 2 feet east of the property line.
 - (4) A site visit by staff on November 2, 2016, indicated a manufactured home approximately 9 feet from the west fence, which suggests there is no manufactured home placed in the easement. However, staff noted a UCSD manhole cover about 10 feet from the west fence, on the edge of the street just north of site number 17, suggesting that UCSD's sewer line could be under the home on site number 17.

RELATED TO THE VARIANCE, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

18. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“A strict interpretation of the density ordinance will deny Champaign County citizens of potential affordable housing options and will potentially result in additional urban sprawl. A strict interpretation of the setback ordinances will result in (i) a family losing their current residence; and (ii) the current mobile home park office being relocated offsite which will impose a hardship on current mobile home park residents.”**
- B. Regarding the proposed Variance:
- (1) Without Part A of the proposed variance, for a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard, the storage building would have to be moved or removed.
 - (2) Without Part B of the proposed variance, for a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 31 of 55

front yard, the home on site number 1 would have to be removed; there is insufficient space to move this home 17.5 feet to the west. This would negatively impact the financial feasibility of the park for the petitioners by decreasing density.

- (3) Without Part C of the proposed variance, for a rear yard of 10 feet in lieu of the minimum required 15 feet, the homes on site numbers 17 and 19 would have to be removed or replaced by a shorter manufactured home.
- (4) Without Part D of the proposed variance, for the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement, the home on site number 17 would have to be removed or replaced by a shorter manufactured home.

RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

19. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“The setback variance requests deal with pre-existing circumstances; the density variance request addresses the existing inefficient layout of the mobile home park and allows existing infrastructure to be better utilized to provide additional affordable housing and reduce urban sprawl.”**

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

20. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“The requested variances are consistent with the general intent of the County Zoning Ordinance in that they will bring an existing use into compliance with the zoning ordinance and will provide additional affordable housing and discourage urban sprawl.”**
 - B. Regarding Part A of the proposed variance, for a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard: the requested variance for side yard is 40% of the minimum required, for a variance of 60%; the requested variance for rear yard is 0% of the minimum required, for a variance of 100%.
 - (1) The Zoning Ordinance does not clearly state the considerations that underlie the side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
 - a. Adequate light and air: The subject property is in residential use. The surrounding properties are in residential use, industrial use, or agricultural production.
 - b. Separation of structures to prevent conflagration: The subject property is within the Eastern Prairie Fire Protection District and the station is approximately 5.6 road miles from the subject property. The nearest

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 32 of 55

structure to the storage building on adjacent property is a duplex that is approximately 35 feet away.

- c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- C. Regarding Part B of the proposed variance, for a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard: the requested variance for setback is 68% of the minimum required, for a variance of 32%; the requested variance for front yard is 48% of the minimum required, for a variance of 52%.
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
 - a. Adequate separation from roads.
 - b. Allow adequate area for road expansion and right-of-way acquisition.
 - c. Parking, where applicable.
 - d. There are no known developments or road improvements that would trigger road expansion or additional right-of-way needs.
- D. Regarding Part C of the proposed variance, for a rear yard of 10 feet in lieu of the minimum required 15 feet: the requested variance is 67% of the minimum required, for a variance of 33%.
- E. Regarding Part D of the proposed variance, for the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement: the requested variance is 0% of the minimum required, for a variance of 100%.
- (1) The prohibition on construction in drainage easements and utility easements in paragraph 4.2.2 D. was added to the Zoning Ordinance in Ordinance No. 544 (Case 105-AT-97 Part D) that was adopted on November 18, 1997. The evidence, testimony, and Finding of Fact for Case 105-AT-97 Part D merely discussed that the amendment gave the Zoning Administrator the authority to prevent construction in these areas where construction is not supposed to occur.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

21. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“The setback variances reflect the long standing existing use of the mobile home park and are filed in conjunction with a Special Use Permit Application which is necessary to alleviate the current non-conforming use. The density variance does not increase the geographic size of the**

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 33 of 55

mobile home park but allows existing infrastructure to be more efficiently utilized to provide additional affordable housing and reduce urban sprawl.”

