

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **October 14, 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 PM.**

**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 (September 16, 2010)
5. Continued Public Hearings

**Case 665-AT-10** Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3 G. as follows:**

- A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning Districts.**
- B. Require fencing that is higher than four feet tall to be at least 50% transparent when located in the following areas:**
  - (1) In Residential Zoning Districts, all fencing that is in the front yard**
  - (2) On residential lots in the AG-1, AG-2, and CR Zoning Districts, only fencing between the dwelling and the driveway within 25 feet of the dwelling**
- C. Increase the maximum allowed height of all fencing to allow up to three inches of ground clearance.**

**Case 666-AT-10** Petitioner: **Champaign County Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
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6. New Public Hearings

**\*Case 676-S-10**      Petitioner: **United Prairie LLC, owned by Premier Cooperative and Topflight Grain**

Request: **Authorize "Farm Chemicals and Fertilizer Sales including incidental Storage and mixing of blended fertilizer" as a Special Use Permit in the AG-1 Agriculture Zoning District.**

Location: **Lots 1, 2 & 3 of August Miller's Subdivision in Section 34 of East Bend Township and commonly known as the houses at 3062 CR 950E and 3054 CR 950E, Dewey.**

7. Staff Report

A. September, 2010 Monthly Report

8. Other Business

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

10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**

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3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street  
5 Urbana, IL 61801

7 **DATE:** September 16, 2010

**PLACE:** Lyle Shields Meeting Room  
1776 East Washington Street  
Urbana, IL 61802

8  
9 **TIME:** 7:00 p.m.

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11 **MEMBERS PRESENT:** Thomas Courson, Melvin Schroeder, Eric Thorsland, Paul Palmgren

13 **MEMBERS ABSENT :** Doug Bluhm, Catherine Capel, Roger Miller

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

17 **OTHERS PRESENT :** Brian Sides, Cristina Manuel, Leslie Kimble, Herb Schildt, Sherry Schildt,  
18 Steve Burdin, John Collins

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21 **1. Call to Order**

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

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

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

28  
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.

31  
32 **Mr. Palmgren moved, seconded by Mr. Schroeder to appoint Mr. Thorsland as Interim Chair for**  
33 **tonight's meeting. The motion carried by voice vote.**

34  
35 **3. Correspondence**

36  
37 None

38  
39 **4. Approval of Minutes (August 12, 2010 and August 26, 2010)**

40  
41 Mr. Thorsland stated that he had previously indicated a few minor changes to the August 26, 2010, minutes  
42 to staff for correction.

43  
44 Mr. Palmgren stated that Page 15, Line 32 of the August 26, 2010, minutes should be revised to indicate the  
45 following: He said that if the wind farm company went ahead and placed their wind towers wherever they  
46 have contracts eventually one or more would become too close and the Division of Aeronautics would act to

1 decertify the RLA.

2  
3 **Mr. Palmgren moved, seconded by Mr. Courson to approve the August 12, 2010, minutes and the**  
4 **August 26, 2010, minutes as amended. The motion carried by voice vote.**

5  
6 **Mr. Palmgren moved, seconded by Mr. Courson to rearrange the agenda and hear Case 674-V-10**  
7 **prior to Cases 665-AT-10 and 666-AT-10. The motion carried by voice vote.**

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9 **5. Continued Public Hearing**

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11 **Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
12 **Ordinance by revising paragraph 4.3.3G as follows: A. Increase the maximum fence height allowed in**  
13 **side and rear yard from six feet to eight feet for fences in Residential Zoning Districts and on**  
14 **residential lots in the AG-1 and AG-2 Zoning Districts; and B. Require fencing that is higher than**  
15 **four feet tall to be at least 50% transparent when located in the following areas: (1) In residential**  
16 **Zoning Districts, all fencing that is in the front yard; and (2) On residential lots in the AG-1, AG-2,**  
17 **and CR Zoning Districts, only fencing between the dwelling and the driveway within 25 feet of the**  
18 **dwelling; and C. Increase the maximum allowed height of all fencing to allow up to three inches of**  
19 **ground clearance.**

20  
21 Mr. Hall stated that the description of the case has been revised based on the Board’s discussion from the  
22 May 27, 2010, public hearing. He said that he sent an e-mail to Sheriff Walsh and his deputies but it was not  
23 sent until last Friday. He said that the e-mail informed Sheriff Walsh and his deputies that the case was on  
24 the agenda and that their comments were not required by Thursday but the Board would appreciate their  
25 comments. He said that the Finding of Fact had to be revised to reflect the adoption of the Land Resource  
26 Management Plan and it is staff’s recommendation that the proposed text amendment achieves all relevant  
27 Goals and Objectives. He said that the Board will have adequate time to review and consider the Finding of  
28 Fact before the next hearing and staff would recommend continuing Case 665-AT-10 to the October 14,  
29 2010, meeting. He said that the Board could continue this case to September 30, 2010, although the time  
30 frame is too short for the case to be included on the ELUC agenda in October. He said that he is not sure if  
31 there will be a full Board for the September 30<sup>th</sup> meeting therefore the Board may decide to simply cancel  
32 that meeting and continue Cases 665-AT-10 and 666-AT-10 to the October 14, 2010, meeting. He said that  
33 the two cases will get to ELUC and the County Board just as quickly as if the ZBA had dealt with those  
34 cases on September 30<sup>th</sup>. He pointed out that the revised amendment is in the Finding of Fact as Item #5.

35  
36 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
37 regarding this case and there was no one.

38  
39 Mr. Thorsland closed the witness register.

40  
41 **Ms. Schroeder moved, seconded by Mr. Palmgren to continue Case 665-AT-10 to the October 14,**  
42 **2010, meeting. The motion carried by voice vote.**

9/16/10

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ZBA**

1 **Case 666-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
2 **Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1 to clarify that the standard conditions**  
3 **in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are**  
4 **subject to a waiver by the Zoning Board of Appeals or County Board.**  
5

6 Mr. Hall stated that the new Supplemental Memorandum has a letter from Herbert Schildt, Chairman of the  
7 Newcomb Township Plan Commission, dated September 13, 2010, attached. Mr. Hall stated that staff needs  
8 to send a question to the State's Attorney's office which he is fairly certain will change the description of the  
9 case. He said that the question has to do with the standard conditions for a County Board Special Use  
10 Permits and whether those are subject to plan commission protest because the statutes discuss any variation  
11 that is approved by the County Board can be protested by a township. He said that it seems to him that a  
12 waiver of a standard condition is the same thing as a variance therefore it may be done in a similar way  
13 which is as a waiver so that staff does not put in all of the effort that a variance requires but he believes that  
14 it is subject to protest by a township. He said that at the current time the County only has one type of County  
15 Board Special Use Permit which is the wind farm but in the near future he hopes to have more.  
16

17 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.  
18

19 Mr. Thorsland called Mr. Herb Schildt to testify.  
20

21 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that he is the Chairman of the Newcomb  
22 Township Plan Commission but his comments tonight are his own. He said that the opinion included in the  
23 letter was passed 5-0 by the plan commission and its submission was authorized by the Newcomb Township  
24 Board of Trustees. He asked Mr. Hall if staff is recommending that the case be continued to a later date.  
25

26 Mr. Hall stated yes.  
27

28 Mr. Schildt stated that he will reserve any further comments until the next hearing regarding this case.  
29

30 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Schildt and there were none.  
31

32 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
33 regarding Case 666-AT-10 and there was no one.  
34

35 **Mr. Courson moved, seconded by Mr. Palmgren to close the witness register for Case 666-AT-10. The**  
36 **motion carried by voice vote.**  
37

38 **Mr. Courson moved, seconded by Mr. Schroeder to continue Case 666-AT-10 to the October 14, 2010,**  
39 **meeting. The motion carried by voice vote.**  
40

41 **6. New Public Hearings**  
42

43 **Case 674-V-10 Petitioner: Dobbins Downs Community Improvement Association, with Leslie Kimble,**

1 **President; Cristina Manuel, Vice-President; Norman Davis, Treasurer; and Amanda Zuek, Secretary**  
 2 **Request to authorize the construction and use of a public park in the R-3 Two Family Residence**  
 3 **Zoning District, with the following variances: A. Construction and use of a basketball court with a**  
 4 **side yard of five feet for accessory structures; and B. No off-street parking spaces in lieu of the**  
 5 **minimum required one off-street parking space per three patrons based on the estimated number of**  
 6 **patrons during peak attendance; and C. Front yards of six feet and setbacks of 36 feet in lieu of the**  
 7 **minimum required 25 feet front yard and 55 feet setback with regard to Campbell Drive and**  
 8 **Kingsway Drive, minor streets in the R-3 Zoning District; and D. A waiver of the application fees for**  
 9 **the proposed variance application; and E. A waiver of the Zoning Use Permit Application fees for the**  
 10 **proposed public park. Location: Lot 33 in Regency West Subdivision in Section 35 of Hensley**  
 11 **Township and commonly known as the vacant lot at 2603 Campbell Drive, Champaign.**

12  
 13 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
 14 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
 15 of hands for those who would like to cross examine and each person will be called upon. He requested that  
 16 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
 17 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
 18 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
 19 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt  
 20 from cross examination.

21  
 22 Mr. Hall distributed a new Supplemental Memorandum dated September 16, 2010, to the Board for review.  
 23 He said that since the mailing staff contacted Robert Sherman, Hensley Township Highway Commissioner,  
 24 and Mr. Sherman had no concerns or reservations regarding the parking areas. Mr. Hall stated that staff also  
 25 contacted the Champaign and Urbana Park Districts and was informed that for neighborhood parks, such as  
 26 the proposed, they customarily do not provide parking. He said that staff discovered that the City of  
 27 Champaign Zoning Ordinance does not require any parking for neighborhood parks. He noted that a  
 28 condition for approval is being proposed at tonight’s hearing regarding accessibility.

