

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF SPECIAL MEETING

Date: August 12, 2010
Time: 7:00 P.M.
Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 P.M.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (July 29, 2010)
5. Continued Public Hearings

Case 671-AM-10 Petitioner: **James Finger, President and Lisa M. Feig, Vice President,
d.b.a Triad Shredding, Inc.**

Request: **Amend the Zoning Map to change the district designation from the AG-2
Agriculture Zoning District to the B-4 General Business District to allow Triad
Shredding to construct a new facility as requested in related Case 672-S-10.**

Location: **A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of
the Southeast Quarter of Section 33 of Harwood Township and commonly
known as the Triad Shredding property at 2074 CR 3000N (US136), Rantoul.**

***Case 672-S-10** Petitioner: **James Finger, President and Lisa M. Feig, Vice President,
d.b.a Triad Shredding, Inc.**

Request: **Authorize Triad Shredding, Inc. to do recycling of non-hazardous materials
(confidential paper shredding and recycling) with all processing and storage
of materials taking place indoors in the B-4 General Business Zoning District
as rezoned in related Zoning Case 671-AM-10.**

Location: **A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of
the Southeast Quarter of Section 33 of Harwood Township and commonly
known as the Triad Shredding property at 2074 CR 3000N (US136),
Rantoul.**

6. New Public Hearings
7. Staff Report
8. Other Business
A. June and July, 2010 Monthly Reports
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF REGULAR MEETING**
2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
3 **1776 E. Washington Street**
4 **Urbana, IL 61801**

7 **DATE:** July 29, 2010 **PLACE:** Lyle Shields Meeting Room
8 **TIME:** 7:00 p.m. **1776 East Washington Street**
9 **Urbana, IL 61802**

11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Roger Miller, Melvin Schroeder, Eric
12 Thorsland

14 **MEMBERS ABSENT :** Doug Bluhm, Paul Palmgren

16 **STAFF PRESENT :** Connie Berry, John Hall, J.R. Knight

18 **OTHERS PRESENT :** Jim Finger, Lisa Feig, Tom Finger, Nathan Feig

21 **1. Call to Order**

23 The meeting was called to order at 7:01 p.m.

25 **2. Roll Call and Declaration of Quorum**

27 The roll was called and a quorum declared present with two members absent.

29 Mr. Hall informed the Board that due to the absence of Doug Bluhm, Chairman, the Board must appoint an
30 Interim Chair for tonight's meeting.

32 **Mr. Thorsland moved, seconded by Mr. Schroeder to appoint Ms. Capel as Interim Chair for**
33 **tonight's meeting. The motion carried by voice vote.**

35 **3. Correspondence**

37 None

39 **4. Approval of Minutes (July 15, 2010)**

41 **Mr. Schroeder moved, seconded by Mr. Thorsland to approve the July 15, 2010, minutes as**
42 **submitted. The motion carried by voice vote.**

44 **5. Continued Public Hearing**

46 None

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6. New Public Hearings

Case 671-AM-10 Petitioner: **James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad Shredding, Inc.** Request to amend the Zoning Map to change the district designation from the AG-2 Agriculture Zoning District to the B-4 General Business District. Location: A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 o Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N, (US136), Rantoul.

Case 672-S-10 Petitioner: **James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad Shredding, Inc.** Request to authorize Triad Shredding, Inc. to do recycling of non-hazardous materials (confidential paper shredding and recycling) with all processing and storage of materials taking place indoors in the B-4 General Business Zoning District (the subject of Case 671-AM-10). Location: A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N (US136), Rantoul.

Ms. Capel called Cases 671-AM-10 and 672-S-10 concurrently.

Ms. Capel informed the audience that Case 672-S-10 is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt from cross examination.

Mr. Hall distributed a Supplemental Memorandum dated July 29, 2010, for the Board’s review. He said that after reviewing the memorandums that were included in the mailing the Board should have realized that staff had alot of work to do prior to the meeting and a lot of evidence to add to the Finding of Fact. He said that due to staff vacation this week there has been limited work completed on these cases since the mailing and all of the evidence which needed added to the Finding of Fact was not added. He said that unfortunately the cases are not ready for action at tonight’s meeting, which is not necessarily a bad thing, because this is the first rezoning like this under the Land Resource Management Plan and in most respects it will have a higher hurdle than it would under the Land Use Goals and Policies and tonight’s memorandum addresses that issue.

Mr. Hall stated that staff’s recommendation included in the previous memorandums was that on the rezoning all of Goal 4 was achieved although it is not that clear. He said that staff was rushed in preparing the memorandum for the rezoning and a lot of the changes that staff intended to make were not included therefore Goal 4 and Goal 5 must be reviewed very carefully by the Board and anything that staff has merely recommended is just that, a recommendation. He said that if the Board has any questions at all then he

1 would like to review those questions before proceeding because we are dealing with a whole new set of
2 polices which present new challenges. He said that there are case maps attached to the Supplemental
3 Memorandum dated July 29, 2010, which helps put everything into a much better perspective. He
4 distributed a generalized zoning map, Figure 12.6 of the LRMP, and stated that the area where the subject
5 property is located is the only isolated section of AG-2 which is surrounded by AG-1 that is not co-located
6 with a village. He said that long term residents of the area may recall that the County Board had a planning
7 study completed in the late 1980's regarding land use recommendations for along U.S.136 because land use
8 along this corridor has been a concern for a very long time. He noted that Figure 12.6 of the LRMP will be
9 added as a Document of Record.

10
11 Mr. Hall stated that there are one or two dwellings located west of the subject property and there are a few
12 other dwellings in the area. He said that the south side of U.S.136 is zoned AG-1 and is undeveloped. He
13 said that attached to the Supplemental Memorandum is a letter from Bruce Stickers, Resource
14 Conservationist, Champaign County Soil and Water Conservation District, which indicates that the proposed
15 rezoning and Special Use Permit do not require a Natural Resources Report because the property has not
16 been in agricultural production since before 1988. Mr. Hall stated that staff went back through the property
17 tax records and it has been confirmed that there was a business use in the existing building on October 10,
18 1973, which is when zoning was adopted, and staff is aware that the facility was utilized as a meat locker
19 until the early 1980's. He said that the use on the property has been unknown since the 1980's and there
20 have been some enforcement issues but since Triad Shredding purchased the property the enforcement issues
21 are being corrected.

22
23 Mr. Hall stated that Page 2, of the July 29, 2010, Supplemental Memorandum includes new evidence for
24 Policy 4.2.1. He said that Policy 4.2.1 is one of the new policies which will establish a higher standard for a
25 rezoning such as the one requested in Case 671-AM-10. He noted that even with the new evidence staff is
26 not making a recommendation regarding conforms or does not conform. He said that Goal 4 is the goal and
27 policies which deal with protecting agriculture and Goal 5 is the goal and policies which discuss urban land
28 use. He said that some people may be surprised that staff is discussing urban land use in a rezoning case but
29 at a staff level it can justified. He said that Policy 4.2.1 states, "The County may authorize a proposed
30 business or other non-residential discretionary review development in a rural area if the proposed
31 development supports agriculture or involves a product or service that is provided better in a rural area than
32 in an urban area." He said that also attached to the Supplemental Memorandum dated July 29, 2010, are the
33 definitions from the LRMP and a discretionary review development is either in a special use case or map
34 amendment, in this case both therefore the revised item 11.C.(1) regarding Policy 4.2.1 should read as
35 follows: The proposed rezoning (conform/does not conform) to Policy 4.2.1 because of the following: (a)
36 The proposed use is "recycling of non-hazardous waste materials (confidential paper shredding and
37 recycling)" with all processing and storage of materials taking place indoors and is discussed in related
38 zoning case 672-S-10; and (b) The proposed development does not support agriculture; and (c) It is not clear
39 whether or not the use proposed in related case 672-S-10 is provided better in a rural area; and (d) The
40 proposed use can operate from this rural location and can make very productive use of the subject property
41 which has not been in agricultural production since before 1988 and was in a business use when the Zoning
42 Ordinance was adopted on October 10, 1973. He said that elsewhere in the Finding of Fact staff has added
43 evidence indicating that the proposed use serves businesses within a 100-mile radius and with a service area

1 that large it is fair to say that there is not an exact location which would be the best location provided it has
2 good highway access. He said that staff is trying to list as much relevant evidence under Policy 4.2.1 as
3 possible. He said that Policy 4.2.1 is one of the most difficult policies for this case because it actually talks
4 about a service that is provided better in a rural area. He said that there are rural areas and then there are
5 rural areas and this location on U.S.136, which is an isolated area of AG-2, is unlike most other rural areas in
6 the County and there are no other areas in the County like it. He said that all of the evidence may have to
7 come down to Policy 4.2.1 because it is the most challenging policy.

8
9 Mr. Hall stated that there are no changes to Policy 4.2.2 and staff recommended that the use conforms to
10 Policy 4.2.2. He said that there are no changes to Policy 4.2.4. He said that Objective 4.3 regarding Site
11 Suitability for Discretionary Review Development states the following: Champaign County will require that
12 each discretionary review development is located on a suitable site. He said that in the Preliminary
13 Memorandum dated July 23, 2010, staff recommended achieves although staff must now retract that
14 recommendation. He said that the memorandum is incorrect when it included Policy 4.3.1 which discusses
15 soils which are not considered best prime farmland and these soils are considered best prime farmland
16 therefore Policy 4.3.1 is not relevant. He said that Policy 4.3.2 states that on best prime farmland, the
17 County may authorize a discretionary review development provided the site with proposed improvements is
18 well-suited overall for the proposed land use. He said that revised Item 11.D.(2) regarding Policy 4.3.2
19 should read as follows: The proposed zoning (conforms/does not conform) to Policy 4.3.2 because of the
20 following: (a) The land is best prime farmland and consists primarily of Drummer Silty Clay soil that has a
21 Land Evaluation score of 98; and (b) The subject property fronts and has access to U.S. 136 which is a state
22 highway; and (c) The subject property is not served by sanitary sewer; and (d) The existing building on the
23 subject property was in business use when the Zoning Ordinance was adopted on October 10, 1973; and (e)
24 The subject property has not been in agricultural production since before 1988; and (f) Mr. Hall stated that it
25 would be good to have some evidence about the AG-2 district and how this is an unusual location; and (g)
26 The proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and
27 recycling) with all processing and storage of materials taking place indoors and is discussed in related zoning
28 case 672-S-10. Relevant considerations related to this use are the following: i: This is an existing business
29 that serves other businesses within a 100-mile radius and is therefore not dependent upon a single location so
30 much as good transportation accessibility; and ii: The proposed use should not be considered urban
31 development because there is no wastewater generated by the recycling process. There will also be very
32 little need for potable water from the well; and iii: The buildings housing the proposed use will appear to be
33 very similar to large farm buildings; and iv: The proposed use is proposed to have an enclosed dock area
34 which should eliminate the possibility of blown litter into the adjacent farm fields; and v: The proposed
35 hours of operation are 8 AM to 6 PM Monday through Friday. He said that any other evidence that could be
36 included would help tend towards well suited overall but when it is a judgment call staff will not make a
37 recommendation and leave the determination up to the Board.