- B. The Urbana Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The Eastern Prairie Fire Protection District has been notified of this variance and no comments have been received.
- D. The nearest building on neighboring property is a residence in Woods Edge that is approximately 30 feet from the shared property line.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 22. Generally regarding any other circumstances which justify the Variance:
 - A. The Petitioner provided no response on the application.

REGARDING THE INTERPRETATION OF ZONING BOUNDARIES

- 23. Regarding the interpretation of zoning boundaries for Case 862-I-16:
 - A. The R-5 zoning district boundary that splits Loral Park Manufactured Home Park does not adhere to the Rules for Interpretation of Boundaries in Section 4.1.6 of the Zoning Ordinance, particularly with respect to paragraphs 4.1.6. A. and 4.1.6. G. It is possible that an amendment is required to the Zoning Map and an Interpretation of the existing zoning district boundaries by the Zoning Board of Appeals is the surest way to clarify whether a map amendment is necessary.
 - B. The subject property is currently zoned R-5 Manufactured Home Park except the north 90 feet, which is zoned AG-2 Agriculture.
 - C. Zoning district classifications for the subject property have not changed since adoption of the Zoning Ordinance on October 10, 1973.
 - D. As per the minutes from the December 16, 1971 meeting of the Champaign County Zoning Commission and Planning and Zoning Committee, the following was suggested by Mr. Goodell, although it is not clear if this suggestion was implemented in the Official Zoning Map adopted on October 10, 1973: “Concerning several areas where current conditional use permits exist for mobile home parks to the north and northeast of Urbana, Mr. Goodell had suggested that where all existing conditional use permits which are greater than one year old where no development has occurred, that the zoning be returned to AG-2 from the county district of R-5”.
 - E. Regarding the requirement in Section 4.1.6 A. that states, “Boundaries indicated as approximately following the centerlines of STREETS or ALLEYS shall be construed to follow such centerlines”:
 - (1) The northern boundary of the R-5 district does not follow the street centerline of Fern Street, but follows the north edge of that street and the eastern portion of Fern Street is also not in the R-5 district at all, such that 16 home sites north of Fern

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 34 of 55

Street are in the AG-2 Agriculture district and the remaining 18 home sites are in the R-5 district.

- (2) Since adoption of the Zoning Ordinance on October 10, 1973, Manufactured Home Parks have not been permitted uses in the AG-2 Agriculture district. The Zoning Ordinance has always required Manufactured Home Parks to be in the R-5 zoning district.
- F. Regarding the requirement in Section 4.1.6 G. that states, “Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A through F above, the BOARD shall interpret the DISTRICT boundaries”:
- (1) Fern Street was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - (2) The subject property was created prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - (3) Since Fern Street and the parcel existed, there has always been 90 feet of land north of Fern Street within the subject property boundary.
 - a. The Official Zoning Map districts were created prior to October 10, 1973, around the same time that (1) the 22 additional home sites were being constructed on the subject property between July 12, 1972, and December 7, 1973, and (2) that the owners were in a legal dispute with the City of Urbana regarding use of the property for a mobile home court, for which a Declaratory Judgment was issued on September 11, 1972.
- G. Land to the north of the original 12 sites was in agricultural production as per 1973 aerial photography.
- H. Since the 22 home sites were added to the park in 1972-1973, land to the north of the subject property has remained in agricultural production in the AG-2 Zoning District.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

24. Regarding proposed special conditions of approval for Special Use Permit Case 854-S-16:
 - A. **A miscellaneous document shall be filed with the Champaign County Recorder of Deeds stating the Loral Park was authorized subject to special conditions in Cases 854-S-16, 855-V-16, and 862-I-16, and the document shall contain all of the special conditions of approval for Cases 854-S-16 and 855-V-16. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.**

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

That any prospective purchaser of the subject property is aware of all of the special conditions of approval.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 35 of 55

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- C. **That the petitioners develop the recreation areas within two years and in accordance with the most recent version of the Illinois Mobile Home Park Act (210 ILCS 115) and the Illinois Department of Public Health Manufactured Home Community Code.**

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

That Loral Park conforms to State of Illinois requirements.