29  
 30 Mr. Hall reviewed the evidence included in the new Supplemental Memorandum dated September 16, 2010.  
 31 He said that the following should be added as new Items #7.D(3), 8.C(4), 9.C(3) and 11.E(2) renumbering  
 32 the existing 11.E as 11.E(1): A staff review of the parking standards for neighborhood parks in Champaign  
 33 and Urbana Zoning Ordinances indicated the following: (a) the City of Champaign Zoning Ordinance does  
 34 not require any parking for neighborhood parks; and (b) the City of Urbana Zoning Ordinance does not have  
 35 a specific parking standard for parks, but the ordinance does include a provision that the city’s Zoning  
 36 Administrator can determine the parking standard based on the use that is most similar to a park. He said  
 37 that the following should be added as new Item #10.H: Requests for waiver of zoning case fees have  
 38 historically been presented to the Environment and Land Use Committee (ELUC) of the Champaign County  
 39 Board even though the Champaign County Zoning Ordinance does not provide for waiver of fees in that  
 40 manner. Between January 1, 1990, and the present time there were 14 waiver requests presented to ELUC  
 41 and all were approved. The requests were from five cemetery associations, three water districts, one highway  
 42 district, one school district, two municipalities, and one non-governmental organization. He said that  
 43 existing Item #11.C should be revised to read as follows: In a phone conversation with J.R. Knight,

9/16/10

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Associate Planner, on September 15, 2010, Robert Sherman, Hensley Township Highway Commissioner,  
2 indicated that he had no concerns regarding a variance to provide parking for the proposed park. He said that  
3 the following should be added as new Item #11.H: In a letter to Brian Sides, attorney for the petitioner,  
4 dated July 22, 2010, Jamie Hitt, Zoning Officer, indicated that Doug Gamble, Accessibility Specialist for the  
5 Illinois Capital Development Board, had indicated to her that the proposed public park must be accessible, as  
6 follows: (1) If no on-site parking is added to the subject property no accessible parking space is required; and  
7 (2) The park must be accessible with firm and stable walks no steeper than 1:20; and (3) The Illinois  
8 Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a  
9 licensed architect that the specific construction complies with the Illinois Accessibility Code for all  
10 construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility  
11 Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the  
12 Zoning Use Permit is required. There is no information regarding the cost of the proposed park; and (4)  
13 Although not in Ms. Hitt's letter, an analysis of the accessibility of the proposed park can be done by an  
14 Illinois Licensed Architect or Illinois Professional Engineer, and a special condition has been proposed to  
15 require documentation of the park's accessibility before a Zoning Use Permit is approved for the property.  
16 He said that the following should be added as revised Item #14: The proposed park must meet all applicable  
17 state statutes, including requirements for accessibility established in the Illinois Environmental Barrier Act  
18 and Illinois Accessibility Code. The following condition requires documentation that the proposed park  
19 meets these requirements before a Zoning Use Permit can be authorized:

20  
21 **The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed**  
22 **public park without documentation of compliance with the Illinois Environmental**  
23 **Barriers Act and the Illinois Accessibility Code.**

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

25 **The proposed public park complies with state accessibility requirements.**

26  
27 He said that normally in a Special Use Permit there would be extensive evidence in the Summary of  
28 Evidence about the accessibility requirements and since Ms. Hitt's letter had already been written it was  
29 decided that it would be included as a Document of Record rather than adding it to the Summary of  
30 Evidence.

31  
32 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

33  
34 Mr. Thorsland called Brian Sides to testify.

35  
36 Mr. Brian Sides, attorney for the petitioners, stated that the memorandum was very extensive and exhaustive  
37 and included all of the arguments that he was allowed to make on the application. He said that the proposed  
38 amendments and requirements will be complied with by the association in short order. He said that their  
39 request is being brought before the ZBA very close to their build day and this is not out of lack of respect or  
40 because zoning was an after thought. He said that the need was identified; the children from the  
41 neighborhood play in the streets because they do not have a safe place to play, a community group was  
42 formed and one of the goals of the group was to address the issue of providing a safe place for the  
43 neighborhood children to play. He said that the group was formed two years ago and meetings began with

1 different members of the community and a lot was identified for County Board approval of a lease to the  
2 association. He said that the funding for the playground equipment will be through annual grants therefore  
3 expanding the playground equipment annually adding a new playground project every year. He said that  
4 after the lease agreement was docketed on the agenda for the County Board the association received a call  
5 from United Way indicating that a group from Washington, D.C. called "Kaboom" was willing to act as an  
6 intermediary for Blue Cross/Blue Shield of Illinois for complete funding of the playground. He said that  
7 these occurrences changed their plans entirely in early July and the process of submitting an application to  
8 the ZBA requires a site plan. He said that they were not able to obtain a site plan until the second week of  
9 August at which time an application for this request was submitted to the County. He said that he would like  
10 Ms. Manuel to address Item D. and E, regarding the waiver of fees.

11

12 Mr. Thorsland asked the Board if there were any questions for Mr. Sides and there were none.

13

14 Mr. Thorsland asked if staff had any questions for Mr. Sides.

15

16 Mr. Hall stated that he understands that there is no disrespect intended because staff hardly ever gets a  
17 petitioner who is as responsive as he has been with this case. He said that staff appreciates his quickness in  
18 submitting the required materials as well as their thoroughness and is concerned that perhaps staff rushed  
19 things on their part. He asked Mr. Sides if he has had any communication with the neighbor who will live  
20 next to the basketball court and are there any concerns that the basketball court, at the proposed location,  
21 may be a source of problems in the future.

22

23 Mr. Sides stated that there is a duplex located south of the proposed basketball court and it is a rental unit.  
24 He said that he did speak to both residents of the duplex and they indicated that there were okay with the  
25 location of the basketball court. He said that when he was younger he played basketball and when the sun  
26 went down he and his friends would pull their cars up to the court and turn on their headlights so that they  
27 could still play ball. He said that the association is taking steps to try to reduce any type of such nuisance  
28 therefore they are planning to erect a privacy fence, as opposed to chain-link, which may or may not do a  
29 whole lot for noise. He said that the association has been in touch with law enforcement because they are  
30 concerned that there are no blind spots with the erection of the fence which would entice foul play. He said  
31 that there will be a closing hour established for the park and the deputies that were consulted with were not  
32 reluctant in enforcing that closing time.

33

34 Mr. Hall asked Mr. Sides if he could indicate the park hours.

35

36 Mr. Sides stated that such hours will take DDCIA Board approval and have not been established yet but it is  
37 his suspicion that the park will close at sunset, varying with the time of the year. He said that there will be  
38 two signs posted on the site of which one will be for the sponsor and the other will be for the rules of the  
39 park of which the closing time will be posted.

40

41 Mr. Hall stated that in regards to the fence, there is really nothing that can be done about the noise due to the  
42 proximity of the park. He said that the more important issue is the visual screening in which the privacy  
43 fence will provide. He asked Mr. Sides to indicate the height of the privacy fence.



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Mr. Sides stated that the association ordered materials for a six foot fence.

Mr. Hall stated that currently there is a proposed amendment to the Zoning Ordinance to allow an eight foot fence. He said that his only concern with the height was deferring basketballs from bouncing over the fence and hitting cars.

Mr. Sides stated that if any ball goes over the fence it would hit the garage wall which is closest to the basketball court. He said that it would be unlikely for any balls to hit any cars because the cars would be garaged and if there were any cars on the driveway they would not be affected because the hoop will be closer to the west and the approach to the 57 foot driveway is to the east. He said that the driveway is 22 feet wide and the board of the court will be at least at the edge of that and will not be inside the driveway and they may even take a couple feet to the north which will be further away from the affected property that is being discussed.

Mr. Schroeder asked Mr. Sides how many cars may be involved after a game on the court.

Mr. Sides stated that the lot for the playground is fairly small and is basically 80' x 100'. He said that the lot will be used for play equipment such as swings and a play structure. He said that an old house was destroyed by fire on the lot and the County ended up obtaining the property due to unpaid property taxes. He said that the lot is closely centered to the neighborhood and it is expected that most of the residents will walk to the park therefore not creating much parking. He said that the lot is located on the corner of Campbell Drive and Kingsway Drive and Campbell Drive is considered to be the street which feeds the neighborhood. He said that Kingsway Drive is platted with a 60 foot right-of-way but only 30 feet of the right-of-way is paved therefore a few cars could be parked along Kingsway next to the lot which would be the logical place for someone to park because the entrance will be off of Kingsway. He said that a four foot chain-link fence will be erected along the Campbell Drive side of the park because Campbell Drive is such a busy road and they don't want anyone getting hurt. He said that they do not believe that there will be a lot of vehicular traffic to the park because they believe that most people will walk and Kingsway Drive is wide enough for two lanes of traffic plus a lane of parked cars. He said that the current Zoning Ordinance allows for parking in that area and the association is not asking for the Board to allow parking in an area where it normally is not.

Mr. Schroeder stated that he does not want the Board to create a problem for the association.

Mr. Sides stated that the name of the association is the Dobbins Downs Community Improvement Associate (DDCIA) and they emphasize improvement therefore the last thing that they want to do is create something that is considered a nuisance.

Mr. Thorsland asked the Board if there were any further questions for Mr. Sides and there were none.

Mr. Thorsland asked if staff had any additional questions for Mr. Sides and there were none.

Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Sides.

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Mr. John Collins requested the opportunity to cross examine Mr. Sides.

Mr. Thorsland apologized to the audience and informed them that Mr. Sides is an attorney therefore cross examination is not allowed.

Mr. Collins asked if Mr. Sides was speaking as an attorney or as a citizen of the neighborhood.

Mr. Thorsland stated that Mr. Sides is speaking as an attorney.

Mr. Thorsland called Cristina Manuel to testify.