38
39 Mr. Hall stated that revised Item 12.A(2) is in regard to LRMP Goal 5 which states that Champaign County
40 will encourage urban development that is compact and contiguous to existing cities, villages, and existing
41 unincorporated settlements. He said that Objective 5.1 states that Champaign County will strive to ensure
42 that the preponderance of population growth and economic development is accommodated by new urban
43 development in or adjacent to existing population centers. He said that staff did not make a recommendation

1 regarding Policy 5.1.1 which states that the County will encourage new urban development to occur within
2 the boundaries of incorporated municipalities. He said that the critical question is whether this is urban
3 development therefore the new evidence to be included under revised Item 12.A(2) is as follows: The
4 proposed rezoning (conforms/does not conform) to Policy 5.1.1 because of the following: (a) The subject
5 property is not served by sanitary sewer; and (b) The appendix to Volume 2 of the LRMP defines “urban
6 development” as the construction, extension, or establishment of a land use that requires or is best served by
7 a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected
8 and served by a public sanitary sewer system; and (c) As explained in related Zoning Case 672-S-10 the
9 proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and recycling)
10 with all processing and storage of materials taking place indoors. The shredding and recycling process uses
11 no process water so there is no wastewater produced by the proposed recycling operations; and (d) The
12 proposed use is not urban development because the proposed use generates no process-related wastewater
13 and could be very adequately served by an onsite septic system; and (e) The B-4 District contains many uses
14 that can be considered urban development as defined by the LRMP such as laundry and restaurant and any
15 use which generates a substantial wastewater load; and (f) A special condition has been proposed to limit
16 uses on the subject property to uses that generate no more wastewater than the equivalent of a three bedroom
17 dwelling as specified in the *Illinois Private Sewage Disposal Licensing Act and Code (77IAC905)*. The *Act*
18 specified that the wastewater load of a three bedroom dwelling is 600 gallons per day. The subject property
19 could be redeveloped with a three bedroom dwelling under the current AG-2 designation. The following is a
20 review of authorized uses in the B-4 District and indicate the size limit that would result from the limit of
21 600 gallons of wastewater per day: i: A restaurant without a bar generates 10 gallons of wastewater per day
22 per customer so a 600 gallon limit equates to only 60 customers which is probably too few customers to
23 support a restaurant; and ii: A laundry generates 50 gallons of wastewater per day so a 600 gallon limit
24 equates to only about 12 customers; and iii: an office generates 15 gallons of wastewater per day per
25 employee so a 600 gallon limit equates to about 40 employees. He said that if there was a building, such as
26 the existing building on the subject property, which had a completely open office which provided restrooms
27 and stairs, etc. 40 employees would not be allowed therefore it would take a sizeable office building to house
28 40 employees. He said that the previous information is based on information, in Section 905. Appendix A of
29 the *Illinois Private Sewage Disposal Licensing Act and Code (77IAC905)*, which is an attachment to the
30 Supplemental Memorandum dated July 29, 2010. He said that staff is trying to demonstrate that if both
31 cases were approved by the Board the petitioners would not be limited to only doing the proposed special use
32 permit and could actually do anything that was by-right that is authorized under the B-4 district. He said that
33 over the years the County has used various kinds of creative conditions to limit a rezoning like this when
34 they believed that the idea of rezoning would be okay if the size of types of uses could be limited. He said
35 that he does not recall using a condition like this but frankly he believes that it is a good sound condition and
36 the biggest concern about the location is the wastewater load. He said that limiting the use to no more than
37 600 gallons would add adequate protection. He said that he spoke to Jeff Blackford of the Champaign
38 County Health Department and he agreed that limiting to 600 gallons would provide good assurance with a
39 proviso which is that the property is not subsequently subdivided so that you don’t end up with just one 600
40 gallon per day use and not two 600 gallon per day uses. He said that if the condition could be refined better
41 to indicate that the condition applies to the entire property and even if the property is subdivided the
42 condition would still apply to the entire property.
43

1 Mr. Hall stated that with the new evidence it is clear that staff has a lot more work to do on other policies
2 that the Board has not seen the evidence on and what staff would like to know tonight is if the Board
3 believes that the path that we are going down can be successful or if there are more serious issues. He noted
4 that the evidence regarding the tax records will be added to the Finding of Fact so that when this case is
5 before the County Board they can be confident that this is what we are talking about.

6
7 Ms. Capel asked the Board if there were any questions for Mr. Hall.

8
9 Mr. Miller asked Mr. Hall to indicate the minimum lot width that would be required in the AG-2 district for
10 a single family dwelling.

11
12 Mr. Hall stated that after the 1992 amendment the minimum average lot width in the AG-2 district is 150
13 feet. He said that the subject property was created under the old standard which was only 100 feet therefore
14 this is a non-conforming lot of record that is legal to use under the current zoning district.

15
16 Mr. Miller stated that due to the long and narrow shape of the subject property it would be a difficult to
17 develop it for a home site.

18
19 Mr. Hall stated that the subject property is long and narrow and the length of the lot is unusual but it is fully,
20 legally non-conforming and if someone wanted to place a house on a lot that is this wide they could legally
21 do so.

22
23 Ms. Capel called Mr. Jim Finger to testify.

24
25 Mr. Jim Finger, President of Triad Shredding Corp. stated that their hope is to place their business at the
26 proposed location. He said that they have been searching for a new location for approximately five years and
27 one of the biggest problems that they have incurred is finding a site that has access to a state highway, has
28 three-phase electrical service and a loading dock. He said that they would like to stay in the Rantoul area
29 because Rantoul is where they were born and raised but they have not had any luck finding an appropriate
30 location. He said that they discovered that the subject property was for sale and they quickly purchased it
31 because it was in foreclosure. He said that they were aware of the fact that a business had been previously
32 located on the subject property therefore they hoped that their business would be allowed to operate on the
33 subject property.

34
35 Ms. Capel asked the Board if there were any questions for Mr. Finger.

36
37 Mr. Miller asked Mr. Finger to indicate the number of employees and vehicles expected at the subject
38 property.

39
40 Mr. Finger stated that currently they have three full-time employees and five part-time employees although
41 the number of part-time employees can vary down to two or three. He said that the business has two small
42 Isuzu box trucks and a larger Mack box truck. He said that the employee vehicles and the trucks may make
43 two trips per day in and out of the facility. He said that a does semi-truck arrive every weekly to be loaded

1 with the recycling product but there is very little traffic generated by the business. He said that the business
2 does not operate on weekends and they are generally out of the building by 6 PM. He said that the well and
3 the septic system are already established on the property and their intent is to utilize those systems for the
4 business.

5
6 Mr. Thorsland asked Mr. Finger if he was aware that many people use recycled paper products for animal
7 bedding.

8
9 Mr. Finger stated that he has had a few inquiries regarding such a use but currently the price is good for the
10 recycled product therefore they send it directly to the paper mill. He said that there is always the question of
11 continued confidentiality therefore it is easier to have the paper product sent to the mill.

12
13 Mr. Miller asked Mr. Finger if the finished product is always kept indoors to maintain that confidentiality.

14
15 Mr. Finger stated yes. He said that everything will be stored indoors and the trucks that haul the products are
16 enclosed vehicles.

17
18 Ms. Capel asked if staff had any questions for Mr. Finger.

19
20 Mr. Hall asked Mr. Finger if any wastewater is generated in the recycling process.

21
22 Mr. Finger stated no.

23
24 Mr. Hall asked Mr. Finger if the trash generated from the business would be stored inside.

25
26 Mr. Finger stated yes.

27
28 Mr. Hall asked Mr. Finger if he could give the Board any other reasons why this location is very well suited
29 or why a rural location should be considered either necessary or very beneficial for the business.

30
31 Mr. Finger stated that the site is beneficial because of the location and the existence of three-phase electrical
32 service. He said that once they are assured that the business can operate in this location they will be
33 upgrading the three-phase electrical service. He said that they have looked at several other locations and
34 they had even considered constructing a building on his residential property, which is one-half mile from the
35 subject property, but installing three-phase electrical service was cost prohibitive.

36
37 Mr. Hall stated that the last rezoning that the Board had similar to this use was a property that had access to a
38 three-phase electrical system. He asked Mr. Finger if he could supply a document from his electrical
39 provider indicating a three-phase electrical system is currently available at the subject property.

40
41 Mr. Finger stated yes.

42
43 Mr. Hall informed Mr. Finger that any new evidence that would build credibility for the site for the proposed

1 use would be appreciated. He said that staff believes that the use would be feasible and when the new
2 policies were reviewed it appeared that staff was in water over their heads for awhile but currently he
3 believes that staff is keeping above water thus far.

4
5 Mr. Finger stated that he appreciates the position that staff and the Board are at right now because no one
6 desires urban sprawl uncontrolled. He said that this property was in use as a slaughter house and it should
7 have been classified as I-2 rather than AG-2 although it is what it is and they are hopeful that they can get it
8 rezoned.

9
10 Mr. Thorsland asked Mr. Finger if the appearance of the new building will be similar to a large pole barn.

11
12 Mr. Finger stated yes.

13
14 Ms. Capel asked the audience if anyone desired to cross examine Mr. Finger and there was no one.

15
16 Mr. Miller stated that the site plan requires indication of the current buildings and any proposed buildings.
17 He said that the configuration of the lot allows for growth therefore making it a well suited lot for the
18 proposed use.

19
20 Mr. Thorsland stated that in regards to the traffic count the business would be generating as much traffic as
21 one residence.

22
23 Mr. Hall asked the Board if they believe that the County's Land Use Policies would be better served by
24 amending the Zoning Ordinance, not to slow down the petitioners, because it is conceivable that this case
25 could proceed for hopefully approval by the County Board and then a zoning ordinance amendment could
26 follow which would allow this kind of thing on an identical property without going through this process. He
27 said that there have been many rezonings over the years where seed research facilities were authorized for
28 reuse for a use that would otherwise not be allowed in the ag districts. He said that in a couple of occasions
29 the Board has included a condition that indicates that the property would be rezoned to B-4 with some kind
30 of limited land uses and if it ever becomes possible that the use can be allowed without rezoning the land
31 would revert back to AG-1 or AG-2. He said that there has never been a use like the one in this case that has
32 fronted a state highway but when a property fronts a state highway that had a business use on October 10,
33 1973, things become a lot of easier. He said that he could imagine a very limited amendment that would
34 allow this similar thing on any other parcel that is not larger than five acres, had a business use on October
35 10, 1973 and fronts a state highway.

36
37 Ms. Capel called Lisa Feig to testify.

38
39 Ms. Feig, Vice-President of Triad Shredding Corp. stated that she was looking for agricultural related clients
40 that the business serves but was unable to find one, except for the bank's ag-related business, which Mr.
41 Miller can attest to. She said that it is their policy to not speak about their customers unless they are on their
42 list of references. She said that security is one thing that must be highlighted and how it relates to the
43 property and the business. She said that they pride themselves on confidentiality because it is the nature of

1 their business. She said that the traffic will be low because they do not invite every individual that they do
2 business with to come to the facility because everyone's confidentiality is held the same and it doesn't matter
3 if you do \$20 worth of business a year or \$5,000 a month therefore the business will blend very well with the
4 agricultural area. She said that their staff is very hopeful that they will be able to break ground soon because
5 they are looking forward to having the entire operation under one roof and not having to move things around
6 in order to operate. She said that the new building will look very similar to a pole barn therefore blending
7 very well into the area.

8
9 Ms. Capel asked the Board if there were any questions for Ms. Feig.

10
11 Mr. Miller asked Ms. Feig if they have had any contact with the neighbors to the west of the subject
12 property.

13
14 Ms. Feig stated that they have not had any face to face contact although she does wave.

15
16 Mr. Miller asked Ms. Feig if they plan to demolish the existing building on the subject property.

17
18 Ms. Feig stated that they have not determined what to do with the existing building to date. She said that if
19 the existing building can be kept then that would be great but they need to decide whether or not keeping the
20 building will be cost effective. She said that just like any other business in the County they are trying to do
21 things economically and make the best decisions for their business. She said that some of the best advice
22 that she has received from some of her fellow members of the Rantoul Exchange Club that have been in
23 business for over thirty years is that they scrutinize every dollar that they spend today as they did thirty years
24 ago. She said that they expect to use the same philosophy with the existing building and if it can be brought
25 up to their standards, as well as the County's standards, cost effectively then yes they will keep the building
26 but if not then the building will be removed.

27
28 Mr. Hall stated that the petitioners have testified that they have looked for other properties and none were
29 available but additional comments would be appreciated to make it a more robust piece of evidence.

30
31 Ms. Feig stated that she and her brother are life long residents of Rantoul and their grandfather had land that
32 was taken by eminent domain when Chanute Air Force Base was developed and their great-grandparents
33 farmed land in the Rantoul area. She said that their roots grow very deep in the County and they have
34 exhaustively attempted to find a location in Rantoul because they wanted to stay in Rantoul therefore an
35 added attraction to this property is the fact that it has a Rantoul address. She said that the properties that they
36 looked at either did not have dock space, availability of three-phase electricity or a location where a semi-
37 truck could safely maneuver. She said that there are other locations that other businesses could be perfectly
38 fine at but for their business they needed a location that was appropriate for their traffic.

39
40 Mr. Hall stated that being in a rural area is ideal for their business.