- D. **On-street parking shall be prohibited at all times and shall be clearly marked with signs at each entrance to the development or sufficiently throughout the park and these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**

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

That there is always adequate emergency vehicle access.

- E. **The petitioners will ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

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

That emergency access functions as intended.

- F. **Replacement homes shall conform to setback and yard requirements established in Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than one of the existing home sites.**

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

That replacement homes do not make the manufactured home park more nonconforming with Zoning Ordinance requirements.

- G. **Prior to the issuance of a Zoning Use Permit for construction, the petitioners shall submit the Plot Plan that is required as part of the Illinois Department of Public Health application for altering a manufactured home park. The Plot Plan submitted to and approved by IDPH shall be substantially the same as the Approved Site Plan in this Special Use Permit.**

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

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 36 of 55

- H. **Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**
- (1) A Change of Use Permit shall be required for any replacement of existing nonconforming structures. The replacement structure shall be inspected by the Zoning Administrator prior to occupancy and if the replacement structure is in compliance with the approval in Case 854-S-16 and Case 855-V-16, then the Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change of Use Permit for replacement of existing nonconforming structures, including the Zoning Compliance Certificate, shall be \$66 per home site.**
 - (2) Each new home on proposed sites 35, 36, 37, and 38 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**
 - (3) Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 37 of 55

DOCUMENTS OF RECORD

1. Application for Special Use Permit received September 6, 2016, with attachments:
 - A Site Plan received September 6, 2016
 - B Legal description
 - C Example rules and regulations from Urbana MHP, also owned by the petitioners
2. Application for Variance received September 6, 2016, with attachments:
 - A Site Plan received September 6, 2016
 - B Legal description
3. Survey for Urbana-Champaign Sanitary District recorded September 27, 1972
4. Survey for Northern Illinois Water Corporation recorded October 5, 1972
5. Email from Rick Hafer, IDPH Champaign Regional Office, received December 1, 2015, with attachments:
 - A Application to alter an existing manufactured home community dated July 10, 1972
 - B Construction permit #118-1972 dated July 19, 1972
 - C Letter from Regional Sanitary Engineer Michael Hines dated August 8, 1972
 - D Letter from Regional Sanitary Engineer Michael Hines dated June 15, 1973, with attachment:
 - Declaratory Judgment for Circuit Court Case 72-C-666 dated September 11, 1972
 - E IDPH Inspection report dated December 7, 1973
6. Email from Rick Hafer, IDPH Champaign Regional Office, received January 12, 2016, with attachments:
 - A Plan showing original 12 home sites
7. Land Survey prepared for RV Horizons received March 28, 2016
8. Aerial photography of subject property from 1973 and 2014
9. Illinois Department of Public Health Application (blank form) to alter an existing manufactured home community, effective date April 26, 2016 and accessed online by staff November 16, 2016
10. Preliminary Memorandum dated December 1, 2016, with attachments:
 - A Full legal advertisement
 - B Case Maps (Location, Land Use, Zoning)
 - C Proposed Site Plan received September 6, 2016
 - D Map of proposed waivers created by staff
 - E Champaign County Zoning Ordinance Section 6.2 Manufactured Home Parks, revised April 24, 2014
 - F Survey for Urbana-Champaign Sanitary District recorded September 27, 1972
 - G Survey for Northern Illinois Water Corporation recorded October 5, 1972