Ms. Cristina Manuel, who resides at 2300 Roland Drive, Champaign stated that she is the Vice-President of the Dobbins Downs Community Improvement Association which is a non-profit organization established in April, 2009. She said that they have hosted many neighborhood events such as cookie decorating, neighborhood barbeques, seminars on property taxes, Medicare, etc. She said that regardless whether they are incorporated or not they are receiving their funding and donations as a non-profit organization from the City of Champaign as grants. She said that the City of Champaign's fiscal year ends in June therefore DDCIA applied for funding of the playground equipment and received \$5,000 and since their fiscal year ends in June they re-applied and received \$2,500 for the 2010 fiscal year. She said that the grant money, \$7,500, which was received from the City of Champaign, was sent to Kaboom as a down payment for the equipment and Blue Cross/Blue Shield of Illinois will be funding the balance. She said that the DDCIA has received approximately \$1,500 from door to door solicitations and fundraising and they received a \$1,000 grant from Sam's Club. She said that those donations are set for future expenditures that will be required on the park such as the basketball hoop which will be installed in October. She said that they are using the vendors from the Champaign Park District because they will be able to obtain better rate discounts for the basketball hoop and that cost is estimated at approximately \$1,000. She said that Kaboom requires that on the build day that DDCIA provide dumpsters, port-a-potties, food for the volunteers, tents for first aid and children activities and the funds for these items will come from the City of Champaign grant money. She said that the reason why they have requested the variances from the fees is so that the funding that they do have will not decrease the amount of equipment or services that can be provided for the playground. She said that the County is requiring that DDCIA pay \$50 annually for leasing the property and insure the property which costs DDCIA \$400 annually. She said that there are outlying expenses and in order to address those expenses they are holding on to their funds because once the playground is established it will be very hard to get additional funding. She said that she has reviewed the proposed special condition and sees no reason why they could not comply because all of the playground equipment is ADA accessible and they are required to use engineered wood fiber which is different than regular wood chips because it is supposed to be ADA acceptable surfacing. She noted that the site plan indicates an accessibility ramp. She said that a one foot barrier is placed around the perimeter of the playground and then filled with mulch and an accessible ramp is constructed. She said that they have already excavated the lot and it has a 2% grade.

Mr. Thorsland asked the Board if there were any questions for Ms. Manuel and there were none.

1 Mr. Thorsland asked if staff had any questions for Ms. Manuel and there were none.

2  
3 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Manuel.

4  
5 Mr. John Collins, who resides at 893 CR 2125N, Champaign asked Ms. Manuel if the basketball hoop will  
6 be backed up to the six foot fence.

7  
8 Ms. Manuel stated that the basketball hoop is located on the north side of the existing driveway therefore it  
9 will not be backed up to fence. She said that the fence will be located on the south side.

10  
11 Mr. Thorsland called Leslie Kimble to testify.

12  
13 Ms. Leslie Kimble, who resides at 2207 Roland Drive, Champaign, thanked the Board and staff for their  
14 time in reviewing their request. She said that she appreciates Mr. Sides' and Ms. Manuel's time in providing  
15 all of the required information for the Board's review. She said that as a resident of the area, a mother and a  
16 member of the Board for DDCIA she requests that the Board consider and approve the requested variances.

17  
18 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Kimble and there were none.

19  
20 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Kimble and there was no one.

21  
22 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
23 regarding Case 674-V-10 and there was no one.

24  
25 **Mr. Palmgren moved, seconded by Mr. Courson to close the witness register. The motion carried by**  
26 **voice vote.**

27  
28 Mr. Thorsland closed the witness register.

29  
30 Mr. Thorsland asked the Board if there were any questions for staff regarding the Summary of Evidence.

31  
32 Mr. Hall stated that every now and then the issue of cost is inserted as relevant evidence because the  
33 organization is a public charity although cost is never a reason for approving a variance. He said that cost is  
34 an unavoidable issue in regards to the fence and typically the Zoning Ordinance waives Zoning Use Permit  
35 fees for local government agencies and the services that this organization is providing are similar to those  
36 that a local government agency would provide. He said that he assumes that the reason why the fees are  
37 waived for local government agencies is because we are all in this together therefore the more reduced fees  
38 will reduce the tax burden. He cautioned the Board to not use cost as a reason to approve the side yard  
39 variance for the driveway. He said that either the Board can find a way to approve the basketball court that  
40 close to the lot line or not but if the Board can not find a way to justify it the Board should not simply justify  
41 it because it is cheaper. He said that a six foot privacy fence in that location should not have the problem of  
42 a ball traveling over the fence and hitting a car although it might hit the side of the garage. He said that a six  
43 foot privacy fence will mitigate the physical nature of seeing people playing ball and even if the basketball

1 court met the full five foot side yard it would still only be five feet from the property line. He said that cost  
2 is relevant in regards to the fees but as much as possible costs should not be material evidence for the other  
3 variances.  
4

5 Mr. Courson stated that a concrete block fence would mitigate the noise concern.  
6

7 Mr. Hall stated that if no variances were required the petitioners would not be before the Board tonight. He  
8 said that the Zoning Ordinance has already determined that the noise in the park is compatible with the  
9 residential district therefore the only reason that he mentioned noise is because there is a request for a  
10 variance for the basketball area.  
11

12 Mr. Hall stated that a new Item #8.B(3) should be added to the Summary of Evidence as follows: Regarding  
13 Part A of the proposed variance, the proposed basketball court is similar to many homes which use a  
14 driveway as a basketball court but may generate more noise than a typical home basketball court. He said  
15 that Item #11.D. should be revised to read as follows: (1) Regarding Part A of the proposed variance, the  
16 proposed basketball court is similar to many homes which use a driveway as a basketball court but may  
17 generate more noise than a typical home basketball court; and (2) Notices of the requested variance were  
18 mailed to adjacent landowners and no comments have been received; and (3) Petitioner’s attorney, Brian  
19 Sides testified at the public hearing on September 16, 2010, that a six foot high privacy fence would be built  
20 between the basketball play area and the adjacent property. He said that a new Item #11.H. should be added  
21 as follows: Petitioner’s attorney, Brian Sides, testified at the public hearing on September 16, 2010, that the  
22 DDCIA Board intends to establish a daily closing time intended to minimize possible nuisance conditions.  
23

24 Mr. Thorsland read the special condition for the Board as follows:  
25

**The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed  
public park without documentation of compliance with the Illinois Environmental  
Barriers Act and the Illinois Accessibility Code.**

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

**The proposed public park complies with state accessibility requirements.**

31  
32 Mr. Thorsland asked Mr. Sides if he understands and agreed to the proposed condition.  
33

34 Mr. Sides stated yes.  
35

36 **The consensus of the Board was to approve the special condition as previously read.**  
37

38 **Finding of Fact for Case 674-V-10:**  
39

40 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
41 674-V-10 held on September 16, 2010, the Zoning Board of Appeals of Champaign County finds that:  
42

- 43 1. **Special conditions and circumstances DO exist which are peculiar to the land or**

structure involved, which are applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are applicable to other similarly situated land and structures elsewhere in the same district because this is an empty lot due to the fact that the previous structure was destroyed by fire. He said that it is his understanding that the lot is an eyesore which collects a lot of trash and the neighbors are trying to keep it cleaned up. He said that the lot is very central to the neighborhood which would give residents easy access to the park.

Mr. Thorsland stated that the proposed space has an existing feature, the driveway, which can be used for part of the proposed project.

Mr. Courson asked Mr. Hall if the driveway requires a special permit.

Mr. Hall stated that the driveway existed prior to the adoption of zoning therefore it is non-conforming. He said that there is a not a minimum side yard for driveways although vehicles are not to be parked closer than five feet of the property line but the driveway can go right up to the property line.

Mr. Courson asked Mr. Hall if someone built a house on the lot could they use the existing driveway without any special permits.

Mr. Hall stated yes. He said that staff may have overstated the variance by indicating a zero feet setback along the entire length because it factors a little bit of the side yard. He said that the driveway is now becoming an accessory structure and the Board is being asked to approve a side yard variance for it.

**2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.**

Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because the group does not have any money to begin with and the setbacks are reduced due to the size of the park.

Mr. Thorsland stated that the enforcement of the regulations would prevent the use of the existing paved surface for part of the project. He said that the adjoining park district does not provide parking for similar projects.

**3. The special conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.**

Mr. Palmgren stated that the special conditions, circumstances, hardships or practical difficulties DO NOT

1 result from actions of the applicant because the existing lot is not an existing unsaleable lot and the group  
2 does not have a lot of money. He said that the annexation agreement proposal with the City of Champaign  
3 was denied.  
4

5 Mr. Thorsland stated that both the paved feature and the lot existed prior to October 10, 1973, and they were  
6 not created by the current petitioners.  
7

8 **4. The requested variance, subject to the special condition, IS in harmony with the**  
9 **general purpose and intent of the Ordinance.**  
10

11 Mr. Palmgren stated that the requested variance, subject to the special condition, IS in harmony with the  
12 general purpose and intent of the Ordinance because traffic visibility is okay and street parking should not be  
13 an issue because the residents can walk to the park. He said that the request is definitely for the public  
14 interest.  
15

16 Mr. Courson stated that the petitioner intends to construct a privacy fence to mitigate some noise and visual  
17 impact from the basketball fields.  
18

19 **5. The requested variance, subject to the proposed special condition, WILL NOT be**  
20 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
21 **welfare.**  
22

23 Mr. Palmgren stated that the requested variance, subject to the proposed special condition, WILL NOT be  
24 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the  
25 use is an asset to the community and the play equipment is movable and not permanent.  
26

27 Mr. Courson stated that the play ground equipment is standard with other park district's equipment and the  
28 petitioner has indicated that they will be carrying insurance on the project. The petitioner has indicated that  
29 the park will have a closing time and the park will not be open during evening hours.  
30

31 Mr. Thorsland stated that the park will be compliant for accessibility.  
32

33 **6. The requested variance, subject to the proposed special condition, IS the minimum**  
34 **variation that will make possible the reasonable use of the land/structure.**  
35

36 Mr. Courson stated that the requested variance, subject to the proposed special condition, IS the minimum  
37 variation that will make possible the reasonable use of the land/structure because the current structure is only  
38 at 22 feet in width and requiring another five foot would make the proposed basketball court almost  
39 unusable.  
40

41 Mr. Thorsland stated that enforcing the full setback would diminish the usable space on the corner lot for the  
42 intended playground project.  
43

7. The special condition imposed herein is required to ensure compliance with the criteria for special use permits and for the particular purposes described below:

The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed public park without documentation of compliance with the Illinois Environmental Barriers Act and the Illinois Accessibility Code.

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

The proposed public park complies with state accessibility requirements.

Mr. Courson moved, seconded by Mr. Schroeder to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

Mr. Courson moved, seconded by Mr. Schroeder to close the public hearing for Case 674-S-10. The motion carried by voice vote.

Mr. Thorsland informed the petitioners that three Board members are absent from tonight's meeting therefore it is at their discretion to either continue Case 674-V-10 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

Mr. Sides requested that the present Board move forward to the Final Determination.