41
42 Ms. Feig stated yes, it is perfect. She said that they are aware that people who live in rural communities look
43 after each other and they look forward to that rural benefit.

1
2 Ms. Capel asked the Board if there were any additional questions for Ms. Feig and there were none.

3
4 Ms. Capel asked if staff had any additional questions for Ms. Feig and there were none.

5
6 Ms. Capel asked the audience if anyone desired to sign the witness register at this time to present testimony
7 regarding Case 672-S-10.

8
9 Ms. Capel called Mr. Tom Finger to testify.

10
11 Mr. Tom Finger, who resides at 332 Highland Drive, Rantoul stated that he is Jim and Lisa's father therefore
12 he does cross examine them every day. He said that currently Triad Shredding Corp. is located at the
13 Rantoul Business Center on the old Chanute Air Force Base and one of the issues that they have is that there
14 is no space on the base which has adequate square footage available for their business. He said that they
15 spend most of their day hauling stuff up and down an alley way to different bays at the Rantoul Business
16 Center and it is undetectable that they are doing so because it is kept clean. He said that he never thought
17 that his kids would be involved in the trash business. He said that he is very critical about trash pickup
18 because he works for ATT and he handles about 90% of their real estate and one of the things that he cannot
19 stand is trash around a building. He said that at one time the neighbor to the west of the subject property
20 operated a lawn mower business and the deteriorated building still exists and probably still has related items
21 in it. He said that he did speak to Don Johnson who is one of the neighbors to the east and he indicated that
22 he had no issues with the proposed use on the subject property and was glad to see that someone would be
23 cleaning the property up. He said that he is proud of his kids because they have worked hard to get this
24 business this far and their intention was to keep it in Rantoul. He said that they have looked at every piece of
25 available real estate on Chanute Air Force Base, which can be documented by contacting the last three
26 Village Administrators for the Village of Rantoul and the Economic Development Department, so that they
27 can keep the business in Rantoul. He said that the subject property will be convenient for the business
28 because it already has three-phase electrical availability and it is close to the highway.

29
30 Ms. Capel asked the Board if there were any questions for Mr. Finger and there were none.

31
32 Ms. Capel asked if staff had any questions for Mr. Finger and there were none.

33
34 Ms. Capel closed the witness register.

35
36 Ms. Capel asked the Board to provide direction to staff regarding these cases.

37
38 Mr. Thorsland stated that if we are looking for reason to prove conformance with Policy 4.2.1. then we
39 should consider the testimony regarding the availability of three-phase electrical service, and the fact that the
40 subject property housed a business prior to the adoption of the Zoning Ordinance on October 10, 1973, and
41 the rural location is beneficial for security purposes, and the subject property has easy access to the state
42 highway (U.S.136) for semi-truck traffic. He said that it appears that the subject property is a pretty unique
43 fit for a pretty unique business which will blend itself into a rural location. He said that the amendment

1 would make it easier to take a non-ag, agricultural lot that has been out of production for a long time and
2 allow it to be reused.

3
4 Mr. Hall stated that the Board may want to double check with the petitioners to make sure they do not have
5 any concerns regarding the draft conditions particularly the condition regarding the property reverting back
6 to AG-2 if the Zoning Ordinance is amended and the limit on wastewater.

7
8 Ms. Capel re-opened the witness register.

9
10 Ms. Capel asked the petitioners if they had any concerns regarding the draft conditions.

11
12 Mr. Finger stated that they had no concerns regarding the limit on wastewater.

13
14 Mr. Hall stated that the limit on wastewater is not intended to encompass a caretaker's dwelling and under
15 County zoning the petitioners could have a caretaker's dwelling.

16
17 Mr. Finger stated that he does not have a problem with the limit on wastewater.

18
19 Mr. Thorsland asked Mr. Finger if he had any concerns regarding the property reverting back to AG-2.

20
21 Mr. Finger requested clarification.

22
23 Mr. Hall stated that the condition would revert the zoning district designation of the property back to AG-2 if
24 the Ordinance is later amended so the petitioners could have come here and done the same thing without
25 rezoning. He asked Mr. Finger if this amendment is adopted would he have any opposition to the subject
26 property reverting back to AG-2.

27
28 Mr. Finger stated no.

29
30 Mr. Hall stated that under this approach if the Board approves two buildings of the size indicated on the
31 general layout then that is what can be done. He said that this is a special use permit therefore if larger
32 buildings are necessary the petitioner would need to return to the Board to seek approval and that scenario
33 would not change the need due to the amendment. He said that from the County's perspective, rather than
34 having a little isolated piece of B-4 out there in the middle of the countryside it would go back to AG-2
35 which is generally a better thing for county planning. He said that the request for rezoning may get better
36 reception at the County Board level if the condition is included and the petitioners can live with it.

37
38 Mr. Miller asked Mr. Hall if the petitioners had an opportunity to sell their property and business would the
39 reversion back to AG-2 effect the marketability of the property.

40
41 Mr. Hall stated that it boils down to how marketable is a B-4 parcel when they are limited to no more than
42 600 gallons of waste water versus an AG-2 parcel which is also limited to no more than 600 gallons. He said
43 that he has to believe that the B-4 parcel would be more marketable because when people hear B-4 they are

1 not hearing AG.

2
3 Mr. Miller stated that the condition would mean that if the business sold or closed up then the parcel would
4 revert back to AG-2.

5
6 Mr. Finger stated that he can see how this could turn into a problem if the condition is included.

7
8 Mr. Miller stated that he understands that it is the petitioner's intention to make this a long term location but
9 things change.

10
11 Mr. Finger stated that some day he plans to retire therefore perhaps it should remain B-4 if possible.

12
13 Mr. Hall stated that if the Board recommends it without the condition and it passes through the County
14 Board without it being raised then from the petitioner's perspective so much the better. He said that he
15 would expect this question to be raised by some County Board members and if it is then the issue could be
16 discussed at that time. He said that the County Board can always impose a condition if they feel better with
17 a condition but if the condition is included in the ZBA's recommendation and the County Board does not
18 feel that it is warranted then the County Board can remove it.

19
20 Mr. Finger stated that he would like to leave the condition out of the ZBA's recommendation and if it is
21 suggested at the County Board level then it could be added back in at that time.

22
23 Mr. Hall stated that he will have to convince the ZBA.

24
25 Mr. Finger stated that the property has been a business for a very, very long time and the property next to it
26 was also a business and it is unknown if that property owner would like to get that business going again. He
27 said that there has to be other properties like this in the County, although he does not know where they are,
28 therefore this is a very unique situation.

29
30 Ms. Capel asked Mr. Miller if he indicated that if Jim and Lisa sell the property and Triad Shredding Corp. is
31 no longer doing business upon the property that it will revert back to AG-2.

32
33 Mr. Hall stated that the situation was such that if the Zoning Ordinance is amended so that this use can
34 happen in AG-2 with a special use permit then at that point the zoning would revert to AG-2. He said that if
35 the County does not do that then it would stay B-4. He said that there is a question about whether or not the
36 business is in existence for twenty years at the B-4 location and the County changes the zoning and it reverts
37 to AG-2 then that would be unreasonable. He said that a time frame is not on the amendment but it would be
38 easy to do by indicating that if the Zoning Ordinance is amended within two years the property would revert
39 to AG-2 but if the deadline is missed then the property would remain B-4.

40
41 Ms. Capel stated that B-4 has a lot of uses allowed by-right that AG-2 does not. She said that right now if
42 we amend AG-2 and the petitioners continue to do business as usual the only thing that is going to change is
43 the zoning designation and not the way that they do their business. She said that what will be affected is any

1 other by-right uses that the petitioners are able to squeeze on the lot and not go over the 600 gallon limit
2 regarding wastewater.

3
4 Mr. Hall stated that the petitioners would have a more valuable property under B-4 zoning with the
5 condition.

6
7 Mr. Thorsland stated that he agrees with the petitioner that the property should remain B-4 and not revert
8 back to AG-2. He said that if the ZBA can make a good case for the zoning to change to B-4 and not revert
9 at a later date then that is what we should move towards. He said that if the issue is brought forth at the
10 County Board later then the petitioner would have that option in his back pocket.

11
12 Mr. Hall stated that there could be a section in the Finding of Fact which talks about how the Board
13 reviewed the possible condition and then discussed how the availability of the three phase electrical service,
14 state highway access, and that this is a location where there is a history of business use since before the
15 adoption of zoning, would indicate to a County Board member that the ZBA considered this condition and
16 determined that there were factors that mitigated for a conditional B-4 as being the best district for this
17 property.

18
19 Mr. Thorsland agreed. He said that he does not believe that it would be very difficult to explain the
20 uniqueness of the property and it's fit for the requested use. He said that there may be a place to refer to the
21 fact that at the cessation of this business use with the limit on wastewater creates a value to the B-4 zoning
22 which would be lost if it reverted back to AG-2.

23
24 Mr. Hall stated that staff has received some very good information from the Board to add to the Finding of
25 Fact that will make this pretty strong. He said that it appears that the Board is pretty confident in going
26 towards this direction therefore staff needs to get all of the new information summarized in the finding.

27
28 Mr. Miller asked Mr. Hall if Case 645-S-09 will be heard at the August 26, 2010, meeting.

29
30 Mr. Hall stated that the understanding is that even if there is no court decision Case 645-S-09 will be heard
31 on August 26th. He said that if the August 12th meeting could be reconvened this case could be continued to
32 that meeting.

33
34 Mr. Knight asked Mr. Hall if the Zoning Administrator cases that are scheduled for September 16th would
35 be placed further back on the docket.

36
37 Mr. Hall stated that it is possible if the petitioners are agreeable and the Board chooses to do so, Cases 671-
38 AM-10 and 672-S-10 could be continued to the September 16th meeting.

39
40 Mr. Thorsland stated that perhaps Case 673-V-10 could be pushed back on the docket since the building
41 already exists therefore continuing Cases 671-AM-10 and 672-S-10 to the August 26, 2010, meeting.

42
43 Mr. Hall asked Mr. Thorsland if he really wants to have these two cases and Case 645-S-09 at the same

1 meeting.

2

3 Mr. Knight stated that he is concerned that the Cases 671-AM-10 and 672-S-10 were rushed for tonight's
4 meeting and staff missed a lot of important information therefore he would like the chance to make sure that
5 all of the information is available at the next meeting.

6

7 Ms. Capel asked Mr. Finger to indicate his preference.

8

9 Mr. Finger requested that the cases be heard as soon as possible because after the ZBA offers its
10 recommendation the County Board has to approve it which will put them into October or November and it
11 will be hard to begin construction when the ground is frozen.

12

13 Mr. Hall stated that the August 12th meeting could be reconvened and if the Board is successful then so much
14 the better and if not then a window could stay open for the August 26th meeting as a backup. He said that
15 generally if a building already exists in a variance case most petitioners would just as soon put the hearing
16 off as long as they can.

17

18 **Mr. Thorsland moved, seconded by Mr. Courson to hold a special meeting on August 12, 2010, to hear**
19 **Cases 671-AM-10 and 672-S-10. The motion carried by voice vote.**

20

21 **Mr. Miller moved, seconded by Mr. Thorsland to continue Cases 671-AM-10 and 672-S-10 to the**
22 **August 12, 2010, meeting. The motion carried by voice vote.**

23

24 **7. Staff Report**

25

26 None

27

28 **8. Other Business**

29

30 **A. June, 2010 Monthly Report**

31

32 Mr. Hall stated that the June, 2010 Monthly Report will be distributed at the next meeting for the Board's
33 review.

34

35 **9. Audience Participation with respect to matters other than cases pending before the Board**

36

37 None

38

39 **10. Adjournment**

40

41 The meeting adjourned at 8:18 p.m.

42

43

ZBA

DRAFT SUBJECT TO APPROVAL

DRAFT

7/29/10

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Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NOS. 671-AM-10 & 672-S-10

SUPPLEMENTAL MEMORANDUM

August 6, 2010

Champaign
County
Department of

Petitioners: **James Finger, President, and Lisa M. Feig, Vice President, d.b.a. Triad Shredding Corp.**



Site Area: **approx. 4.35 acres**

Time Schedule for Development: **Immediate**

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

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

(217) 384-3708

Requests: **671-AM-10:**

Amend the Zoning Map to change the district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District to allow Triad Shredding to construct a new facility as requested in related Zoning Case 672-S-10.