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 38 of 55

- H Email from Rick Hafer, IDPH Champaign Regional Office, received December 1, 2015, with attachments:
 - Application to alter an existing manufactured home community dated July 10, 1972
 - Construction permit #118-1972 dated July 19, 1972
 - Letter from Regional Sanitary Engineer Michael Hines dated August 8, 1972
 - Letter from Regional Sanitary Engineer Michael Hines dated June 15, 1973, with attachment:
 - Declaratory Judgment for Circuit Court Case 72-C-666 dated September 11, 1972
 - IDPH Inspection report dated December 7, 1973
- I Email from Rick Hafer, IDPH Champaign Regional Office, received January 12, 2016, with attachment:
 - Plan showing original 12 home sites
- J Excerpt from Minutes of Champaign County Zoning Commission and Planning and Zoning Committee dated December 16, 1971
- K Land Survey prepared for RV Horizons received March 28, 2016
- L Aerial photography of subject property from 1973 and 2014
- M Illinois Department of Public Health Application (blank form) to alter an existing manufactured home community, effective date April 26, 2016 and accessed online by staff November 16, 2016
- N Site Images Packet
- O Draft Summary of Evidence, Finding of Fact, and Final Determination for Cases 854-S-16, 855-V-16, and 862-I-16 dated December 8, 2016

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 39 of 55

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning Cases **854-S-16, 855-V-16, and 862-I-16** held on **December 8, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 40 of 55

- d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use ***IS*** an existing nonconforming use.
- 6. ***SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:***

As per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described”.

- A. Regarding Part A of the proposed waivers, for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites:
 - (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems:
 - (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 41 of 55

- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- C. Regarding Part C of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- D. Regarding Part D of the proposed waivers, for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 42 of 55

- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- E. Regarding Part E of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- F. Regarding Part F of the proposed waivers, for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 43 of 55

- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- G. Regarding Part G of the proposed waivers, for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- H. Regarding Part H of the proposed waivers, for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 44 of 55

- I. Regarding Part I of the proposed waivers, for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- J. Regarding Part J of the proposed waivers, for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- K. Regarding Part K of the proposed waivers, for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home:

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 45 of 55

- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- L. Regarding Part L of the proposed waivers, for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- M. Regarding Part M of the proposed waivers, for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 46 of 55

- (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- N. Regarding Part N of the proposed waivers, for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- O. Regarding Part O of the proposed waivers, for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 47 of 55

- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

P. Regarding Part P of the proposed waivers, for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office:

- (1) The waiver **{IS / IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL / WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- (2) Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

7. Regarding the variance (Case 855-V-16):

- a. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
- b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- c. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- d. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
- e. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 48 of 55

f. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

8. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

For Special Use Permit Case 854-S-16:

A. **A miscellaneous document shall be filed with the Champaign County Recorder of Deeds stating the Loral Park was authorized subject to special conditions in Cases 854-S-16, 855-V-16, and 862-I-16, and the document shall contain all of the special conditions of approval for Cases 854-S-16 and 855-V-16. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.**

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

That any prospective purchaser of the subject property is aware of all of the special conditions of approval.

B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

C. **That the petitioners develop the recreation areas within two years and in accordance with the most recent version of the Illinois Mobile Home Park Act (210 ILCS 115) and the Illinois Department of Public Health Manufactured Home Community Code.**

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

That Loral Park conforms to State of Illinois requirements.

D. **On-street parking shall be prohibited at all times and shall be clearly marked with signs at each entrance to the development or sufficiently throughout the park and these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**

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

That there is always adequate emergency vehicle access.

E. **The petitioners will ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

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

That emergency access functions as intended.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 49 of 55

- F. **Replacement homes shall conform to setback and yard requirements established in Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than one of the existing home sites.**

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

That replacement homes do not make the manufactured home park more nonconforming with Zoning Ordinance requirements.

- G. **Prior to the issuance of a Zoning Use Permit for construction, the petitioners shall submit the Plot Plan that is required as part of the Illinois Department of Public Health application for altering a manufactured home park. The Plot Plan submitted to and approved by IDPH shall be substantially the same as the Approved Site Plan in this Special Use Permit.**

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

That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.