Final Determination for Case 674-V-10:

Mr. Courson moved, seconded by Mr. Schroeder that 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 9.1.9.C HAVE been met and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the variance requested in Case 674-V-10 is hereby GRANTED WITH CONDITIONS, to the petitioners, Dobbins Downs Community Improvement Association with Leslie Kimble, President; Cristina Manuel, Vice-President; Norman Davis, Treasurer; and Amanda Zuek, Secretary, to authorize the construction and use of a public park in the R-3 Two Family Residence Zoning District, with the following variances: A. Construction and use of a basketball court with a side yard of zero feet in lieu of the required minimum side yard of five feet for accessory structures; and B. No off-street parking spaces in lieu of the minimum required one off-street parking space per three patrons based on the estimated number of patrons during peak attendance; and C. Front yards of six feet and setbacks of 36 feet in lieu of the minimum required 25 feet front yard and 55 feet setback with regard to Campbell Drive and Kingsway Drive, minor streets in the R-3 Zoning District; and D. A waiver of the application fees for the proposed variance application; and E. A waiver of the Zoning Use Permit Application fees for the proposed public park, subject to the following special condition:

The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed

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ZBA

**DRAFT SUBJECT TO APPROVAL DRAFT**

9/16/10

**public park without documentation of compliance with the Illinois Environmental Barriers Act and the Illinois Accessibility Code.**

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

**The proposed public park complies with state accessibility requirements.**

The roll was called:

**Capel-absent**

**Courson-yes**

**Miller-absent**

**Palmgren-yes**

**Schroeder-yes**

**Thorsland-yes**

**Bluhm-absent**

Mr. Thorsland stated that the Board will now hear Case 665-AT-10.

**7. Staff Report**

**A. August, 2010 Monthly Report**

Mr. Hall stated that the August, 2010 Monthly Report was included in the packet and if the Board has any questions he would be happy to answer them.

Mr. Courson asked Mr. Hall if there has been an increase in permitting.

Mr. Hall stated that in comparison to August permitting has picked up somewhat in September although permitting is very low. He said that last week a subdivision application was received which is somewhat exciting because staff has not received any subdivision applications for almost two years.

**8. Other Business**

**Mr. Palmgren moved, seconded by Mr. Schroeder to cancel the September 30, 2010, meeting. The motion carried by voice vote.**

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

None

**10. Adjournment**

**Mr. Schroeder moved, seconded by Mr. Courson to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 8:17 p.m.



9/16/10

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Respectfully submitted

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6 Secretary of Zoning Board of Appeals

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# CASE NO. 676-S-10

## PRELIMINARY MEMORANDUM

October 8, 2010

Petitioners: **United Prairie, LLC, owned by Premier Cooperative and Topflight Grain**

Request: **Authorize “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” as a Special Use Permit in the AG-1 Agriculture Zoning District.**

Site Area: **12.0 acres**

Time Schedule for Development: **N/A**

Location: **Lots 1, 2, & 3 of August Miller’s Subdivision in Section 34 of East Bend Township and commonly known as the houses at 3062 CR 950E and 3054 CR 950E, Dewey.**

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

Champaign  
County  
Department of



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

(217) 384-3708

### BACKGROUND

Co-petitioner United Prairie desires to expand its business operations by constructing a retail fertilizer facility near Dewey. “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” is authorized as a Special Use Permit in the AG-1 Agriculture Zoning District.

United Prairie initially completed a purchase agreement for Lots 1 and 2 of August Miller’s Subdivision with co-petitioner Spencer Sadler, but during site planning it was determined that a more efficient and neighbor-friendly layout could be created if all three lots of August Miller’s Subdivision were obtained. A purchase agreement with co-petitioner Lloyd Hitchins was obtained and the proposed site plan was developed.

The description of the proposed facility as a retail fertilizer facility and the testimony that there will be no fertilizer manufacturing on the subject property indicated that Farm Chemicals and Fertilizer Sales was a more appropriate description for the proposed Special Use.

Five special conditions of approval have been proposed at this time. See below for further details.

### EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits, but they are notified of such cases and invited to comment

### EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residential (Proposed to be Farm Chemical and Fertilizer Sales)	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Single Family Dwellings	R-2 Single Family Dwelling
South	Agriculture	AG-1 Agriculture

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**PROPOSED SPECIAL CONDITIONS OF APPROVAL**

The following five special conditions of approval are proposed as Items 12.A. and 12.B. in the Summary of Evidence:

- A. The subject property fronts a County Highway. The driveway entrance should be constructed of an all weather surface at a width, elevation, geometry, and materials as approved by the County Engineer so as to maintain safe entrance and exit conditions. The County Engineer should approve the proposed driveway before it is constructed and also approve the driveway as constructed. The Zoning Ordinance does not require approval of driveway access to a county highway. The following condition will ensure that the driveway access is approved by the County Engineer:

**Regarding access to the subject property:**

- (1) **The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance onto County Highway 23.**
- (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the County Engineer's approval of any proposed driveway entrance.**
- (3) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of any constructed driveway entrance including any necessary as-built engineering drawings.**

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

**All vehicles related to the proposed Special Use can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.**

- B. Authorizing the Special Use Permit at this time would mean that the review of engineering design submittals for stormwater management would occur prior to construction of the proposed Special Use just as with any "by-right" development which requires a stormwater drainage plan. The following condition would clarify the Board's expectation regarding submittal and approval of the stormwater drainage plan:

**A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

**The proposed Special Use Permit conforms to the requirements of the Stormwater Management Policy.**

C. There are two existing single family dwellings on the subject property which will be removed as part of Phase 1 of the proposed Special Use Permit. Any private wells used by the dwellings or associated accessory buildings which will not be used by the proposed Special Use Permit should be sealed as required by the Champaign County Health Department. The following condition makes this requirement clear:

**Documentation of any private wells on the subject property and that all unused wells will be sealed shall be submitted and approved as part of the Zoning Use Permit Application and review, and the Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.**

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

**Any unused wells on the subject property are protected from contamination.**

D. The proposed Special Use is subject to the requirements of the Illinois Accessibility Code and Environmental Barriers Act. The following special conditions will ensure that the proposed special use will meet those requirements:

**Regarding state accessibility requirements:**

- (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**
- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**

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

**The proposed Special Use Permit meets applicable state codes for handicapped accessibility.**

E. Section 7.6 of the Zoning Ordinance requires that all outdoor operations and storage be screened from several different types of uses if they are located within 1,000 feet of the operations or storage. The site plan proposes a landscaped buffer. The following condition requires a Type D screen between the proposed outdoor operations and the adjacent residences to the west;

**The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the proposed Special Use Permit until a Type D screen meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance has been installed.**

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

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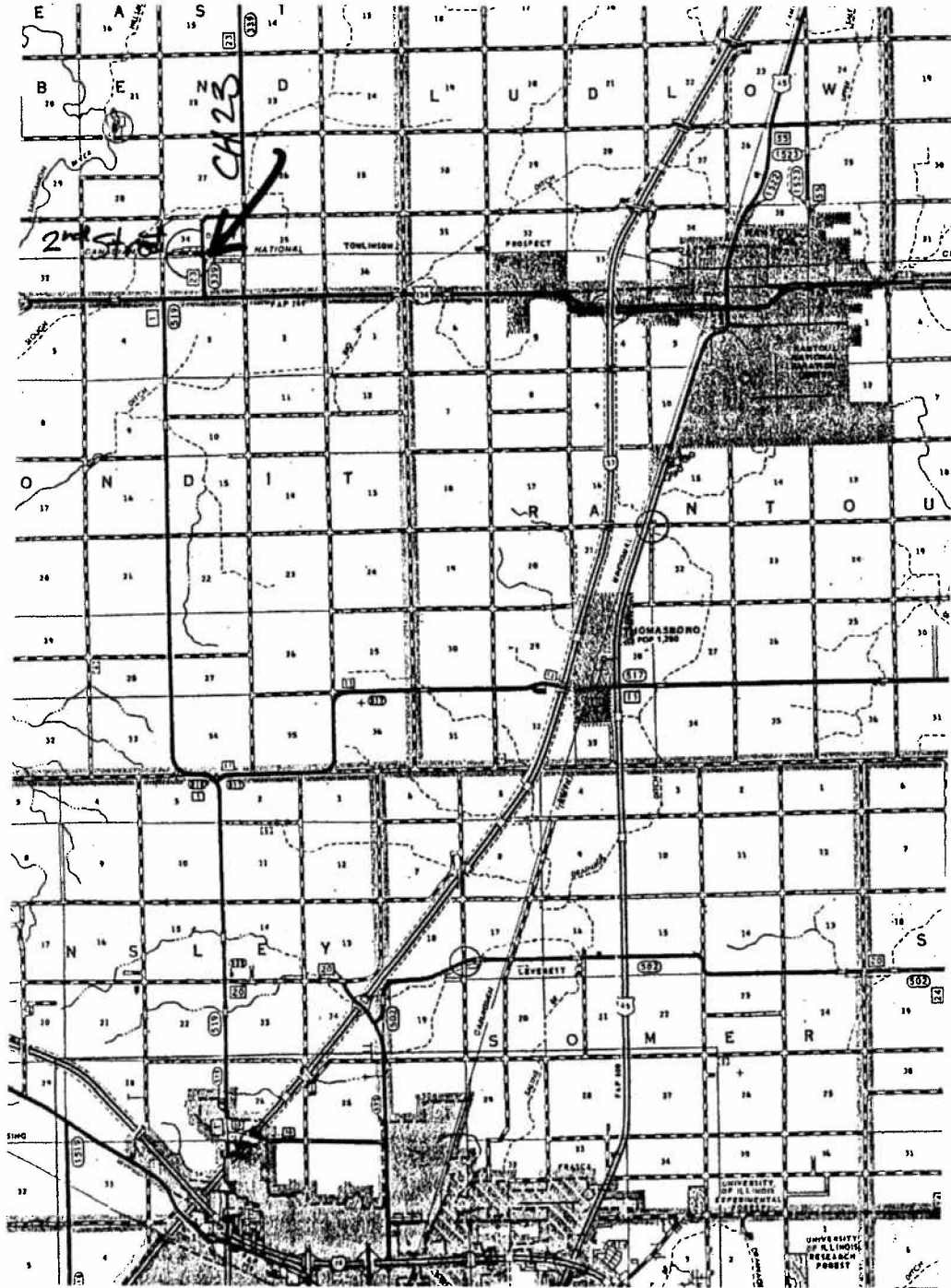
**Screening requirements in the Zoning Ordinance are met and visual impacts on neighboring uses are minimized.**