672-S-10:

Authorize Triad Shredding to do recycling of non-hazardous materials (confidential paper shredding and recycling) with all processing and storage of materials taking place indoors in the B-4 General Business Zoning District as rezoned in related Zoning Case 671-AM-10.

Location: **A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N (US 136), Rantoul.**

STATUS

These cases were continued from the July 29, 2010, meeting. Both cases are ready for final action.

RECOMMENDATION THAT ALL GOALS ACHIEVED FOR CASE 671-AM-10

Based on comments from the Board at the July 29, 2010, public hearing, staff now recommends that the proposed rezoning achieves all relevant goals and objectives and conforms to all relevant policies of the *Champaign County Land Resource Management Plan*. However, two policies do merit special consideration by the Board.

Policy 4.2.4 on pp. 11 & 12 (and also obj. 4.2 & Goal 4) and policy 5.1.6 on p. 16 (also obj. 5.1 & Goal 5) both require the County to consider whether there is a sufficient buffer between existing agricultural operations and the proposed development. Based on the following evidence (from the review of policy 4.2.4 on p. 12) the staff recommendation is that the proposed rezoning conforms to these policies with no special condition:

-
- (a) The proposed use requires a Special Use Permit in the B-4 District, which will allow for consideration of any necessary buffering.
 - (b) No buffering is necessary on the north side of the subject property because there is 100 feet of railroad right-of-way between the subject property and other properties.
 - (c) The subject property is only 136 feet wide and no meaningful buffering can be required on such a narrow property other than the minimum 10 feet wide side yards that are ordinarily required in both the AG-2 District (the current zoning district) and the B-4 District (the proposed district).

NEW & REVISED CONDITIONS FOR CASE 671-AM-10

Policies 4.2.3 and 5.1.5 require discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following new condition is proposed to provide for that:

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

The condition regarding review by the County Health Department has been revised to require the review even for reuse of the existing septic system (see pp. 25 and 26).

RECOMMENDED CONDITIONS FOR SPECIAL USE PERMIT CASE 672-S-10

The following condition is recommended to clarify that the special use permit can only be of use if the necessary rezoning is approved by the County Board:

The Special Use Permit in this case shall be considered null and void if the rezoning of the subject property in related Zoning Case 671-AM-10 is denied by the Champaign County Board.

Also, the proposed site plan is very close to requiring stormwater detention. If the petitioners add only an additional 3,138 square feet of impervious area stormwater detention will be required. The following condition simply makes that clear:

If more than 3,138 square feet of impervious area is added to the subject property in addition to what is proposed in this case, the stormwater detention requirement of the Champaign County Stormwater Management Policy will apply.

ATTACHMENTS

- A Champaign County Resolution 3425 Right To Farm Resolution
- B Revised Draft Finding of Fact for Case 471-AM-10
- C Revised Draft Summary of Evidence for Case 472-S-10 (included separately)

RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:


1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

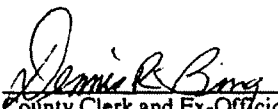
RESOLUTION NO. 3425

Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of
May, A.D., 1994.


Chairman, County Board of the
County of Champaign, Illinois

ATTEST: 
County Clerk and Ex-Officio
Clerk of the County Board

REVISED DRAFT AUGUST 6, 2010

671-AM-10

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: August 12, 2010

Petitioner: James Finger, President, and Lisa M. Feig, Vice President, d.b.a. Triad Shredding Corp.

Request: Amend the Zoning Map to change the district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District to allow Triad Shredding to construct a new facility as requested in related Zoning Case 672-S-10.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2010 and August 12, 2010**, the Zoning Board of Appeals of Champaign County finds that:

- 1.* The petitioners' business, Triad Shredding Corp, owns recently purchased the subject property. The petitioners have requested a Special Use Permit to construct a new facility for Triad Shredding on the subject property in related Zoning Case 672-S-10.
- 2.* The subject property is a 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N (US 136), Rantoul.
- 3.* The subject property is not located within the one and one-half mile extraterritorial jurisdiction of municipality with zoning.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“We intend to rectify current zoning violations as well as construct a new building for our shredding operations.”
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has included a letter, which indicates they intend to build a facility to expand their existing business, and they will possibly refurbish the existing building on the site.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- 6.* Regarding the history, current use, and zoning of the subject property:
- A. The subject property is zoned AG-2 Agriculture and is proposed to be rezoned to B-4 General Business in this case.
 - B. The subject property is proposed to be the site of a new facility for Triad Shredding in related Zoning Case 672-S-10.
 - C. Regarding the history of the subject property:
 - (1) Earl Smith, Assessor for Harwood Township, in a phone discussion with Lori Busboom, Zoning Technician, on July 29, 2010, indicated that Werner Roessler purchased the subject property in 1964.
 - (2) The existing building on the subject property was built in 1966, based on the Supervisor of Assessment tax records.
 - (3) Miller's Meat Market was established on the subject property before October 10, 1973.
 - (4) The 1972 Supervisor of Assessment aerial photographs show that the property was partially in agricultural production at that time.
 - (5) A meat market is believed to have operated on the property into the late 1980's.
 - (6) The property was purchased by Robert Glazik in 1987, which is also when the property was taken out of production, based on the Supervisor of Assessment tax records.
 - (6) Tony Delio purchased the property in 1995, and there were two Nuisance Violation cases during his ownership of the property. The second nuisance violation was ongoing when Triad Shredding purchased the property.
- 7.* Land use and zoning in the vicinity of the subject property are as follows:
- A. Land on the east and west of the subject property is zoned AG-2 Agriculture. Land on the west is in use as a single family dwelling with two accessory storage buildings, and land on the east is in use as agriculture. The subject property is located in the only isolated area of AG-2 zoning in the county; between CR 1900E and one-quarter mile east of 2200E with 40 acres of I-2 zoning at the west end and approximately 20 acres of B-3 zoning at the east end.
 - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in use as agriculture.
 - C. Land to the south of the subject property is zoned AG-1 Agriculture and is in use as agriculture.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

8. There have been no zoning cases in the vicinity of the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-2 District is generally a belt that surrounds the larger municipalities and villages. The subject property in this case is located in the only isolated AG-2 District in the county that is not co-located with a city or village and is surrounded by land zoned AG-1.
 - (2) There is no easy generalization to describe where the B-4 General Business Zoning District was originally established except to say that with a few large exceptions it does not occur very often outside of the fringe of urbanized areas. There has been a trend in recent years to change B-3 zoned areas to B-4.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 12 different types of uses authorized by right in the AG-2 District and there are 115 different types of uses authorized by right in the B-4 District:
 - (a) The following 6 uses are authorized by-right in both districts:
 - SUBDIVISION totaling three or fewer lots; and
 - AGRICULTURE, including customary ACCESSORY USES; and
 - Minor RURAL SPECIALTY BUSINESS; and
 - Plant Nursery; and
 - Christmas Tree Sales Lot; and
 - TEMPORARY USES

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 9.C. (1) (continued)

- (b) The following 28 uses are authorized by-right in the B-4 District but may only be authorized by Special Use Permit in the AG-2 District:
- HOTEL with no more than 15 LODGING UNITS; and
 - Major RURAL SPECIALTY BUSINESS; and
 - Commercial greenhouse; and
 - Greenhouse (not exceeding 1,000 sq.ft.); and
 - Garden Shop; and
 - Church, Temple or church related TEMPORARY USES on church PROPERTY; and
 - Municipal or GOVERNMENT BUILDING; and
 - Police station or fire station; and
 - Library, museum or gallery; and
 - Public park or recreational facility; and
 - Radio or television station; and
 - Telephone exchange; and
 - MOTOR BUS Station; and
 - Truck Terminal; and
 - Roadside Produce Sales Stand; and
 - Feed and Grain (sales only); and
 - Artist Studio; and
 - Antique Sales and Service; and
 - Bait Sales; and
 - Lodge or private club; and
 - Outdoor commercial recreational enterprise (except amusement park); and
 - Private Indoor Recreational Development; and
 - Commercial Fishing Lake; and
 - VETERINARY HOSPITAL; and
 - Self-Storage Warehouses, not providing heat and utilities to individual units; and
 - Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - SMALL SCALE METAL FABRICATING SHOP

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 9.C. (1) (continued)

- (c) There are 81 uses that are authorized by-right in the B-4 District but are not authorized by any means in the AG-2 District. They are summarized either by specific use or by types of uses, as follows:
- HOTEL with over 15 LODGING UNITS; and
 - Institution of an Educational, Philanthropic, or Eleemosynary Nature; and
 - PARKING GARAGE or LOT; and
 - Telegraph Office; and
 - Personal Service Types of Uses; and
 - Farm Equipment Sales and Service; and
 - Business, Private, Educational, and Financial Services Types of Uses; and
 - Food Sales and Service Types of Uses; and
 - AUTOMOBILE Sales and Service Types of Uses; and
 - Retail Trade Types of Uses; and
 - Billiard Room; and
 - Bowling Alley; and
 - Dancing academy or hall; and
 - Indoor THEATER; and
 - Wholesale Business; and
 - Warehouse; and
 - Self-storage Warehouses, providing heat and utilities to individual units;
 - Auction House (non-animal); and
 - OFF-PREMISES SIGN; and
 - SEXUALLY ORIENTED BUSINESS
- (2) There are 72 different types of uses authorized by Special Use Permit (SUP) in the AG-2 District and there are 10 different types of uses authorized by Special Use Permit in the B-4 District.
- (a) The following 6 uses may be authorized by SUP in both districts:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right; and
 - Private or commercial transmission and receiving towers (including antennas) over 100' in HEIGHT; and
 - Electrical Substation; and
 - HELIPORT-RESTRICTED LANDING AREA; and
 - Amusement Park; and
 - KENNEL

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 9.C. (2) (continued)

- (b) The following four uses may be authorized by SUP in the B-4 District but are not authorized by any means in the AG-2 District:
- HOSPITAL; and
 - Bakery (more than 2,500 SF); and
 - Recycling of non-hazardous materials (all storage and processing indoors) (Note: this is the proposed use in related Zoning Case 672-S-10); and
 - LIGHT ASSEMBLY

GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA

10. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

11. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for rezoning land under the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable.

- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 11. (continued)

- D. LRMP Objective 1.1 is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed rezoning. The Goals for Governmental Coordination (Goal 2), Prosperity (Goal 3), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed rezoning.

REGARDING LRMP GOAL 4 AGRICULTURE

- 12. LRMP Goal 4 is entitled “Agriculture” and is relevant to the proposed rezoning because the proposed rezoning includes land currently zoned AG-2 and proposed to be zoned B-4. Goal 4 states, “Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.”

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 do not appear to be relevant to the proposed rezoning.
- B. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning *{ACHIEVES}* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed rezoning *{CONFORMS}* to Policy 4.1.1 because the subject property was only partially in production before the adoption of the Zoning Ordinance, and has not been in agricultural production since before 1988.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.B. (continued)

- (3) Policy 4.1.3 ~~does not appear to be relevant to any specific rezoning. is, "The by right development allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of best prime farmland and the by right development allowance alone does not require accommodating non farm development beyond the by right development allowance on such land."~~

~~The proposed rezoning {CONFORMS} to Policy 4.1.3.~~

- (4) Policy 4.1.6 is as follows:

Provided that the use, design, site and location are consistent with County policies regarding:

- i. Suitability of the site for the proposed use;
- ii. Adequacy of infrastructure and public services for the proposed use;
- iii. Minimizing conflict with agriculture;
- iv. Minimizing the conversion of farmland; and
- v. Minimizing the disturbance of natural areas; then
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.

The proposed rezoning ~~{CONFORMS}~~ to Policy 4.1.6 because of the following:

- (a) A letter was received on July 27, 2010, from Bruce Stickers, Resource Conservationist, Champaign County Soil and Water Conservation District that indicated no Natural Resource Report was necessary because the subject property had not been in agricultural production in over 20 years.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.B. (4) (continued)

- (b) The soil on the subject property is best prime farmland overall and consists primarily of Drummer silty clay soil which has an LE score of 98.
- (c) The proposed use requires a Special Use Permit in the B-4 General Business District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”
- (d) The subject property was only partially in production before the adoption of the Zoning Ordinance, and has not been in agricultural production at all since before 1988.

C. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each discretionary review development will not interfere with agricultural operations.”

The proposed rezoning *{ACHIEVES/ DOES NOT ACHIEVE}* Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.”

The proposed rezoning *{CONFORMS}* to Policy 4.2.1 because of the following:

- (a) The proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and recycling)” with all processing and storage of materials taking place indoors and is discussed in related zoning case 672-S-10.
- (b) The proposed development does not support agriculture.
- (c) The proposed use can operate from this rural location and can make very productive use of the subject property which has not been in agricultural production since before 1988 and was in a business use when the Zoning Ordinance was adopted on October 10, 1973.
- (e) At the July 29, 2010, public hearing, co-petitioner Jim Finger testified as follows:
 - i. They have been searching for a new location for approximately five years and one of the biggest problems that they have incurred is finding a site

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.C. (1)(e) (continued)

- that has access to a state highway, has three-phase electrical service and a loading dock.
- ii. They would like to stay in the Rantoul area because Rantoul is where they were born and raised but they have not had any luck finding an appropriate location.
 - iii. They have looked at several other locations and they had even considered constructing a building on his residential property, which is one-half mile from the subject property, but installing three-phase electrical service was cost prohibitive.
 - iv. The appearance of the proposed buildings will be similar to a large pole barn.
- (f) At the July 29, 2010, public hearing, co-petitioner Lisa Feig testified as follows:
- i. Security is one factor that must be highlighted and how it relates to the property and the business.
 - ii. The business's traffic will be low because they do not invite every individual that they do business with to come to the facility because everyone's confidentiality is held the same.
 - iii. Their roots grow very deep in the County and they have exhaustively attempted to find a location in Rantoul because they wanted to stay in Rantoul therefore an added attraction to this property is the fact that it has a Rantoul address.
 - iv. The properties that they looked at either did not have dock space, availability of three-phase electricity or a location where a semi-truck could safely maneuver.
 - v. There are other locations that other businesses could be perfectly fine at but for their business they needed a location that was appropriate for their traffic.
 - vi. Being in a rural area is perfect for their business.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.C. (1)(f) (continued)

vii. They are aware that people who live in rural communities look after each other and they look forward to that rural benefit.

(2) Policy 4.2.2 is, as follows:

The County may authorize discretionary review development in a rural area if the proposed development:

- a. Is a type that does not negatively affect agricultural activities; or
- b. Is located and designed to minimize exposure to any negative effect caused by agricultural activities; and
- c. Will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

The proposed rezoning *{CONFORMS}* to Policy 4.2.2 because of the following:

- (a) The proposed use will take place entirely indoors, and will not create a significant traffic impact on US 136.
- (b) The proposed use will not interfere with agricultural activities or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.
- (c) The proposed use will have minimal exposure to any negative effect cause by agricultural activities.

(3) Policy 4.2.3 states, “The County will require that proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”

The proposed rezoning *{CONFORMS}* to Policy 4.2.3 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

(4) Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.C. (4) (continued)

The proposed rezoning *{CONFORMS}* to Policy 4.2.4 because of the following:

- (a) The proposed use requires a Special Use Permit in the B-4 District, which will allow for consideration of any necessary buffering.
- (b) No buffering is necessary on the north side of the subject property because there is 100 feet of railroad right-of-way between the subject property and other properties.
- (c) The subject property is only 136 feet wide and no meaningful buffering can be required on such a narrow property other than the minimum 10 feet wide side yards that are ordinarily required in both the AG-2 District (the current zoning district) and the B-4 District (the proposed district).

- D. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning *{ACHIEVES}* Objective 4.3 because of the following:

- (1) Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.

The proposed rezoning *{CONFORMS}* to Policy 4.3.2 because of the following:

- (a) The land is best prime farmland and consists primarily of Drummer silty clay soil that has a Land Evaluation score of 98.
- (b) The subject property fronts and has access to U.S. Route 136 which is a state highway.
- (c) The subject property is not served by sanitary sewer.
- (d) The existing building on the subject property was in business use when the Zoning Ordinance was adopted on October 10, 1973.
- (e) The subject property has not been in agricultural production since before 1988.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.D. (2) (continued)

- (f) The property has adequate area for reasonable business growth and maneuvering of semi trucks;
- (g) The property has triple phase electrical power which is required for the business;
- (h) The subject property is zoned AG-2 and is located in an area of AG-2 that is not located around a city or village. This isolated island of AG-2 is the only area like it in Champaign County because the subject property, and all other lots located in this area of AG-2 zoning, are located between US Route 136, a state highway, and an old railroad right-of-way.
- (i) The proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and recycling)” with all processing and storage of materials taking place indoors and is discussed in related zoning case 672-S-10. Relevant considerations related to this use are the following:
 - i. This is an existing business that serves other businesses within a 100-mile radius and is therefore not dependent upon a single location so much as good transportation accessibility.
 - ii. The proposed use should not be considered urban development because there is no wastewater generated by the recycling process. There will also be very little need for potable water from the well.
 - iii. The buildings housing the proposed use will appear to be very similar to large farm buildings.
 - iv. The proposed use is proposed to have an enclosed dock area which should eliminate the possibility of blown litter into the adjacent farm fields.
 - v. The proposed hours of operation are 8 AM to 6 PM Monday through Friday.
- (3) Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”

The proposed rezoning *{CONFORMS}* to Policy 4.3.3 because the subject property is located 2.8 miles from the Gifford Fire Protection District Station.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 12.D. (continued)

- (4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed rezoning *{CONFORMS}* to Policy 4.3.4 because the subject property has access to US 136.

- (5) Policy 4.3.5 is as follows:

On best prime farmland, the County will authorize a business or other non-residential use only if:

- a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a rural area and the site is very well suited to it.

The proposed rezoning *{CONFORMS}* to Policy 4.3.5 because of the following:

- (a) The proposed use is otherwise appropriate in a rural area based on the discussion of Policy 4.2.1 regarding whether the service is better provided in a rural area.
- (b) The subject property is very well suited based on the discussion of Policy 4.3.2.

REGARDING LRMP GOAL 5 URBAN LAND USE

13. LRMP Goal 5 is entitled “Urban Land Use” and is relevant to the proposed rezoning because the subject property is proposed to be rezoned B-4 General Business. Goal 5 states, “Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.”

The proposed amendment *{ACHIEVES / DOES NOT ACHIEVE}* Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.3, 5.1.4, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 13.A. (continued)

- (2) Policy 5.1.1 is “The County will encourage new urban development to occur within the boundaries of incorporated municipalities.

The proposed rezoning *{CONFORMS}* to Policy 5.1.1 because of the following:

- (a) The subject property is not served by sanitary sewer.
- (b) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- (c) As explained in related Zoning Case 672-S-10 the proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and recycling) with all processing and storage of materials taking place indoors. The shredding and recycling process uses no process water so there is no wastewater produced by the proposed recycling operations.
- (d) The proposed use is not urban development because the proposed use generates no process-related wastewater and could be very adequately served by an onsite septic system.
- (e) The B-4 District contains many uses that can be considered urban development as defined by the LRMP such as laundry and restaurant and any use which generates a substantial wastewater load.
- (f) A special condition has been proposed to limit uses on the subject property to uses that generate no more wastewater than the equivalent of a three bedroom dwelling as specified in the *Illinois Private Sewage Disposal Licensing Act and Code* (77 IAC 905). The *Act* specifies that the wastewater load of a three bedroom dwelling is 600 gallons per day. The subject property could be redeveloped with a three bedroom dwelling under the current AG-2 designation. The following is review of authorized uses in the B-4 District and indicate the size limit that would result from the limit of 600 gallons of wastewater per day:
- i. A restaurant without bar generates 10 gallons of wastewater per day per customer so a 600 gallon limit equates to only 60 customers which is probably too few customers to support a restaurant.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 13.A.(2)(f) (continued)

- ii. A laundry generates 50 gallons of wastewater per day so a 600 gallon limit equates to only about 12 customers.
 - iii. An office generates 15 gallons of wastewater per day per employee so a 600 gallon limit equates to about 40 employees.
- (3) Policy 5.1.5 states, “The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”

The proposed rezoning *{CONFORMS}* to Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (4) Policy 5.1.6 is, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.”

The proposed rezoning *{CONFORMS}* to Policy 5.1.2 based on the discussion of Policy 4.2.4.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment *{ACHIEVES}* Objective 5.2 because of the following:

- (1) Policy 5.2.1 is, “The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”

The proposed rezoning *{CONFORMS}* to Policy 5.2.1 because of the following:

(a) The petitioners, Jim Finger and Lisa Feig, testified at the July 29, 2010, ZBA meeting that they had been searching for a suitable property in the Village of Rantoul for five years and had not found a suitable property.

(b) The proposed use is not urban development based on the discussion of Policy 5.1.1.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 13.B. (continued)

(2) Policy 5.2.2 is as follows:

The County will:

- a. ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.

The proposed rezoning *{CONFORMS}* to Policy 5.2.2 because of the following:

- (1) The existing building on the subject property was in business use when the Zoning Ordinance was adopted on October 10, 1973.
- (2) The subject property was only partially in production before the adoption of the Zoning Ordinance, and has not been in agricultural production since before 1988.
- (3) The subject property is not proposed to be increase in size and no additional best prime farmland is proposed to be taken out of production.

(3) Policy 5.2.3 is as follows:

The County will:

- a. require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.

The proposed rezoning *{CONFORMS}* to Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property and there were none in when the Zoning Ordinance was adopted on October 10, 1973.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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Item 13.(continued)

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment *{ACHIEVES}* Objective 5.3 because of the following:

- (1) Policy 5.3.1 is as follows:

The County will:

- a. require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.

The proposed rezoning *{CONFORMS}* to Policy 5.3.1 because the only public service provided other than law enforcement is fire protection. The Gifford Fire Protection District Chief has been notified of the proposed rezoning and has not provided any comments.

- (2) Policy 5.3.2 is as follows:

The County will:

- a. require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.

The proposed rezoning *{CONFORMS}* to Policy 5.3.1 because the only public infrastructure serving the subject property is US 136 which is a state highway and the low traffic generated by the proposed use will have no impact on US 136.

- (3) Policy 5.3.3 does not appear to be relevant to the proposed rezoning.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

REGARDING LRMP GOAL 6 PUBLIC HEALTH AND SAFETY

14. LRMP Goal 6 is entitled “Public Health and Public Safety” and is relevant to the proposed rezoning. Goal 6 states, “Champaign County will ensure protection of the public health and public safety in land resource management decisions.”

The proposed rezoning *{ACHIEVES}* Goal 6 because of the following:

- A. Goal 6 includes four subsidiary Objectives. Objectives 6.2, 6.3, and 6.4 do not appear to be relevant to the proposed rezoning.
- B. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning *{ACHIEVES}* Objective 6.1 because of the following:

- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”

The proposed rezoning *{CONFORMS}* to Policy 6.1.2 because of the following:

- (a) The County Health Department should be notified of any development, by-right or otherwise, on the subject property to ensure that a proper wastewater treatment system is in place before any construction occurs.
- (b) The proposed use is not of a type to require processing of large amounts of wastewater and a special condition has been proposed that will ensure that any business use generates no more wastewater than a typical home.
- (c) A special condition has been proposed which requires the Champaign County Public Health Department to approve any proposed or existing onsite wastewater disposal system.
- (3) Policy 6.1.3 states, “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”

The proposed rezoning *{CONFORMS}* to Policy 6.1.3 because of the following:

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 14.B. (3) (continued)

- (a) The proposed use requires a Special Use Permit in the B-4 General Business District, which requires that the use meet the standard condition for all Special Use Permits regarding outdoor lighting on the subject property.
 - (b) Co-petitioner Jim Finger testified at the July 29, 2010, public meeting that the proposed use is always closed by 6 PM.
 - (c) The Zoning Ordinance should probably be amended to require by-right uses to comply with policy 6.1.3.
 - (4) By-right uses are required to comply with the County Nuisance Ordinance.
- (4) Policy 6.1.4 is not relevant to the proposed rezoning.

REGARDING LRMP GOAL 7 TRANSPORTATION

15. LRMP Goal 7 is entitled “Transportation” and is relevant to the proposed rezoning because the subject property accesses US 136. Goal 7 states, “Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.”