- H. **Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**

- (1) **A Change of Use Permit shall be required for any replacement of existing nonconforming structures. The replacement structure shall be inspected by the Zoning Administrator prior to occupancy and if the replacement structure is in compliance with the approval in Case 854-S-16 and Case 855-V-16, then the Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change of Use Permit for replacement of existing nonconforming structures, including the Zoning Compliance Certificate, shall be \$66 per home site.**
- (2) **Each new home on proposed sites 35, 36, 37, and 38 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**
- (3) **Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 50 of 55

FINAL DETERMINATION FOR CASE 854-S-16

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **854-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **ILUR Loral Park MHP, LLC, which includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, via agent Patrick Fitzgerald,** to authorize the following:

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park with 34 existing manufactured home sites and an additional 4 proposed manufactured home sites as a Special Use Permit in the R-5 Manufactured Home Park Zoning District, subject to the variance requested in related Case 855-V-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS FOR MANUFACTURED HOME PARKS:

Part A: Authorize a waiver for a Manufactured Home Park with an area of only 4.326 acres and only 38 manufactured home sites in lieu of the minimum area of 5 acres and the minimum 40 manufactured home sites as per Section 6.2.2 B.

Part B: Authorize a waiver for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites; the location of all water, storm sewer and sanitary lines, water supply, and refuse and sewage disposal facilities; and the location of internal lighting and electrical systems as per Section 6.2.1 C.2., 6.2.1 C.3., and 6.2.1 C.5.

Part C: Authorize a waiver for a Site Plan that does not include the limits of each Manufactured Home Site as per Section 6.2.2 E.1.

Part D: Authorize a waiver for 9 Manufactured Home Sites for each gross acre of land in lieu of the maximum allowed 8 Manufactured Home Sites for each gross acre of land as per Section 6.2.2 B.

Part E: Authorize a waiver with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply, as per Section 6.2.2 F.6.

Part F: Authorize a waiver for the electrical system for all existing homes, any used homes that will replace existing homes, and for the electrical distribution system to existing homes, to comply with the latest edition of the National Electric Code, as per Section 6.2.3 D.1.

PRELIMINARY DRAFT Cases 854-S-16, 855-V-16 and 862-I-16

Page 51 of 55

Part G: Authorize a waiver for no street lighting in lieu of the minimum requirement of 0.1 foot-candle throughout the street system and 0.3 foot-candles in potentially hazardous locations as per Section 6.2.2 G.1. for manufactured home site numbers 1 to 34.

Part H: Authorize a waiver for a minimum setback (yard) of 0 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways as per Section 6.2.2 E.2.a. for manufactured home site numbers 1 to 34.

Part I: Authorize a waiver for a manufactured home site access driveway that is 30 feet from a public right-of-way in lieu of the minimum required 50 feet as per Section 6.2.2 F.3. for manufactured home site number 1.

Part J: Authorize a waiver for a setback of 20 feet between a manufactured home site that faces a public street and the manufactured home park exterior boundary in lieu of the minimum required 25 feet, as per Section 6.2.2 C.1.C. for manufactured home site number 1.

Part K: Authorize a waiver for a fire hydrant that is 625 feet from any manufactured home in lieu of requiring a fire hydrant not more than 500 feet from any manufactured home, as per Section 6.2.3 F.2. for manufactured home site numbers 2 to 5.

Part L: Authorize a waiver for a minimum rear yard of 10 feet in lieu of the minimum required 15 feet as per Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part M: Authorize a waiver for a minimum setback (yard) of 5 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, as per Section 6.2.2 E.2.b. for manufactured home sites numbers 2, 5, 21, and 22.

Part N: Authorize a waiver for a minimum setback (rear and side yards) of at least 3 feet in lieu of the minimum required 10 feet as per Section 6.2.2 E.2.c. for manufactured home site numbers 21 to 34.

Part O: Authorize a waiver for a minimum manufactured home site of 2,500 square feet in area in lieu of the minimum required 3,200 square feet as per Section 6.2.2 E.3. for manufactured home site numbers 22 to 26, 30, 31, 33, and 34.