#### **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B United Prairie Site Plan – Dewey Location, received on August 27, 2010
- C Additional information for Special Use Permit, received on October 5, 2010
- D IDOT Map of Annual Average Daily Traffic in vicinity of subject property
- E Section 215.30 of Title 80 of the Illinois Administrative Code
- F Draft Summary of Evidence, Finding of Fact, and Final Determination for Zoning Case 676-S-10
- G Photographs at United Prairie Site – Jamaica, IL, received on August 27, 2010 (included separately)
- H Photographs at United Prairie Site – Tolono, IL, received on August 27, 2010 (included separately)

ATTACHMENT A. LOCATION MAP

Case 676-S-10  
OCTOBER 8, 2010

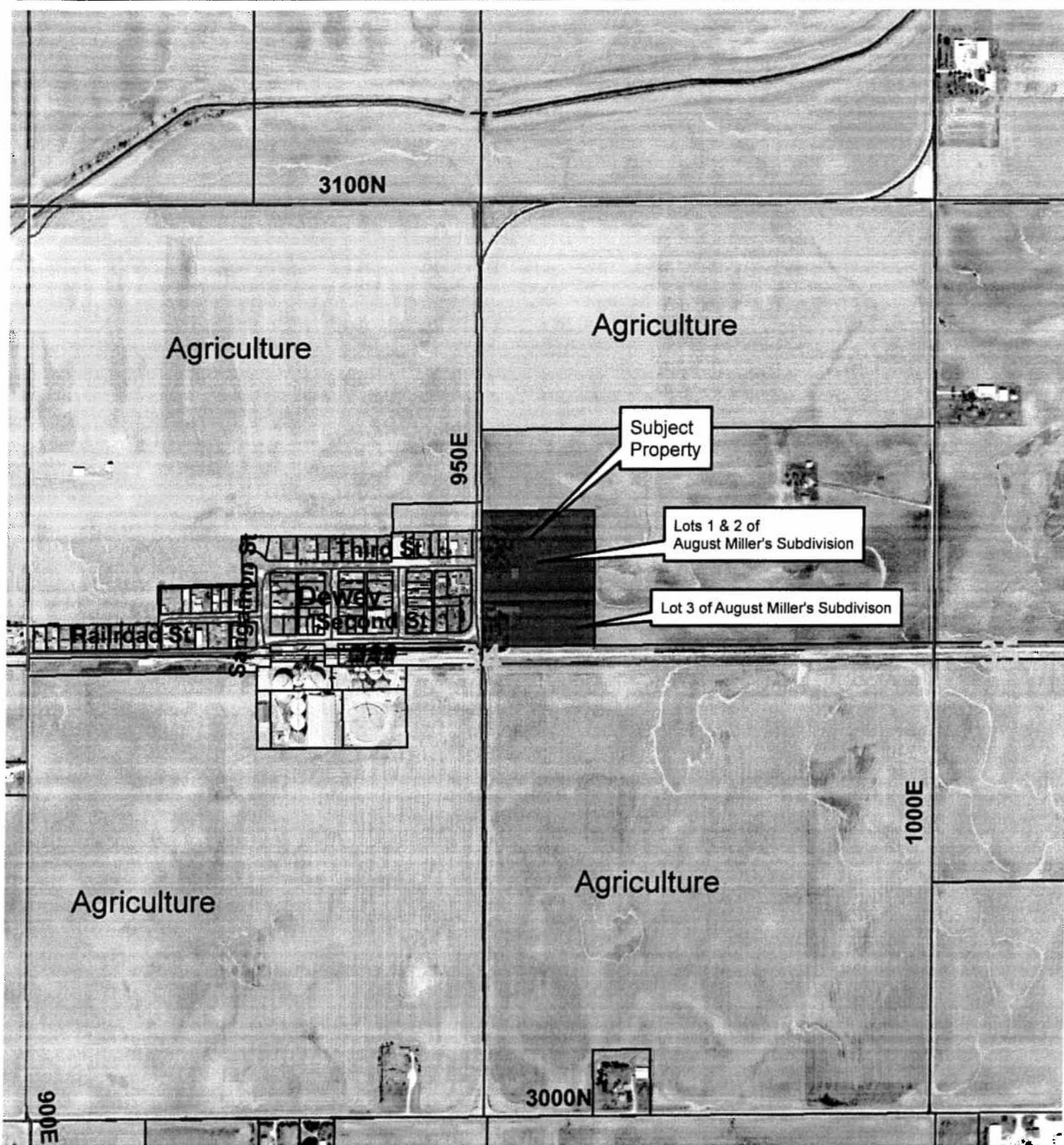





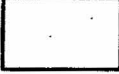


City  
Department of  
**PLANNING &  
ZONING**

ATTACHMENT A. LAND USE MAP

Case 676-S-10

OCTOBER 8, 2010



	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



1 inch = 800 feet

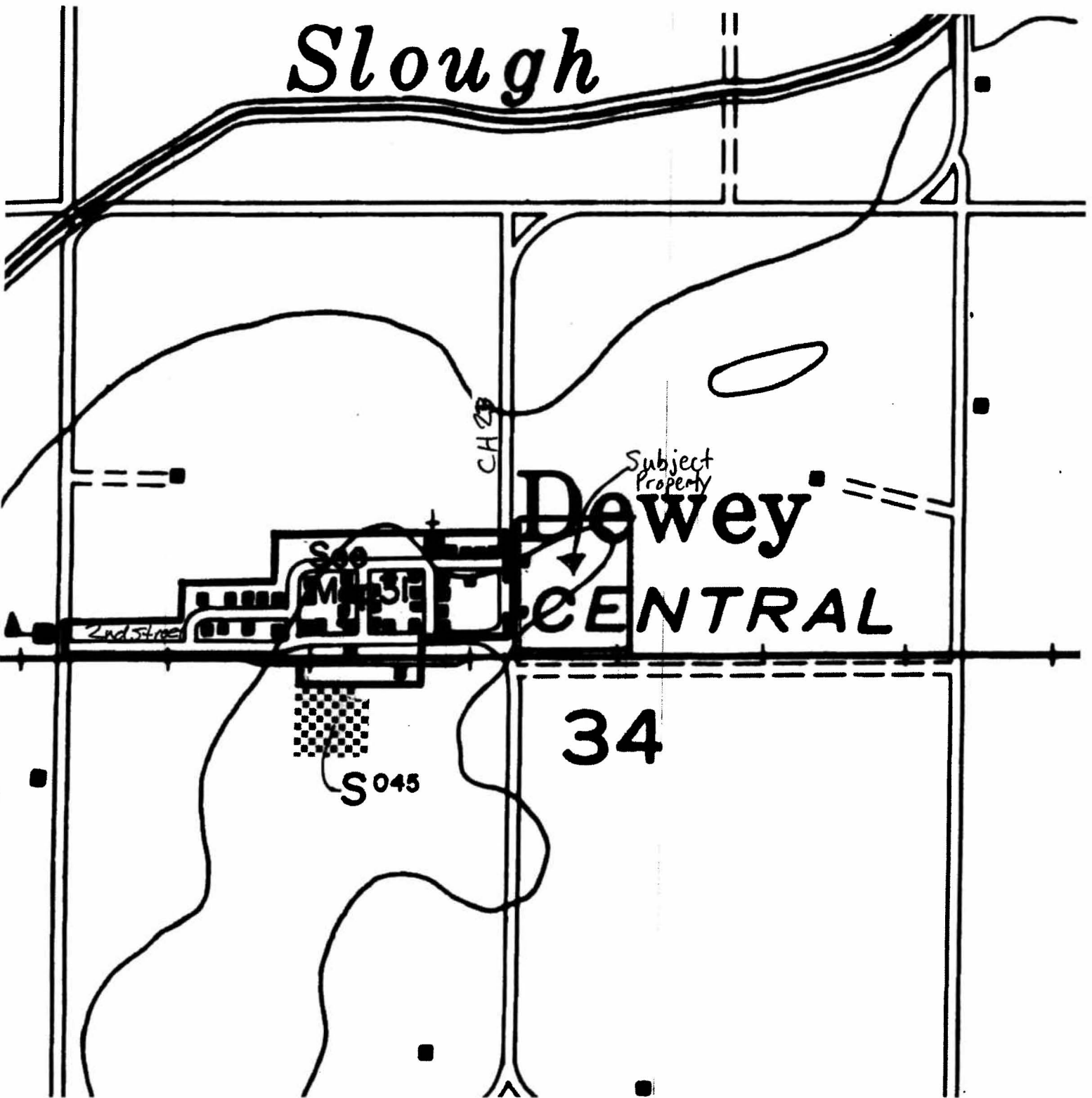
Champaign  
County  
Department of  
**PLANNING &  
ZONING**