The proposed rezoning *{ACHIEVES}* Goal 7 because of the following:

- A. Goal 7 includes two subsidiary Objectives. Objective 7.2 does not appear to be relevant to the proposed rezoning.
- B. Objective 7.1 is entitled “Traffic Impact Analyses” and states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning *{ACHIEVES}* Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”

The proposed rezoning *{CONFORMS}* to Policy 7.1.1 because of the following:

- (1) The petitioners have testified that the proposed use will not generate a large amount of traffic.
- (2) The subject property is located on US 136, a state highway.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

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REGARDING LRMP GOAL 8 NATURAL RESOURCES

16. LRMP Goal 8 is entitled, “Natural Resources” and is relevant to the proposed rezoning. Goal 8 states, “Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.”

The proposed rezoning *{ACHIEVES}* Goal 8 because of the following:

- A. Goal 8 includes nine subsidiary Objectives. Objectives 8.3, 8.6, 8.7, 8.8, and 8.9 do not appear to be relevant to the proposed rezoning.
- B. Objective 8.1 states, “Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.”

The proposed rezoning *{ACHIEVES}* Objective 8.1 because of the following:

- (1) Objective 8.1 has nine subsidiary Policies. Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, and 8.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 8.1.1 states, “The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.”

The proposed rezoning *{CONFORMS}* to Policy 8.1.1 because of the following:

- (1) The subject property is not located in the area of limited groundwater availability.
- (2) The proposed use in related Zoning Case 672-S-10 does not use a large amount of water.
- (3) A special condition has been proposed that will limit wastewater discharge on the subject property will also limit withdrawal of water on the subject property.
- (3) Policy 8.1.7 states, “The County will ensure that existing and new developments do not pollute the groundwater supply.”

The proposed rezoning *{CONFORMS}* to Policy 8.1.7 because of the following:

- (a) A special condition has been proposed that will limit wastewater discharge on the subject property.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 16.B. (continued)

- (4) Policy 8.1.8 states, “The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.”

The proposed rezoning *{CONFORMS}* to Policy 8.1.8 because there are no community well heads, distinct aquifer recharge areas, or other critical areas in the vicinity of the subject property.

- ~~(5) Policy 8.1.9 states, “The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.”~~

~~The proposed rezoning *{CONFORMS / DOES NOT CONFORM}* to Policy 8.1.9.~~

- C. Objective 8.2 states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

The proposed rezoning *{ACHIEVES}* Objective 8.2 because of the following:

- (1) Objective 8.2 has one subsidiary Policy.
- (2) Policy 8.2.1 states, “The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.”

The proposed rezoning *{CONFORMS}* to Policy 8.2.1 because the subject property was only partially in agricultural production before 1972 and has not been in production since before 1988.

- D. Objective 8.4 states, “Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.”

The proposed rezoning *{ACHIEVES}* Objective 8.4 because of the following:

- (1) Objective 8.4 has six subsidiary Policies. Policies 8.4.1, 8.4.3, 8.4.4, 8.4.5, and 8.4.6 do not appear to be relevant to the proposed rezoning.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 16.D. (continued)

- (2) Policy 8.4.2 states, “The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.”

The proposed rezoning *{CONFORMS}* to Policy 8.1.1 because all construction on the subject property is required to conform to the Stormwater Management Policy.

- E. Objective 8.5 states, “Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.”

The proposed rezoning *{ACHIEVES}* Objective 8.5 because of the following:

- (1) Objective 8.5 has five subsidiary Policies. Policies 8.5.1, 8.5.3, 8.5.4, and 8.5.5 do not appear to be relevant to the proposed rezoning.

REGARDING LRMP GOAL 9

17. LRMP Goal 9 is entitled, “Energy Conservation” and is relevant to the proposed rezoning. Goal 9 states, “Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.”

The proposed rezoning *{ACHIEVES}* Goal 9 because of the following:

- A. Goal 9 includes five subsidiary Objectives. Objectives 9.1, 9.2, 9.3, and 9.5 do not appear to be relevant to the proposed rezoning.
- B. Objective 9.4 states, “Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.”

The proposed rezoning *{ACHIEVES}* Objective 9.4 because the proposed “recycling of nonhazardous materials with all storage and processing of materials taking place indoors” that is requested in related Zoning Case 672-S-10 is a business that recycles potentially recyclable materials.

REGARDING LRMP GOAL 10

18. LRMP Goal 10 is entitled “Cultural Amenities” and does not appear to be relevant to the proposed rezoning.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

REGARDING SPECIAL CONDITIONS OF APPROVAL

19. The ZBA reviewed a condition that would have required that if the Zoning Ordinance is amended to allow recycling of non- hazardous materials in the AG-2 District at similar locations, the zoning district designation of the subject property shall revert back to AG-2, but decided against recommending the condition for the following reasons:
- A. The evidence indicating that the subject property was very well suited not just for the proposed use but also for any business use that does not generate wastewater which requires a sanitary sewer, based on the following:
- (1) There was a business use on the subject property at the time of adoption of zoning;
 - (2) The property has access to U.S. 136 which is a state highway but does not generate a lot of traffic;
 - (3) Even though this is best prime farmland, agriculture has not occurred on the property since before 1988;
 - (4) The property has adequate area for reasonable business growth and maneuvering of semi trucks;
 - (5) The property has triple phase electrical power which is required for the business;
 - (6) The petitioners have looked for suitable property inside the Village of Rantoul for five years and have not found any suitable property inside the Village and this location will allow the business to retain a Rantoul address which is where the owners have lived their entire lives;
 - (7) The proposed use will have an enclosed loading dock to ensure confidentiality of all processes but which will help ensure no blowing litter into adjacent farmland;
 - (8) The proposed use uses no water for the recycling process and so a sewer is not necessary;
 - (9) A rural location like this is ideal for the proposed use which must have a secure location from which to conduct confidential paper shredding and recycling.
- B. The petitioner's concerns about future property value if in the long run the recycling business does not survive even though the property will have been improved and the value of the property with improvements will probably be greater with the B-4 designation (even considering the restriction on wastewater) than with AG-2 designation.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

20. Regarding proposed special conditions of approval:

A. Policies 4.2.3 and 5.1.5 require discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

The above special condition is necessary to ensure the following:

Provide conformance with policies 4.2.3 and 5.1.5.

B. Even if the proposed rezoning achieves both Goal 4 and Goal 5 and all other relevant goals, a blanket rezoning of this property to the B-4 General Business Zoning District would authorize a large number of uses by-right that may be inappropriate to the rural setting of the subject property and to using an onsite wastewater disposal system.

Business use of the entire property shall not generate more wastewater than the equivalent of a three bedroom dwelling as specified in the Illinois Private Sewage Disposal Licensing Code.

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

No use that is otherwise allowed in the B-4 General Business Zoning District, but is not appropriate in a rural setting or best served by public sanitary sewer, is established on the subject property.

C. Coordinating discretionary development with the Champaign County Public Health Department is a necessary process that has not been consistent in past cases. The following condition makes it clear that any use established on the subject property must coordinate installation of a new onsite wastewater disposal system or use of an existing system with the Public Health Department.

The Zoning Administrator shall not approve a Zoning Use Permit on the subject property without a letter from the Champaign County Health Department certifying as follows:

(a) The proposed use will not generate more wastewater than a three bedroom dwelling; and

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 20.C. (continued)

- (b) In the case that a new onsite wastewater disposal system is installed, the owner has consulted with the County Health Department and has identified the most appropriate location on the property for a wastewater treatment and disposal system and said location will be fenced and protected during other construction activities.
- (c) In the case that an existing wastewater treatment and disposal system is used, the owner has consulted with the County Health Department and has determined whether the existing system is adequate for the proposed use of the property, identified the location of the existing system, and that said location will be fenced and protected during construction activities.

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

The use of an existing onsite wastewater treatment and disposal system or the installation of a new system complies with all relevant and necessary requirements enforced by the Champaign County Public Health Department.

- D. The Champaign County Public Health Department recommends that floor drains should not be connected to onsite wastewater treatment and disposal systems because those systems are not typically designed to accommodate the types of materials that wash down floor drains. The following condition allows the Zoning Administrator to review if any proposed building on the subject property will have floor drains.

The Zoning Administrator shall not approve any Zoning Use Permit on the subject property unless the Zoning Use Permit Application includes floor plans for all buildings that explicitly indicate whether floor drains will be provided.

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

The Zoning Administrator is able to review building plans for floor drains and ensure that proper procedures are followed in their installation.

- E. The Zoning Ordinance does not include any general requirements for code compliance. However, there are two circumstances which require certification of code compliance. If floor drains are installed in any proposed building, they should be certified as complying with the Illinois Plumbing Code, and if a proposed building is completed after July 1, 2011, 20 ILCS 3105/10.09-1 requires that such construction will comply with the 2006 edition of the International Building Code.

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 20.E. (continued)

The Zoning Administrator shall not approve a Zoning Compliance Certificate without the following documentation:

- (a) Any floor drain must have been approved by the Illinois Plumbing Code Inspector.**
- (b) If the Certificate is approved after July 1, 2011, there must be a certification that the building complies with the 2006 edition of the International Building Code as required by 20 ILCS 3105/10.09-1.**

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

DOCUMENTS OF RECORD

1. Application for rezoning submitted by James Finger and Lisa Feig on June 21, 2010, with attachments:
 - A Letter from James Finger and Lisa Feig
 - B Triad Shredding List of References
 - C Petitioner photographs of subject property
 - D Letter from Sue Campbell, Rantoul Area Chamber of Commerce, dated June 17, 2010
 - E Letter from Gary Hardin, dated May 27, 2010
 - F Letter from Darrell Brandt, dated June 8, 2010
 - G Letter from Martin Alblinger, Economic Development Officer, Village of Rantoul, dated June 11, 2010

2. Preliminary Memorandum for Case 671-AM-10, dated July 23, 2010, with attachments:
 - A Case Maps for Cases 671-AM-10 & 672-S-10 (Location, Land Use, Zoning)
 - B Site Plan for subject property
 - C Letter from James Finger and Lisa Feig
 - D Triad Shredding List of References
 - E Letter from Sue Campbell, Rantoul Area Chamber of Commerce, dated June 17, 2010
 - F Letter from Gary Hardin, dated May 27, 2010
 - G Letter from Darrell Brandt, dated June 8, 2010
 - H Letter from Martin Alblinger, Economic Development Officer, Village of Rantoul, dated June 11, 2010
 - I 1972 Supervisor of Assessments aerial photograph of subject property
 - J 1988 Supervisor of Assessments aerial photograph of subject property
 - K 2008 GIS Consortium aerial photograph of subject property
 - L Excerpt from FEMA Flood Insurance Rate Map Community Panel No. 170894 0075 B
 - M IDOT Map showing Average Annual Daily Traffic
 - N Preliminary Draft Finding of Fact for Case 671-AM-10
 - O Petitioner photographs of subject property (included separately)

3. Supplemental Memorandum for Cases 671-AM-10 & 672-S-10, dated July 29, 2010, with attachments:
 - A Case Maps for Cases 671-AM-10 & 672-S-10 (Location, Land Use, Zoning)
 - B Section 905. Appendix A of the Illinois Private Sewage Disposal Licensing Act and Code (77 IAC 905)
 - C Appendix Defined Terms from the Champaign County Land Resource Management Plan
 - D Letter from Bruce Stickers, CC Soil & Water Conservation District, received on July 27, 2010

4. Figure 12-6 Existing Generalized Zoning-2003 from the Champaign County Land Resource Management Plan adopted April 22, 2010

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

DOCUMENTS OF RECORD (continued)

5. Supplemental Memorandum for Cases 671-AM-10 & 672-S-10, dated August 6, 2010 with attachments:
 - A Champaign County Resolution 3425 Right To Farm Resolution
 - B Revised Draft Finding of Fact for Case 471-AM-10
 - C Revised Draft Summary of Evidence for Case 472-S-10