Part P: Authorize a waiver for a Manufactured Home Park that provides an off-site Management Office in lieu of an on-site Management Office as per Section 6.2.4 A.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A miscellaneous document shall be filed with the Champaign County Recorder of Deeds stating the Loral Park was authorized subject to special conditions in Cases 854-S-16, 855-V-16, and 862-I-16, and the document shall contain all of the special conditions of approval for Cases 854-S-16 and 855-V-16. A copy of the recorded document shall be given to the Zoning Administrator after filing with the Recorder of Deeds.**

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 52 of 55

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **That the petitioners develop the recreation areas within two years and in accordance with the most recent version of the Illinois Mobile Home Park Act (210 ILCS 115) and the Illinois Department of Public Health Manufactured Home Community Code.**
- D. **On-street parking shall be prohibited at all times and shall be clearly marked with signs at each entrance to the development or sufficiently throughout the park and these signs shall be in place before any replacement of homes occurs and shall be verified in all inspections by the Zoning Administrator.**
- E. **The petitioners will ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**
- F. **Replacement homes shall conform to setback and yard requirements established in Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than one of the existing home sites.**
- G. **Prior to the issuance of a Zoning Use Permit for construction, the petitioners shall submit the Plot Plan that is required as part of the Illinois Department of Public Health application for altering a manufactured home park. The Plot Plan submitted to and approved by IDPH shall be substantially the same as the Approved Site Plan in this Special Use Permit.**
- H. **Any proposed new construction and/ or proposed new use shall be authorized and established as follows:**
 - (1) **A Change of Use Permit shall be required for any replacement of existing nonconforming structures. The replacement structure shall be inspected by the Zoning Administrator prior to occupancy and if the replacement structure is in compliance with the approval in Case 854-S-16 and Case 855-V-16, then the Zoning Administrator shall authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change of Use Permit for replacement of existing nonconforming structures, including the Zoning Compliance Certificate, shall be \$66 per home site.**
 - (2) **Each new home on proposed sites 35, 36, 37, and 38 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**
 - (3) **Development of the proposed recreation areas shall be authorized either under a Change of Use Permit for a fee of \$65 or may be combined for no fee with any other required Change of Use Permit or Zoning Use Permit.**

PRELIMINARY DRAFT **Cases 854-S-16, 855-V-16 and 862-I-16**

Page 53 of 55

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

Cases 854-S-16, 855-V-16 and 862-I-16 PRELIMINARY DRAFT

Page 54 of 55

FINAL DETERMINATION FOR CASE 855-V-16

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Variance requested in Case **855-V-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **ILUR Loral Park MHP, LLC, which includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, via agent Patrick Fitzgerald,** to authorize the following:

Authorize the use and expansion of an existing, nonconforming Manufactured Home Park in the R-5 Manufactured Home Park Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 854-S-16 and subject to an interpretation of zoning district boundaries in related Case 862-I-16 and

SUBJECT TO THE FOLLOWING VARIANCE:

Part A: Authorize a side yard of 6 feet and a rear yard of 0 feet for the Manufactured Home Park Management Storage Facility in lieu of the minimum required 15 feet side yard and 15 feet rear yard as per Zoning Ordinance Section 6.2.2 C.2.

Part B: Authorize a minimum setback of 37.5 feet and a front yard of 12 feet in lieu of the minimum required 55 feet setback and 25 feet front yard as per Zoning Ordinance Section 4.3.2. for manufactured home site number 1.

Part C: Authorize a rear yard of 10 feet in lieu of the minimum required 15 feet as per Zoning Ordinance Section 6.2.2 C.2. for manufactured home site numbers 17 and 19.

Part D: Authorize the placement of an existing manufactured home located in a utility easement in lieu of the requirement that no construction shall take place in a recorded utility easement as per Section 4.2.2 D. for manufactured home site number 17.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 862-I-16

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Interpretation of zoning district boundaries requested in Case **862-I-16** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}** to the applicant **ILUR Loral Park MHP, LLC, which includes principals David Reynolds, RV Horizons General Manager, and Jack Baczek, Manager of Coupling Investments, LLC, via agent Patrick Fitzgerald,** to authorize the following:

To classify the north 90 feet of the 4.326 acre subject property in related Cases 854-S-16 and 855-V-16 as R-5 Manufactured Home Park Zoning in lieu of the AG-2 Agriculture Zoning shown in the 1973 Official Zoning Map.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date