ATTACHMENT A. ZONING MAP

Case 676-S-10

OCTOBER 8, 2010



1 inch equals 800 feet


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

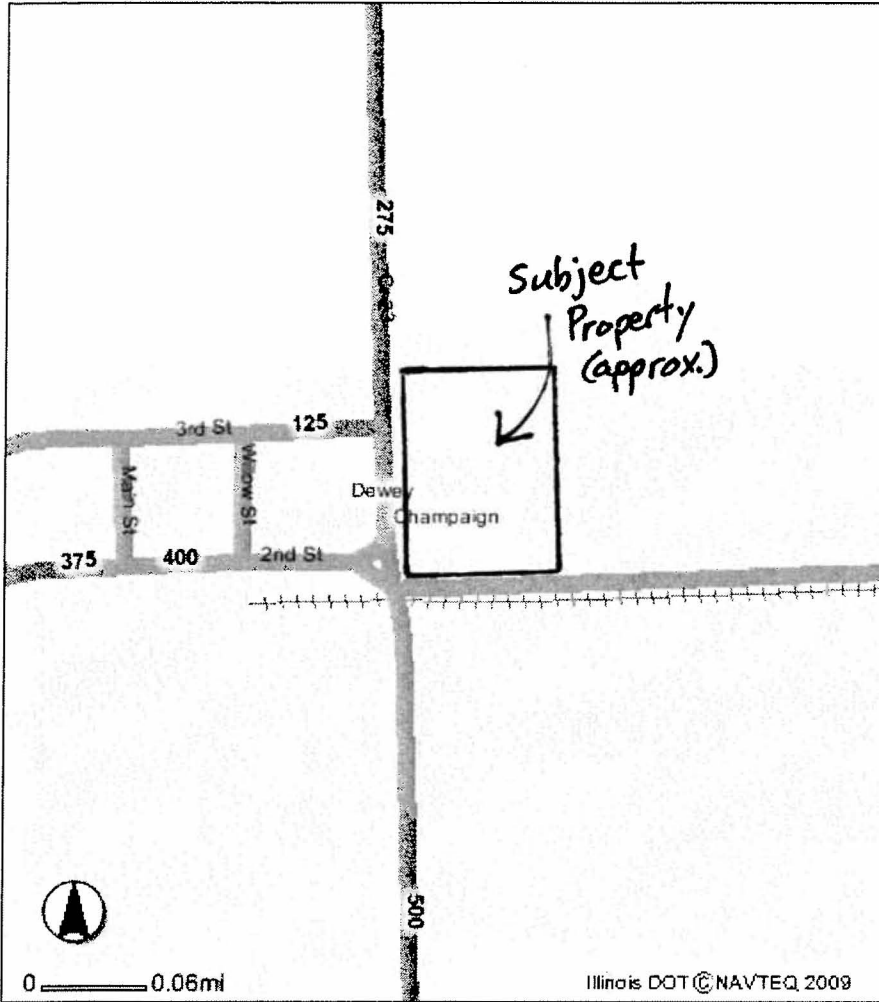






# Illinois Department of Transportation

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Date:10/6/2010

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Illinois Department of Transportation  
2300 S. Dirksen Pky  
Springfield, IL 62764

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 8: AGRICULTURE AND ANIMALS**  
**CHAPTER I: DEPARTMENT OF AGRICULTURE**  
**SUBCHAPTER e: FERTILIZERS**  
**PART 215 ANHYDROUS AMMONIA, LOW PRESSURE NITROGEN SOLUTIONS,**  
**EQUIPMENT, CONTAINERS, AND STORAGE FACILITIES**  
**SECTION 215.30 LOCATION OF STORAGE TANKS**

**Section 215.30 Location of Storage Tanks**

- a) Tanks shall be located outside of buildings unless the building is especially constructed for the safe handling and storage of anhydrous ammonia. Permanent storage shall be located outside of densely populated areas and subject to the approval of the Department as follows: If located within the corporate limits of a village, town, or city, written approval of the municipality's governing body or a county zoning permit shall be submitted to the Department before tentative approval to begin construction of a permanent storage facility will be given. The intended storage must be completed and approved by the Department within one year from the date written tentative approval was given. Final approval will be given if the facility and equipment complies with this Part.
- b) Containers shall be located at least 50 feet from a dug well or other source of potable water.
- c) Nurse tank load out risers and containers for newly approved sites after July 1, 2003 shall be a minimum distance of 200 feet from the property line. Installation of additional load out risers or containers at sites approved prior to July 1, 2003 shall be a minimum distance of 75 feet from the property line.
- d) Container locations shall comply with the following distance requirements:

Minimum distances (feet) from container to:

Nominal capacity of containers (gallons)	Railroad mainline property	Place of private or public assembly	Institutional occupancy
001-3,000	100	200	750
over 3,001	100	400	1,000

- e) Offices or buildings integral to the agri-chemical business are exempt from the minimum distance requirement. Excluded from the distance requirement are those installations installed prior to July 1, 2003. The Department will permit replacement storage tanks to be installed. A replacement tank may be of a larger capacity. Replacement tanks must meet all requirements of this Part with the

exception of subsection (d). The provisions concerning replacement of tanks applies specifically to installations installed prior to July 1, 2003.

- f) A nurse tank of not more than 3,000 gallons or less than 1,000 gallons water capacity may be used as temporary storage in instances where anhydrous ammonia is used in the manufacturing of liquid or suspension fertilizers provided that written approval of the municipality's governing board or a county zoning permit shall be submitted to the Department before site approval will be given. Approval will be given based upon compliance with the requirement of this subsection (f). The distance of the temporary storage nurse tank shall not be less than 50 feet from the property line or source of drinking water, not less than 200 feet from existing places of private or public assembly, or not less than 750 feet from any place of institutional occupancy. The draw bar must be securely fastened to an anchoring device so as to render the nurse tank immovable while being used in the manufacturing of fertilizer. During the time the site is unattended, all liquid and vapor valves must be plugged or capped.
- g) Container storage areas shall be accessible to emergency vehicles and personnel.
- h) Storage container areas shall be maintained clear of dry grass and weeds and other combustible materials.

(Source: Amended at 27 Ill. Reg. 9922, effective July 1, 2003)



***PRELIMINARY DRAFT***

**676-S-10**

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

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

Date: October 8, 2010

Petitioners: United Prairie, LLC, owned by Premier Cooperative and Topflight Grain

Request: Authorize "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" as a Special Use Permit in the AG-1 Agriculture Zoning District

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 14, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Spencer Sadler owns Lots 1 and 2 of August Miller's Subdivision, and co-petitioner Lloyd Hitchins owns Lot 3 of August Miller's Subdivision. United Prairie LLC has a purchase agreement for all three lots of August Miller's Subdivision.
2. The subject property is Lots 1, 2, & 3 of August Miller's Subdivision in Section 34 of East Bend Township and commonly known as the houses at 3062 CR 950E and 3054 CR 950E, Dewey.
3. The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is zoned AG-1 Agriculture and is in use as two lots with a single family dwelling on each lot. The Special Use Permit proposed in this case will use the property as a single lot for a Retail Fertilizer Facility.
  - B. Land to the north, east, and south of the subject property is zoned AG-1 Agriculture and is in use as farmland.
  - C. Land to the west of the subject property is in Dewey, and is zoned R-2 Single Family Residence and is in use as single family dwellings.

**PRELIMINARY DRAFT**

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the proposed site plan and operations of the proposed Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer:
  - A. The subject property is currently in use as two separate lots, each of which has a single family dwelling on it.
  - B. Regarding the operations of the proposed use, the petitioner's engineer indicated the following in an email received on October 5, 2010, "Phase 1 use of the facility will be for the storage and distribution/sale of anhydrous ammonia. Phase 2 use of the facility will be for the storage and sale of liquid chemicals. There will be no manufacturing of fertilizer."
  - C. The proposed Special Use Permit will be constructed in two phases. The proposed site plan received on August 27, 2010, indicates that Phase 1 will include the following:
    - (1) Removal of an existing house and seven associated outbuildings on the northern part of the subject property.
    - (2) Removal of an existing house on the southern part of the subject property.
    - (3) Two existing sheds, one on the northern part of the subject property and one on the southern part, near the proposed access drive are proposed to remain on the subject property until they are removed in Phase 2 after a future storage building has been constructed.
    - (4) Two 30,000 gallon anhydrous ammonia storage tanks in the southeast quarter of the site;
    - (5) A load out platform just west of the proposed ammonia storage tanks;
    - (6) A dry detention basin along the east property line;
    - (7) A sign in the southwest corner of the property;
    - (8) An access drive in the southeastern portion of the site, which is an extension of the north leg of the CH 23 and Second Street intersection.
    - (9) A vehicle circulation area paved with crushed stone, which will only be large enough to surround the proposed anhydrous storage tanks and load out platform in Phase 1, but will be expanded in Phase 2.
    - (10) A landscaped berm for visual screening on the west side of the property. No information has been provided regarding the height of the proposed berm.
  - D. The proposed site plan received on August 27, 2010, indicates that Phase 2 is also referred to as the Future Phase and will include the following:

ITEM 5.D. CONTINUED

- (1) A future office and scale located on the south side of the access drive, west of the circulation area that will surround the storage tanks;
- (2) Six future liquid storage tanks with containment located north of the anhydrous ammonia storage tanks;
- (3) A future 6,000 square feet liquid storage building located just east of the liquid storage tanks;
- (4) A future storage building located on the west side of the vehicle circulation area, between the anhydrous tanks and liquid chemical storage;
- (5) An asphalt parking lot with 10 spaces near the future office and scale in the southern portion of the site.
- (6) The expansion of the paved vehicle circulation area to include the area around the liquid chemical storage building and tanks, as well as a future tank storage area south of the anhydrous storage tanks.

E. Regarding security at the subject property, the petitioner's engineer testified in an email received on October 5, 2010, that:

A site berm will be constructed on the east side of CH 23 as shown on the site plan. No fencing is expected for either Phase 1 or Phase 2 of the proposed Dewey operation.

While fencing would appear to provide security, the continued operational knowledge of United Prairie at their other facilities and multiple safety features of the physical equipment render the highest safeguards against vandalism, invasive conduct and possible miscues by employee operations. It is noted that fences are screens for catching blowing material and attraction challenges for vandals, thus providing only perceived security feature. Safety features will be fully outlined by the petitioner at the public hearing for the SUP.

F. The petitioner's engineer has also indicated that construction documents will be prepared for the site development, including, but not limited to: demolition plans, grading plans, a stormwater management plan, a paving and geometric plan, and what the petitioner's engineer refers to as technical special provisions.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:



*PRELIMINARY DRAFT*

ITEM 6. CONTINUED

- A. Section 5.2 authorizes “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” as a Special Use only in the AG-1 and AG-2 Zoning Districts, and by-right in the B-1, B-5, 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.
  - (2) Subsection 6.1.3 does not indicate any standard conditions that apply specifically to Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer. However, it does include standard conditions for Fertilizer Manufacturing and Bulk Storage, which require a 100 feet separation from all lot lines.
  - (3) The description of the proposed facility as a retail fertilizer facility and the testimony that there will be no fertilizer manufacturing on the subject property indicated that Farm Chemicals and Fertilizer Sales was a more appropriate description for the proposed Special Use.
  
- 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.

ITEM 6. CONTINUED

- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) “ACCESSORY STRUCTURE” is a STRUCTURE 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, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
  - (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
  - (4) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
  - (5) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
  - (6) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area, or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.