6. All Documents of Record for related Zoning Case 672-S-10

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The rezoning requested in Case 671-AM-10 should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- B. Business use of the entire property shall not generate more wastewater than the equivalent of a three bedroom dwelling as specified in the Illinois Private Sewage Disposal Licensing Code.**
- C. The Zoning Administrator shall not approve a Zoning Use Permit on the subject property without a letter from the Champaign County Health Department certifying as follows:**
- (a) The proposed use will not generate more wastewater than a three bedroom dwelling; and**
- (b) In the case that a new onsite wastewater disposal system is installed, the owner has consulted with the County Health Department and has identified the most appropriate location on the property for a wastewater treatment and disposal system and said location will be fenced and protected during other construction activities.**
- (c) In the case that an existing wastewater treatment and disposal system is used, the owner has consulted with the County Health Department and has determined whether the existing system is adequate for the proposed use of the property, identified the location of the existing system, and that said location will be fenced and protected during construction activities.**
- D. The Zoning Administrator shall not approve any Zoning Use Permit on the subject property unless the Zoning Use Permit Application includes floor plans for all buildings that explicitly indicate whether floor drains will be provided.**

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

FINAL DETERMINATION (continued)

- E. The Zoning Administrator shall not approve a Zoning Compliance Certificate without the following documentation:**
- (a) Any floor drain must have been approved by the Illinois Plumbing Code Inspector.**
 - (b) If the Certificate is approved after July 1, 2011, there must be a certification that the building complies with the 2006 edition of the International Building Code as required by 20 ILCS 3105/10.09-1.**

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

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

*Same evidence as in related Zoning Case 672-S-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

REVISED DRAFT AUGUST 6, 2010

672-S-10

**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: July 23, 2010

Petitioners: James Finger, President, and Lisa M. Feig, Vice President, d.b.a. Triad Shredding Corp

Request: Authorize Triad Shredding to do recycling of non-hazardous materials (confidential paper shredding and recycling) with all processing and storage of materials taking place indoors in the B-4 General Business Zoning District as rezoned in related Zoning Case 671-AM-10.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2010, and August 12, 2010**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioners' business, Triad Shredding Corp, recently purchased the subject property. The petitioners have requested to rezone the subject property from AG-2 to B-4 to allow this Special Use Permit request in related Zoning Case 671-AM-10.
- *2. The subject property is a 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N (US 136), Rantoul.
- *3. The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. However, Triad Shredding has been located in the Rantoul Business Center since 2002, and the petitioners submitted a letter of support for the proposed use from the Village of Rantoul, dated June 11, 2010.

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:

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 4. (continued)

- A. The subject property is zoned AG-2 Agriculture and is proposed to be rezoned to B-4 General Business in related Zoning Case 671-AM-10 to allow the proposed Special Use Permit requested in this case. Regarding the history of the subject property:
- (1) Earl Smith, Assessor for Harwood Township, in a phone discussion with Lori Busboom, Zoning Technician, on July 29, 2010, indicated that Werner Roessler purchased the subject property in 1964.
 - (2) The existing building on the subject property was built in 1966, based on the Supervisor of Assessment tax records.
 - (3) Miller's Meat Market was established on the subject property before October 10, 1973.
 - (4) The 1972 Supervisor of Assessment aerial photographs show that the property was partially in agricultural production at that time.
 - (5) A meat market is believed to have operated on the property into the late 1980's.
 - (6) The property was purchased by Robert Glazik in 1987, which is also when the property was taken out of production, based on the Supervisor of Assessment tax records.
 - (6) Tony Delio purchased the property in 1995, and there were two Nuisance Violation cases during his ownership of the property. The second nuisance violation was ongoing when Triad Shredding purchased the property.
- B. Land on the east and west of the subject property is zoned AG-2 Agriculture. Land on the west is in use as two storage buildings, and land on the east is in use as agriculture.
- C. Land to the north of the subject property is zoned AG-1 Agriculture and is in use as row crop agriculture and includes an abandoned railroad right of way.
- D. Land to the south of the subject property is zoned AG-1 Agriculture and is in use as row crop agriculture.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed non-hazardous materials recycling (confidential material destruction & recycling):
- A. The subject property is a 4.35 acre lot that is 1,291 feet deep, 136 feet at its south end, and 169 feet wide at its north end.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 5. (continued)

- B. There is an existing nonconforming building which predates the adoption of the Zoning Ordinance on October 10, 1973. The existing building is 50 feet by 50 feet and is 30 feet from the from property line.
- C. The petitioners are proposing to construct a new steel or pole building that will be approximately 80 feet by 200 feet 305 feet from the front property line.
- D. There is another building indicated as an “Area of Future Expansion” that is also 80 feet by 200 feet and will be 345 feet from the front property line.
- E. There is existing gravel on the south and north ends of the property, connected by drives that extend down the east and west sides of the property. Both areas of gravel are indicated as being used for parking.
- F. In a letter included with their application the petitioners indicated the following regarding Triad Shredding’s operations:
 - (1) Triad’s business is to pick up, shred and bale confidential materials from clientele.
 - (2) Triad then brokers and ships those paper bales to various recyclers who re-pulp the shredded paper.
 - (3) The Triad operation is strictly a “inside the facility” type of business. Because of the confidential nature of the business and the strict adherence to industry standards all materials that come into the building must remain stored inside prior to processing.
 - (4) Once processed the baled by-product remains stored inside until the material is shipped via enclosed van type semi-trailers.
 - (5) Triad Shredding’s operational hours are Monday thru Friday 8am- 6pm. Triad anticipates our hours will be transparent with our neighbors that are zoned AG-1.

G.* Regarding the history of the subject property:

- (1) Earl Smith, Assessor for Harwood Township, in a phone discussion with Lori Busboom, Zoning Technician, on July 29, 2010, indicated that Werner Roessler purchased the subject property in 1964.
- (2) The existing building on the subject property was built in 1966, based on the Supervisor of Assessment tax records.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 5. G. (continued)

- (3) Miller's Meat Market was established on the subject property before October 10, 1973.
- (4) The 1972 Supervisor of Assessment aerial photographs show that the property was partially in agricultural production at that time.
- (5) The property was purchased by Robert Glazik in 1987, which is also when the property was taken out of production, based on the Supervisor of Assessment tax records.
- (6) Tony Delio purchased the property in 1995, and there were two Nuisance Violation cases during his ownership of the property. The second nuisance violation was ongoing when Triad Shredding purchased the property.

H. At the July 29, 2010, public hearing, co-petitioner Jim Finger testified as follows regarding the operations of Triad Shredding:

- (1) They have three full-time employees and five part-time employees although the number of part-time employees can vary down to two or three.
- (2) The business has two small Isuzu box trucks and a larger Mack box truck. He said that the employee vehicles and the trucks may make two trips per day in and out of the facility. He said that a semi-truck does arrive every week to be loaded with the recycling product but there is very little traffic generated by the business.
- (3) The business does not operate on weekends and they are generally out of the building by 6 PM.
- (4) The well and the septic system are already established on the property and their intent is to utilize those systems for the business.
- (5) Everything will be stored indoors and the trucks that haul the products are enclosed vehicles.
- (6) There is no wastewater generated in the recycling process.
- (7) Trash generated by the proposed use will be stored indoors.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for non-hazardous materials recycling (all indoors) as a Special Use in the B-4 General Business Zoning District in the *Zoning Ordinance*:

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 6. (continued)

- A. Section 5.2 authorizes non-hazardous materials recycling (all indoors) as a Special Use only in the B-4 Zoning District, and by-right in the I-1 and I-2 Zoning Districts.
- B. 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:
 - (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.
 - (f) There is no indication of outdoor lighting on the site plan.
 - (2) Subsection 6.1.3 indicates there are no standard conditions for non-hazardous materials recycling (all indoors).
- C. 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. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 6.D. (continued)

- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) "ESTABLISHMENT" is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
 - (3) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
 - (4) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- F. 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;
 - (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.
- G. 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.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

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 included a letter with their application that addressed the criteria for Special Use Permit approval. The following are relevant excerpts from that letter regarding this criteria:
- (1) Triad Shredding is family owned and operated by siblings Jim Finger and Lisa Feig, both lifetime residents of Rantoul.
 - (2) The Triad operations have been located in the Rantoul Business Center, on the former Chanute Air Force Base, since the company was founded in 2002.
 - (3) Triad Shredding has found the Village of Rantoul to be very accommodating and a very good landlord, but as the business has grown it is time to build a facility.
 - (4) Naturally, Triad Shredding is excited to have the opportunity and looks forward to building a new state of the art document destruction facility in Champaign County.
 - (5) As owners of Triad Shredding and lifelong county residents, it is our goal and desires to better utilize an under-developed piece of Champaign County commercial property.
 - (6) As our equipment has grown, the new facility will ensure the space we need to provide service to our customers more efficiently.
- B. The proposed use is an existing business that wants to use the subject property to grow the business.
- C. Co-petitioner Jim Finger lives approximately one-half mile to the east of the subject property.
- D. The subject property is located on US 136, a State highway, where any traffic impact from the proposed use will be minor.
- E. Triad Shredding serves businesses within a 100 mile radius, including businesses in the communities of Champaign-Urbana, Peoria, Springfield, Decatur, Mattoon-Charleston, Danville, and Watseka, and the subject property is centrally located.
- F. At the July 29, 2010, public hearing, co-petitioner Jim Finger testified as follows:
- (1) They have been searching for a new location for approximately five years and one of the biggest problems that they have incurred is finding a site that has access to a state highway, has three-phase electrical service and a loading dock.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 7.F. (continued)

- (2) They would like to stay in the Rantoul area because Rantoul is where they were born and raised but they have not had any luck finding an appropriate location.
- (3) They have looked at several other locations and they had even considered constructing a building on his residential property, which is one-half mile from the subject property, but installing three-phase electrical service was cost prohibitive.

G. At the July 29, 2010, public hearing, co-petitioner Lisa Feig testified as follows:

- (1) Security is one factor that must be highlighted and how it relates to the property and the business.
- (2) The business's traffic will be low because they do not invite every individual that they do business with to come to the facility because everyone's confidentiality is held the same.
- (3) Their roots grow very deep in the County and they have exhaustively attempted to find a location in Rantoul because they wanted to stay in Rantoul therefore an added attraction to this property is the fact that it has a Rantoul address.
- (4) The properties that they looked at either did not have dock space, availability of three-phase electricity or a location where a semi-truck could safely maneuver.
- (5) There are other locations that other businesses could be perfectly fine at but for their business they needed a location that was appropriate for their traffic.
- (6) Being in a rural area is perfect for their business.
- (7) They are aware that people who live in rural communities look after each other and they look forward to that rural benefit.

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 Petitioners included a letter with their application that addressed the criteria for Special Use Permit approval. The following are relevant excerpts from that letter regarding this criteria:

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 8.A. (continued)

- (1) On a normal business day, traffic would consist of less than 2-4 small box trucks leaving/entering the facility. The business currently generates enough bales that we ship approximately three semi loads per month to recyclers.
 - (2) We cannot emphasize enough that this is not a typical trash or recycling business. Our product is brought into our facility in our enclosed box truck and remains inside until it is delivered to the recycler.
 - (3) It is our intent that our new facility will have an enclosed loading dock area to further insure there is no chance of outdoor residue. Additionally, this will provide a more confidential transfer of product for our clientele.
- B. In a letter received on , 2010, Bruce Stickers, Resource Conservationist, Champaign County Soil and Water Conservation District, indicated that no Natural Resource Report was necessary for the subject property.
- C. Regarding surface drainage, the subject property is located adjacent to the East Salt Fork Drainage District Ditch and drains to the ditch.
- D. The subject property is accessed from US 136 (CR 3000N) on the south side of the property. Regarding the general traffic conditions on US 136 (CR 3000N) at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of North Lincoln Avenue was last measured in 2009, and is 4800 where it passes the subject property. The Average Daily Truck Count where US 136 (CR 3000N) passes the subject property is 500.
 - (2) The Township Highway Commissioner and IDOT have been notified of this case, but no comments have been received as yet.
 - (3) The traffic impact from non-hazardous materials recycling is unclear. However, the petitioners have testified that normal business traffic would consist of ~~less than 2-4 box trucks and approximately three semi loads per month~~ two trips per day for employee vehicles and the three box trucks owned by the business, and one semi load per week.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 8. (continued)