**PRELIMINARY DRAFT**

ITEM 6. CONTINUED

- E. 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.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“There is market demand for a fertilizer facility in Dewey and surrounding area and this site was chosen as a convenient location for customers of United Prairie. Proposed site has immediate access to Co. Hwy. 23, a permitted truck route for semis that provide product for the immediate and long term operation. The site is located 0.5 mile North of U.S. 136 and there is rail access at the site for potential future product delivery. Proposed site is within close proximity to existing agricultural facilities/operations with elevator owned by Premier Co-Op, a sister company of United Prairie.”**
- B. The petitioner’s engineer provided additional information in an email on October 5, 2010, as follows:
- (1) The United Prairie Board directed staff to find a suitable site as near to Dewey as possible.

ITEM 7.B. CONTINUED

- (2) The initial purchase agreement was for the two northern lots of the subdivision (8 acres). During the site plan layout, it became apparent that the proposed use would be more compatible with the residential neighbors to the west side of CH 23 if the additional acreage were added to allow the entrance to the facility be an extension of the northern leg of the 2nd Street intersection with CH 23. It is noted that the proposed uses will fit onto the northern 8 acre footprint.
- (3) Other sites were considered by staff, but this site was selected because of the availability of the property and relative position to rail and the Dewey elevator owned by the United Prairie parent company, Prairie Coop.
- (4) It is judged that this operation will be economically viable, based on proforma projections of other facilities that exceeded expectations. For example, the (one-year old) Jamaica facility had an initial program for 300 tons projected, with actual use resulting in 1,025 tons the first year of operation.
- (5) There are approximately 10 grower customers of United Prairie from the surrounding area that are currently being served from the facility located in Tolono, 30 miles to the south.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application, **“See attached site plan. The proposed facility will be designed and constructed in conformance with State of Illinois, Department of Agriculture and Champaign County regulations. Stormwater detention will be provided in accordance with Champaign County regulations. Anhydrous ammonia tanks and load out platform will be located a minimum of 200' from property line and 400' from residences per State law. It is noted that other facilities in Champaign County do not meet this current requirement. Access driveway into the site will be a practical extension of existing 2nd Street, chosen to minimize the impact of traffic in and out of the site to existing residents. Proposed site is located on the east side of Dewey, where the prevailing wind will carry odors, chemicals, away from the community. Most of the proposed improvements are located toward the east side of the site to mitigate impacts on existing residential area to the west of Co. Hwy. 23. An earthen visual berm and landscaping is proposed along the east side of Co. Hwy. 23 to provide a visual screen. Improvements will be made to the existing drainage system to facilitate adequate outfall drainage from the site. Proposed use is a reuse of existing platted lots and takes a minimal area out of agricultural production. Site improvement construction plans with details as required will be prepared upon obtaining a Special Use Permit with subsequent submittal to Champaign County and all applicable permitting agencies.”**

*PRELIMINARY DRAFT*

ITEM 8. CONTINUED

- B. Regarding surface drainage:
- (1) The subject property primarily drains overland to the east, a small portion on the west side of the property appears to drain to the west presumably to the CH 23 road ditch.
  - (2) There appears to be a depression on the north part of the subject property.
  - (3) The proposed site plan indicates a proposed dry stormwater detention basin located on the lowest part of the subject property near the east lot line.
  - (3) The petitioner's engineer has testified that there is enough room on the subject property to provide for a basin, and that the proposed Special Use Permit will comply with the Champaign County Stormwater Detention Policy.
- C. The subject property is accessed from County Highway 23 on the west side of the property. Regarding the general traffic conditions on County Highway 23 at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation's Manual of Administrative Policies of the Bureau of Local Roads and Streets are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The Manual indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
    - (a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
    - (b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
    - (c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
    - (d) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
    - (e) The pavement of County Highway 23 is approximately 24 feet wide where it passes the subject property.
  - (2) The Illinois Department of Transportation's Manual of Administrative Policies of the Bureau of Local Roads and Streets general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.

ITEM 8.C. CONTINUED

- (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent (2006) AADT data in the vicinity of the subject property are as follows:
    - (a) County Highway 23 has 275 AADT where it passes the subject property and 500 AADT south of the railroad tracks.
    - (b) Second Street in Dewey has 400 AADT as it approaches the intersection with CH 23.
  - (4) The relevant geometric standards for visibility are found in the Manual of Administrative Policies of the Bureau of Local Roads and Streets prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. In regards to the proposed Special Use Permit there are no concerns related to stopping sight distance.
  - (5) It is unclear what the increase in AADT will result from the proposed use, but County Highway 23 has a large amount of capacity to absorb any increase from the proposed use.
  - (6) County Highway 23 meets the definition of a COLLECTOR STREET in the Zoning Ordinance.
  - (7) The Township Highway Commissioner was notified of this case, but no comments have been received.
  - (8) Jeff Blue, County Engineer, was notified of this case and provided the following comments in an email received on September 30, 2010:
    - (a) He is not sure if there is any stop control at the intersection on 2nd and County Road 23. He is concerned that someone heading east on 2nd street that is taking the curve to go north on County Highway 23 could conflict with someone in the driveway if the Second street vehicle is not stopped by a stop sign.
    - (b) It would be preferable if the Village of Dewey was to install a stop sign to help out with the conflict point or the driveway was moved further to the North.
  - (9) A special condition has been proposed to require the County Engineer’s approval of the proposed access drive.
- D. Regarding fire protection of the subject property:
- (1) The subject property is within the protection area of the Sangamon Valley Fire Protection District and is located approximately 0.3 road miles from the fire station.

*PRELIMINARY DRAFT*

ITEM 8.D. CONTINUED

- (2) The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 170894 0050 B.
- F. Regarding outdoor lighting on the subject property, the proposed site plan does not contain any indication of outdoor lighting, but the petitioner's engineer testified as follows in an email received on October 5, 2010:
  - (1) Area lighting for security and operational (task) lighting for the loading platform.
  - (2) Lighting will conform to Zoning Ordinance No. 831.
  - (3) There will be one security light located at the southeast corner of the site and 4 lights per loading platform at the anhydrous tanks ~ 150 watt halogen lamps.
- G. Regarding subsurface drainage, the subject property does not appear to contain any agricultural field tile, and any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
- H. Regarding hours of operation and numbers of employees:
  - (1) The hours of operation of the proposed Special Use Permit will be 7 AM to 4 PM, except that during peak seasons (six weeks in the spring and fall) the hours will be 5:30 AM to 8 PM.
  - (2) There will be one to four flex employees during Phase 1, and five to seven full time with five to seven additional workers during seasonal peak times once the project has been completed.
- I. Regarding wastewater treatment and disposal on the subject property:
  - (1) The existing homes on the subject property are being removed as part of the first phase of the proposed Special Use.
  - (2) There is no information regarding any new onsite wastewater management system.
  - (3) In an email received on October 5, 2010, the petitioner's engineer indicated that, "Any well construction or wastewater provisions will be designed and permitted by the Champaign County Department of Public Health and the Illinois Environmental Protection Agency (if pumping rates warrant)."
- J. Regarding parking for proposed Special Use Permit, see Item 9.B.(2)
- K. Regarding life safety considerations related to the proposed Special Use:

ITEM 8.K. CONTINUED

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
  - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
  - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
  - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
  - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
  - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
  - (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. No new buildings are proposed as part of the Phase 1 improvements to the subject property, so it appears that Phase 1 conforms to the IEBA requirements. However, the future office and future liquid storage building would both be required to comply with IEBA.
  - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.



*PRELIMINARY DRAFT*

ITEM 8.K.(1) CONTINUED

- (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.
  - (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 number 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.
- L. Safety concerns are addressed by required separations which are reviewed in Item 9.
- M. Any unused wells on the subject property should be sealed as required by the Champaign County Health Department. A special condition has been proposed to ensure that existing wells on the property are sealed.
- 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, or electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“The proposed use conforms to the applicable regulations and standards of the Champaign County Zoning Ordinance in the AG-1 District. The proposed use further conforms to the additional standards of fertilizer manufacturing and bulk storage special use, which is permitted by special use in the Champaign County AG-1 District. The proposed use preserves and promotes the character of the AG-1 District by providing for the fertilizer and chemical needs of the agricultural community.”**
  - B. Regarding compliance with the *Zoning Ordinance*:

ITEM 9.B. CONTINUED

- (1) “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” is authorized by Special Use Permit only in the AG-1 Agriculture Zoning District.
- (2) Regarding parking on the subject property:
  - (a) Although the proposed use is listed as a business use in Section 5.2, the business parking standard in subparagraph 7.4.1 C.3.e. of one parking space per 200 square feet of floor area cannot be sensibly applied to the proposed Special Use. Instead the parking standard for industrial uses in paragraph 7.4.1 D.1 appears to approximate the way the business will operate.
  - (b) Paragraph 7.4.1 D.1. requires industrial uses to provide one off-street parking space for every three employees based upon the maximum number of persons employed during one work period, plus one space for each business vehicle, and a minimum of one visitor parking space.
  - (b) During phase 1 the proposed use will require a minimum of three off-street parking spaces, and when completed a minimum of six off-street parking spaces.
  - (c) The proposed site plan appears to include more than enough area to accommodate all required off-street parking.
- (3) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B. above). The petitioner’s engineer has indicated in an email received on October 5, 2010, that all exterior lighting on the subject property will comply with Zoning Ordinance No. 831, which was the adopting Ordinance for paragraph 6.1.2 A.
- (4) There are no standard conditions of approval that specifically apply to “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” uses. However, Section 6 does include standard conditions for Fertilizer Manufacturing and Bulk Storage, which require a 100 feet separation from all lot lines. The proposed site plan indicates more than 100 feet separation of all fertilizer storage areas from the lot lines.
- (5) Regarding required screening of outdoor operations:
  - (a) Section 7.6 of the Zoning Ordinance requires a Type D screen for any outdoor storage or outdoor operations visible within 1,000 feet of any point within the BUILDING RESTRICTION LINE of any located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; or recreational business use with outdoor facilities; or any urban arterial or MAJOR STREET.

**PRELIMINARY DRAFT**

ITEM 9.B.(5) CONTINUED

- (b) The proposed site plan includes a proposed landscaped berm for visual screening, but it is unclear whether this berm will provide adequate screening because there is no information about the height of the berm, and because the extent of the berm does not appear to screen the liquid storage tanks and building from residences on Third Street.
  - (c) A special condition has been proposed to require more information about the berm so that compliance with Section 7.6 can be determined.
- C. Regarding compliance with the *Stormwater Management Policy*:
  - (1) Regarding the requirement of stormwater detention, stormwater detention appears to be necessary for each Phase of the proposed Special Use. A special condition regarding stormwater detention is proposed in Item 12.
  - (2) Regarding the requirement to protect agricultural field tile, there does not appear to be any field tile on the subject property.
  - (3) The proposed development will disturb more than one acre of soil and a Notice of Intent (NOI) will have to be filed with the Illinois EPA regarding erosion control requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II.
- D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- E. Regarding regulations enforced by the Illinois Department of Agriculture regarding proper storage and use of fertilizers:
  - (1) Co-petitioner United Prairie is a Registered Custom Mixer with the Illinois Department of Agriculture.
  - (2) The proposed site plan conforms to Section 215.30 Location of Storage Tanks of Part 215 of Title 80 of the Illinois Administrative Code.
  - (3) The two proposed 30,000 gallon anhydrous ammonia storage tanks will be located more than 200 feet from the property line, and more than 400 feet from the Dewey Evangelical Mennonite Church on Third Street.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer," which serves row crop agriculture that is the primary land use in the AG-1 Agriculture Zoning District.

ITEM 9. CONTINUED

- G. 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. A special condition has been proposed to ensure documentation of compliance with the Illinois Accessibility Code.

***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. The Petitioner has testified on the application, **“Existing use is residential of rural farmstead character with agricultural type accessory buildings. A portion of the site is currently used for agricultural crop production. Proposed use is compatible with other existing agricultural facilities and operations in the area. It is noted that the site is adjacent to short rail that connects to the Canadian National Railroad and a truck route, both elements conducive and supportive of the proposed use.”**
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
    - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 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.
  - 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.

**PRELIMINARY DRAFT**

ITEM 10.C. CONTINUED

- (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, without the Special Use Permit authorization co-petitioner United Prairie will have no interest in purchasing 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.

The proposed site plan indicates a large circulation area on the subject property to provide room for the large vehicles served by the proposed use. The subject property is accessed from CH 23, a County Highway and approved truck route. A special condition has been proposed to ensure County Engineer approval of the access drive before and after construction.

- (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 requested Special Use Permit will comply with the *Champaign County Stormwater Management Policy* and is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (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.

ITEM 10.C.(6) CONTINUED

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 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 of approval 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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use will be entirely new.

- (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 located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

- (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.

**PRELIMINARY DRAFT**

ITEM 10.C. CONTINUED

- (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 AG-1 Agriculture District and is a rural use.

- (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 located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

**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 a new proposed use. The Petitioner did not provide any testimony regarding this criteria on the application.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:
- A. The subject property fronts a County Highway. The driveway entrance should be constructed of an all weather surface at a width, elevation, geometry, and materials as approved by the County Engineer so as to maintain safe entrance and exit conditions. The County Engineer should approve the proposed driveway before it is constructed and also approve the driveway as constructed. The Zoning Ordinance does not require approval of driveway access to a county highway. The following condition will ensure that the driveway access is approved by the County Engineer:

**Regarding access to the subject property:**

- (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance onto County Highway 23.**
- (2) The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the County Engineer's approval of any proposed driveway entrance.**
- (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of any constructed driveway entrance including any necessary as-built engineering drawings.**

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

ITEM 12.A. CONTINUED

**All vehicles related to the proposed Special Use can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.**

- B. Authorizing the Special Use Permit at this time would mean that the review of engineering design submittals for stormwater management would occur prior to construction of the proposed Special Use just as with any “by-right” development which requires a stormwater drainage plan. The following condition would clarify the Board’s expectation regarding submittal and approval of the stormwater drainage plan:

**A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

**The proposed Special Use Permit conforms to the requirements of the Stormwater Management Policy.**

- C. There are two existing single family dwellings on the subject property which will be removed as part of Phase 1 of the proposed Special Use Permit. Any private wells used by the dwellings or associated accessory buildings which will not be used by the proposed Special Use Permit should be sealed as required by the Champaign County Health Department. The following condition makes this requirement clear:

**Documentation of any private wells on the subject property and that all unused wells will be sealed shall be submitted and approved as part of the Zoning Use Permit Application and review, and the Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.**

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

**Any unused wells on the subject property are protected from contamination.**

- D. The proposed Special Use is subject to the requirements of the Illinois Accessibility Code and Environmental Barriers Act. The following special conditions will ensure that the proposed special use will meet those requirements:

**Regarding state accessibility requirements:**



ITEM 12.D. CONTINUED

- (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**
- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**

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

**The proposed Special Use Permit meets applicable state codes for handicapped accessibility.**

- E. Section 7.6 of the Zoning Ordinance requires that all outdoor operations and storage be screened from several different types of uses if they are located within 1,000 feet of the operations or storage. The site plan proposes a landscaped buffer. The following condition requires a Type D screen between the proposed outdoor operations and the adjacent residences to the west;

**The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the proposed Special Use Permit until a Type D screen meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance has been installed.**

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

**Screening requirements in the Zoning Ordinance are met and visual impacts on neighboring uses are minimized.**

**DOCUMENTS OF RECORD**

1. Special Use Permit Application from United Prairie received on August 27, 2010, with attachments:
  - A United Prairie Site Plan – Dewey Location
  - B Photographs at United Prairie Site – Jamaica, IL
  - C Photographs at United Prairie Site – Tolono, IL
  
2. Email from Tom Jordan, received on October 5, 2010, with attachment:
  - A Additional information for Special Use Permit
  
3. Preliminary Memorandum for Case 676-S-10, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B United Prairie Site Plan – Dewey Location, received on August 27, 2010
  - C Additional information for Special Use Permit, received on October 5, 2010
  - D IDOT Map of Annual Average Daily Traffic in vicinity of subject property
  - E Section 215.30 of Title 80 of the Illinois Administrative Code
  - F Draft Summary of Evidence, Finding of Fact, and Final Determination for Zoning Case 676-S-10
  - G Photographs at United Prairie Site – Jamaica, IL, received on August 27, 2010 (included separately)
  - H Photographs at United Prairie Site – Tolono, IL, received on August 27, 2010 (included separately)

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 676-S-10 held on **October 14, 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}*** ***{because<sup>1</sup>}***: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 ***{because<sup>1</sup>}***: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. Surface and subsurface drainage will be ***{ADEQUATE / INADEQUATE}*** ***{because<sup>1</sup>}***: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Public safety will be ***{ADEQUATE / INADEQUATE}*** ***{because<sup>1</sup>}***: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

h. The provisions for parking will be ***{ADEQUATE / INADEQUATE}*** ***{because<sup>1</sup>}***: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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.

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

- 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:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - 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
- The Special Use is authorized in the District.
  - The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ 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}*
- A. Regarding access to the subject property:
- (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance onto County Highway 23.
  - (2) The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the County Engineer's approval of any proposed driveway entrance.
  - (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of any constructed driveway entrance including any necessary as-built engineering drawings.

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

**All vehicles related to the proposed Special Use can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.**

*PRELIMINARY DRAFT*

- B. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

**The proposed Special Use Permit conforms to the requirements of the Stormwater Management Policy.**

- C. Documentation of any private wells on the subject property and that all unused wells will be sealed shall be submitted and approved as part of the Zoning Use Permit Application and review, and the Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.**

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

**Any unused wells on the subject property are protected from contamination.**

- D. Regarding state accessibility requirements:**
- (1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**
  - (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**

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

**The proposed Special Use Permit meets applicable state codes for handicapped accessibility.**

- E. The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the proposed Special Use Permit until a Type D screen meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance has been installed.**

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

**Screening requirements in the Zoning Ordinance are met and visual impacts on neighboring uses are minimized.**

**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 676-S-10 is hereby *{ GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the petitioners **United Prairie, LLC**, owned by **Premier Cooperative and Topflight Grain** to authorize “**Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer**” as a Special Use Permit in the AG-1 Agriculture Zoning District.

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*

- A. Regarding access to the subject property:**
- (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance onto County Highway 23.**
  - (2) The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the County Engineer’s approval of any proposed driveway entrance.**
  - (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer’s approval of any constructed driveway entrance including any necessary as-built engineering drawings.**
- B. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- C. Documentation of any private wells on the subject property and that all unused wells will be sealed shall be submitted and approved as part of the Zoning Use Permit Application and review, and the Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.**
- D. Regarding state accessibility requirements:**
- (1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**

*PRELIMINARY DRAFT*

- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
- E. **The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the proposed Special Use Permit until a Type D screen meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance has been installed.**

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

Champaign  
County  
Department of



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

(217) 384-3708

## **CASE NO. 665-AT-10**

**SUPPLEMENTAL MEMORANDUM**

**October 8, 2010**

**Petitioner: Zoning Administrator**

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

**Request: Amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3 G. as follows:**

- A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning Districts.**
- B. Require fencing that is higher than four feet tall to be at least 50% transparent when located in the following areas:**
  - (1) In Residential Zoning Districts, all fencing that is in the front yard.**
  - (2) On residential lots in the AG-1, AG-2, and CR Zoning Districts, only fencing between the dwelling and the driveway within 25 feet of the dwelling.**
- C. Increase the maximum allowed height of all fencing to allow for up to three inches of ground clearance.**

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### ***STATUS***

This is the sixth meeting for this case. It was continued from the September 16, 2010, public hearing.

No response has been received from the Sheriff regarding the Board's questions about transparency for gates. It is the Board's decision to take final action in this case or continue it to allow more time for the Sheriff to provide comments.

If this case is continued, Staff recommends a continuance date of December 16, 2010.

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Champaign  
County  
Department of



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

(217) 384-3708

## **CASE NO. 666-AT-10**

**SUPPLEMENTAL MEMORANDUM**

**October 8, 2010**

**Petitioner: Zoning Administrator**

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

**Request: Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

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### ***STATUS***

This is the fourth meeting for this case. It was continued from the September 16, 2010, public hearing. An updated finding of fact will be available at the meeting and the Board may wish to review that finding before taking action on this case at a future meeting.

Staff will be seeking State's Attorney input on this case prior to the meeting, and that information should be available at the meeting.

Staff recommends a December 16, 2010, continuance date.

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