- E. Regarding fire protection of the subject property, the subject property is within the protection area of the Gifford Fire Protection District and is located approximately 2.8 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- F. The subject property is not located within a Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel 170894 0075 B.
- G. Regarding outdoor lighting on the subject property, there is no indication of outdoor lighting on the site plan.
- H. Regarding subsurface drainage, the subject property does not appear to contain any agricultural field tile.
- I. The hours of operation of the proposed Special Use Permit are described in the attached letter as Monday through Friday 8 AM to 6 PM.
- J. Regarding wastewater treatment and disposal on the subject property, the petitioners have testified that there is an existing onsite wastewater treatment and disposal system on the subject property and they intend to utilize that system for their business. The petitioners have also testified that the recycling process they use generates no wastewater. ~~there is no indication of an existing septic system on the site plan.~~ See the condition for related Zoning Case 671-AM-10.
- K. Regarding parking for proposed Special Use, see Item 9.B.(2)
- L. 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.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 8.L.(1) (continued)

- (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.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.
- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 8.L.(1) (continued)

- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required numbers of building exits are provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
 - (k) The proposed site plan does not indicate numbers of exits for the proposed buildings.
- M. At the July 29, 2010, public hearing, Tom Finger, father of the petitioners, testified as follows:
- (1) The petitioners and their employees spend most of their day hauling stuff up and down an alley way to different bays at the Rantoul Business Center and it is undetectable that they are doing so because it is kept clean.
 - (2) The subject property will be convenient for the business because it already has three-phase electrical availability and it is close to the highway.
- N. 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, garbage, debris, 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 Petitioners included a letter with their application that addressed the criteria for Special Use Permit approval. The following are relevant excerpts from that letter regarding this criteria:
 - (1) Triad intends to refurbish or demolish the existing building on the property. If the building is refurbished, renovation will rectify any existing zoning violations.
 - (2) Triad anticipates our hours will be transparent with our neighbors that are zoned AG-2.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 9. (continued)

B. Regarding compliance with the *Zoning Ordinance*:

- (1) Non-hazardous materials recycling (all indoors) is authorized by Special Use Permit only in the B-4 General Business Zoning District and by-right in the I-1 and I-2 (industrial) Districts.
- (2) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1 C.3.e requires that commercial ESTABLISHMENTS without a specific parking standard must provide 1 parking space for every 200 square feet of floor area or portion thereof. Based on the area of the proposed buildings the petitioner's would be required to provide 160 parking spaces. The proposed site plan indicates a total of 60 paved parking spaces. However, there appears to be enough area on the subject property to provide the rest of the required parking on unpaved ground.
 - (c) Based on the petitioner's testimony the proposed use will operate more like an industrial use than a commercial use with regards to parking. Under the parking standard for industrial uses in paragraph 7.4.1 D.1. the petitioners would be required to provide four parking spaces.
 - (d) A staff parking analysis based on an aerial photograph of the subject property will be available at the meeting.
- (3) There are no standard conditions for recycling of non-hazardous materials with all processing and storage taking place indoors.

C. Regarding compliance with the *Stormwater Management Policy*:

- (1) Regarding the requirement of stormwater detention: ~~the proposed building will be greater than 10,000 square feet in area which will trigger the need for stormwater detention. The proposed use should not be approved until the Board can be sure that detention can be accommodated on the subject property.~~
 - (a) The existing impervious area on the subject property consists of an existing building, the driveway that accesses US 136, a parking area behind the existing building, and two gravel drives the extend down the sides of the property.
 - (b) Based on a review of the 2002 GIS Consortium aerial photographs, all of this existing impervious area was in place before by-right uses were required to provide stormwater detention and so all the existing impervious area on the subject property is exempt.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 9.C.(1) (continued)

- (c) Based on a staff review of the 2005 GIS Consortium aerial photographs as compared with the proposed site plan, the petitioners appear to adding 40, 422 square feet of impervious area to the subject property, either as roof area or new gravel and concrete pavement.
 - (d) A standard condition has been proposed to make it clear that if at any time in the future more than 3,138 additional square feet of impervious area is added to the subject property stormwater detention will be required for all impervious area that has been added to the property since 2003.
- (2) Regarding the requirement to protect agricultural field tile, there does not appear to be any field tile on the subject property.
- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
- (1) The subject property is not located in the Special Flood Hazard Area.
 - (2) The subject property conforms to the Subdivision Regulations.
- E. Regarding the requirement that the Special Use preserve the essential character of the B-4 General Business Zoning District, the proposed use is non-hazardous materials recycling (all indoors), which is a business use.
- F. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings. There are two accessible parking spaces indicated on the site plan.

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. Non-hazardous materials recycling (all indoors) may be authorized in the B-4 General Business Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 10.B. (continued)

- (1) Subsection 5.1.14 of the Ordinance states the general intent of the B-4 General Business District and states as follows (capitalized words are defined in the Ordinance):

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

- (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 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.
- (3) The subject property is currently zoned AG-2 and is proposed to be rezoned B-4 in related case 671-AM-10. A special condition has been proposed in Case 671-AM-10 to limit wastewater generation on the subject property from business use to no more than would be generated by a three bedroom dwelling.

C. 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.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (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.
 - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
 - (b) With regard to the value of the subject property, it is unclear what effect the proposed rezoning and Special Use Permit will have on the value of the subject property.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 10.C.(3) (continued)

The subject property should not generate enough traffic to create congestion on US 136. However, there should be no parking related to the proposed SUP in the public right-of-way.

- (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.

The proposed use ~~has not demonstrated~~ appears to be in compliance with the *Champaign County Stormwater Management Policy*, but it is outside of the Special Flood Hazard 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 the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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 and the proposed site plan appears to be in compliance with those limits.

- (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

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 10.C.(7) (continued)

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 nonconforming conditions. There are no special conditions proposed at this time.

- (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 have indicated that they may refurbish the existing building on the subject property, which did exist on the date of the adoption of the Zoning Ordinance. However, they have indicated that they intend to follow all zoning requirements when doing so.

- (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. The subject property is currently zoned AG-2 and is proposed to be rezoned B-4 in related case 671-AM-10. Evidence in Case 671-AM-10 indicating that the subject property was very well suited not just for the proposed use but also for any business use that does not generate wastewater which requires a sanitary sewer is summarized as follows:

- (a) There was a business use on the subject property at the time of adoption of zoning;
- (b) The property has access to U.S. 136 which is a state highway but does not generate a lot of traffic;
- (c) Even though this is best prime farmland, agriculture has not occurred on the property since before 1988 and the subject property is not proposed to be increased in size and no additional best prime farmland is proposed to be taken out of production.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 10.C.(9) (continued)

- (d) The property has adequate area for reasonable business growth and maneuvering of semi trucks;
 - (e) The property has triple phase electrical power which is required for the business;
 - (f) The petitioners have looked for suitable property inside the Village of Rantoul for five years and have not found any suitable property inside the Village and this location will allow the business to retain a Rantoul address which is where the owners have lived their entire lives;
 - (g) The proposed use will have an enclosed loading dock to ensure confidentiality of all processes but which will help ensure no blowing litter into adjacent farmland;
 - (h) The proposed use uses no water for the recycling process and so a sewer is not necessary;
 - (i) A rural location like this is ideal for the proposed use which must have a secure location from which to conduct confidential paper shredding and recycling.
- (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 and there are no natural features in the vicinity of the subject property.

- (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 subject property is located in the B-4 General Business District, and is a business use. The subject property is currently zoned AG-2 and is proposed to be rezoned B-4 in related case 671-AM-10. Evidence in Case 671-AM-10 indicating that the proposed development would not increase the cost of development of public utilities and public transportation facilities can be summarized as follows:~~

- (1) The only public service provided other than law enforcement is fire protection. The Gifford Fire Protection District Chief has been notified of the proposed rezoning and has not provided any comments.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 10.C.(11) (continued)

(2) The only public infrastructure serving the subject property is US 136 which is a state highway and the low traffic generated by the proposed use will have no impact on US 136.

- (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.

The subject property is currently zoned AG-2 and is proposed to be rezoned B-4 in related case 671-AM-10. Evidence in Case 671-AM-10 indicating that the subject property was very well suited not just for the proposed use but also for any business use that does not generate wastewater which requires a sanitary sewer is summarized as follows:

- (a) There was a business use on the subject property at the time of adoption of zoning;
- (b) The property has access to U.S. 136 which is a state highway but does not generate a lot of traffic;
- (c) Even though this is best prime farmland, agriculture has not occurred on the property since before 1988 and the subject property is not proposed to be increased in size and no additional best prime farmland is proposed to be taken out of production.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE because it is not an existing use. The Petitioner did not include any relevant testimony on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. ~~No special conditions of approval are proposed at this time.~~ Regarding proposed special conditions of approval:

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

Item 12. (continued)

- A. Case 671-AM-10 is a request to rezone the subject property from its current AG-2 to B-4 to allow the requested SUP in this case. The Zoning Board of Appeals will presumably take action on these cases at the same time. If the County Board then denies the rezoning the status of the Special Use Permit may be unclear. The following condition clarifies the status of the SUP in the case that the rezoning is denied.

The Special Use Permit in this case shall be considered null and void if the rezoning of the subject property in related Zoning Case 671-AM-10 is denied by the Champaign County Board.

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

There is no confusion regarding the approval of this case if the related rezoning is denied.

- B. The petitioners are proposing two 16,000 square foot buildings and several new paved areas on the subject property which will increase the amount of impervious area on the subject property by 40,422 square feet. The maximum exempt amount of impervious area on the subject property is 43,560 square feet (one acre), so the petitioners can add only 3,138 square feet more impervious area before they will be required to provide stormwater detention for all of the impervious area they have added. The following condition makes that clear.

If more than 3,138 square feet of impervious area is added to the subject property in addition to what is proposed in this case, the stormwater detention requirement of the Champaign County Stormwater Management Policy will apply.

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

The requirements of the Champaign County Stormwater Management Policy are met at such time as they apply to the subject property.

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

DOCUMENTS OF RECORD

1. Special Use Permit Application from Jim Finger and Lisa M. Feig received on June 21, 2010, with attachments:
 - A Site plan for subject property
 - B Letter from James Finger and Lisa Feig
 - C Triad Shredding List of References
 - D Petitioner photographs of subject property
 - E Letter from Sue Campbell, Rantoul Area Chamber of Commerce, dated June 17, 2010
 - F Letter from Gary Hardin, dated May 27, 2010
 - G Letter from Darrell Brandt, dated June 8, 2010
 - H Letter from Martin Alblinger, Economic Development Officer, Village of Rantoul, dated June 11, 2010
2. Preliminary Memorandum for Case 672-S-10, with attachments:
 - A Preliminary Draft Summary of Evidence for Case 672-S-10
3. Supplemental Memorandum for Case Numbers 671-AM-10 & 672-S-10, dated July 29, 2010, with attachments:
 - A Case Maps for Cases 671-AM-10 & 672-S-10 (Location, Land Use, Zoning
 - B Section 905. Appendix A of the Illinois Private Sewage Disposal Licensing Act and Code (77 IAC 905)
 - C Appendix Defined Terms from the Champaign County Land Resource Management Plan
 - D Letter from Bruce Stickers, CC Soil & Water Conservation District, received on July 27, 2010
4. Figure 12-6 Existing Generalized Zoning-2003 from the Champaign County Land Resource Management Plan adopted April 22, 2010
5. Supplemental Memorandum for Cases 671-AM-10 & 672-S-10, dated August 6, 2010 with attachments:
 - A Champaign County Resolution 3425 Right To Farm Resolution
 - B Revised Draft Finding of Fact for Case 471-AM-10
 - C Revised Draft Summary of Evidence for Case 472-S-10
6. All Documents of Record for related Zoning Case 671-AM-10

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 672-S-10 held on August 12, 2010, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {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}* *{because¹}*: _____

 - c. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - d. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because¹}*: _____

 - e. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

 - f. Public safety will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

 - h. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

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

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

FINDINGS OF FACT (continued)

- 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 NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} DOES* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use.
6. *{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}*

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{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 672-S-10 is hereby *{ GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the petitioners **James Finger, President, and Lisa M. Feig, Vice President, d.b.a. Triad Shredding Corp** to authorize **Triad Shredding to do recycling of non-hazardous materials (confidential paper shredding and recycling) with all processing and storage of materials taking place indoors in the B-4 General Business Zoning District (the subject of related Zoning Case 671-AM-10).**

{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:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

*Same evidence as in related Zoning Case 671-AM-10

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.