

CASE NO. 717-AM-12

SUPPLEMENTAL MEMORANDUM

JUNE 28, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **Sangamon Valley Public
Water District and Parkhill
Enterprises, LLC**

Site Area: **2.9 acres**

Time Schedule for Development:
March 2013 – March 2014

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District on approximately 2.9 acres of the subject property described below and subject to the proposed Special Use Permit in related Case 718-S-12 and with the variance requested in related Case 719-V-12.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

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

(217) 384-3708

STATUS

This is the first hearing for this case. A proposed special condition is included below.

PROPOSED SPECIAL CONDITION

Regarding Compliance with the Village of Mahomet Subdivision Regulations:

- (1) Documentation of an application for subdivision approval with the Village of Mahomet shall be required to be submitted with any Zoning Use Permit Application for the proposed water treatment plant.**
- (2) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed water treatment plant until the Village of Mahomet Administrator has certified in writing that the Sangamon Valley Public Water District has substantially complied with the Village of Mahomet requirements for subdivision approval.**

The special conditions stated above are to ensure the following:

That the petitioner complies with the requirements of the Illinois Plat Act, Section 13 of the Champaign County Zoning Ordinance, and the Village of Mahomet subdivision regulations.

CASE NO. 718-S-12 & 719-V-12

SUPPLEMENTAL MEMORANDUM

JUNE 28, 2012

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Petitioners: Sangamon Valley Public Water District and Parkhill Enterprises, LLC

Request: CASE: 718-S-12

Authorize the following on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required variance in related Case 719-V-12 on the subject property described below:

Part A. Authorize the expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.

Part. B Authorize the replacement of a non-conforming water tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.

CASE: 719-V-12

Authorize the following for expansion of a non-conforming water treatment plant in related Case 718-S-12 on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12:

Part A. The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

Part B. The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.

Part C. Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 55 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.

Part D. Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet on the subject property described below.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

Site Area: 3.6 acres

Time Schedule for Development: March 2013-March 2014

Prepared by: Andy Kass
Associate Planner

John Hall
Zoning Administrator

STATUS

This is the first hearing for these cases. A draft Summary of Evidence, Finding of Fact, and Final Determination is attached. A proposed special condition of approval is included below.

PROPOSED SPECIAL CONDITION

Regarding Compliance with the Village of Mahomet Subdivision Regulations:

- (1) Documentation of an application for subdivision approval with the Village of Mahomet shall be required to be submitted with any Zoning Use Permit Application for the proposed water treatment plant.**
- (2) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed water treatment plant until the Village of Mahomet Administrator has certified in writing that the Sangamon Valley Public Water District has substantially complied with the Village of Mahomet requirements for subdivision approval.**

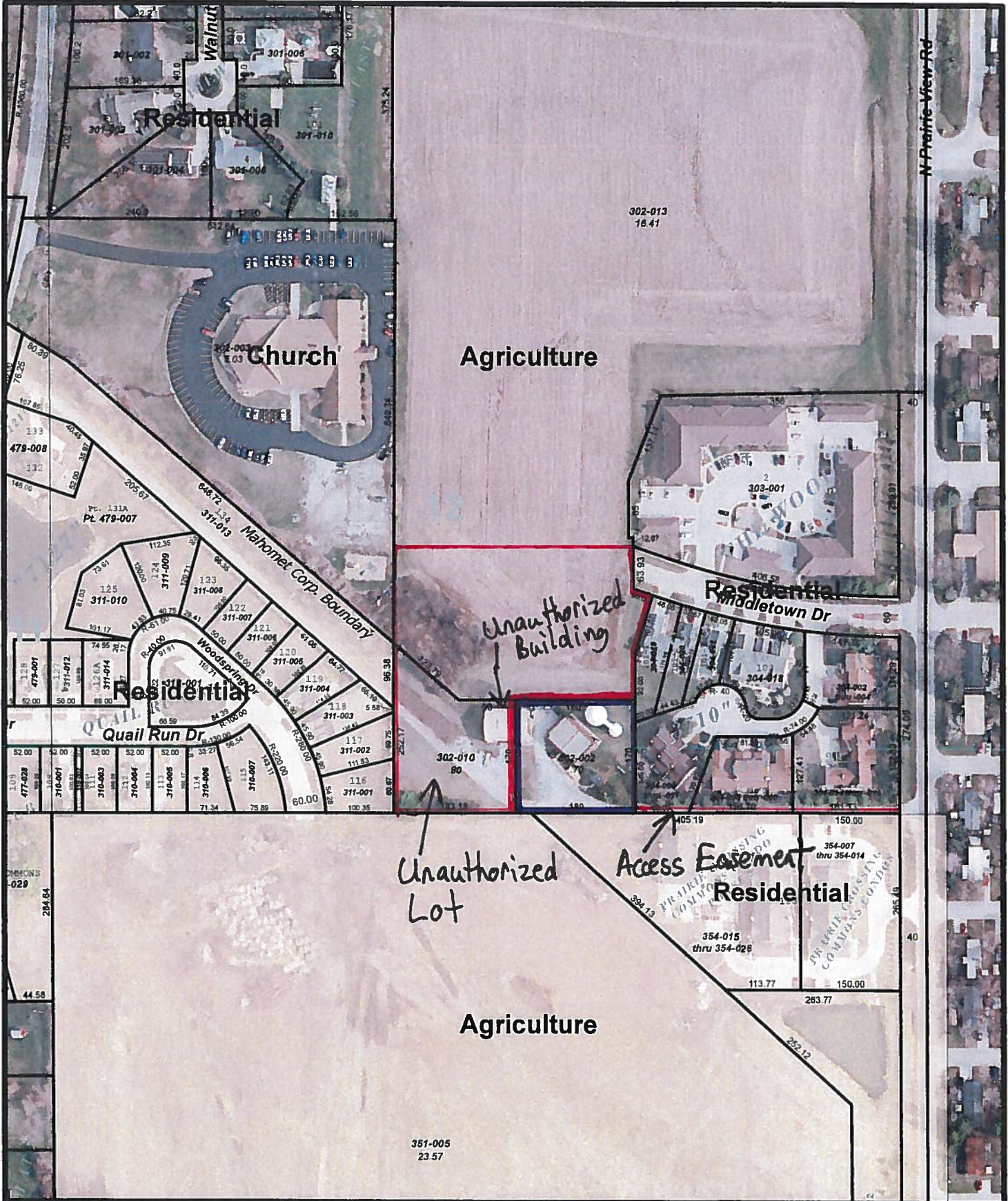
The special conditions stated above are to ensure the following:

That the petitioner complies with the requirements of the Illinois Plat Act, Section 13 of the Champaign County Zoning Ordinance, and the Village of Mahomet subdivision regulations.

ATTACHMENTS

- A Annotated Land Use Map**
- B Annotated Site Plan**
- C Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)**

Attachment A: Land Use Map
Cases: 717-AM-12, 718-S-12, & 719-V-12
 June 28 2012



Area proposed to be rezoned and expansion area for plant with a width = 200 feet and variance case
 Existing Water Treatment Plant (AG-2 Zoning)

Annotated Site Plan
6-28-2012
by AK

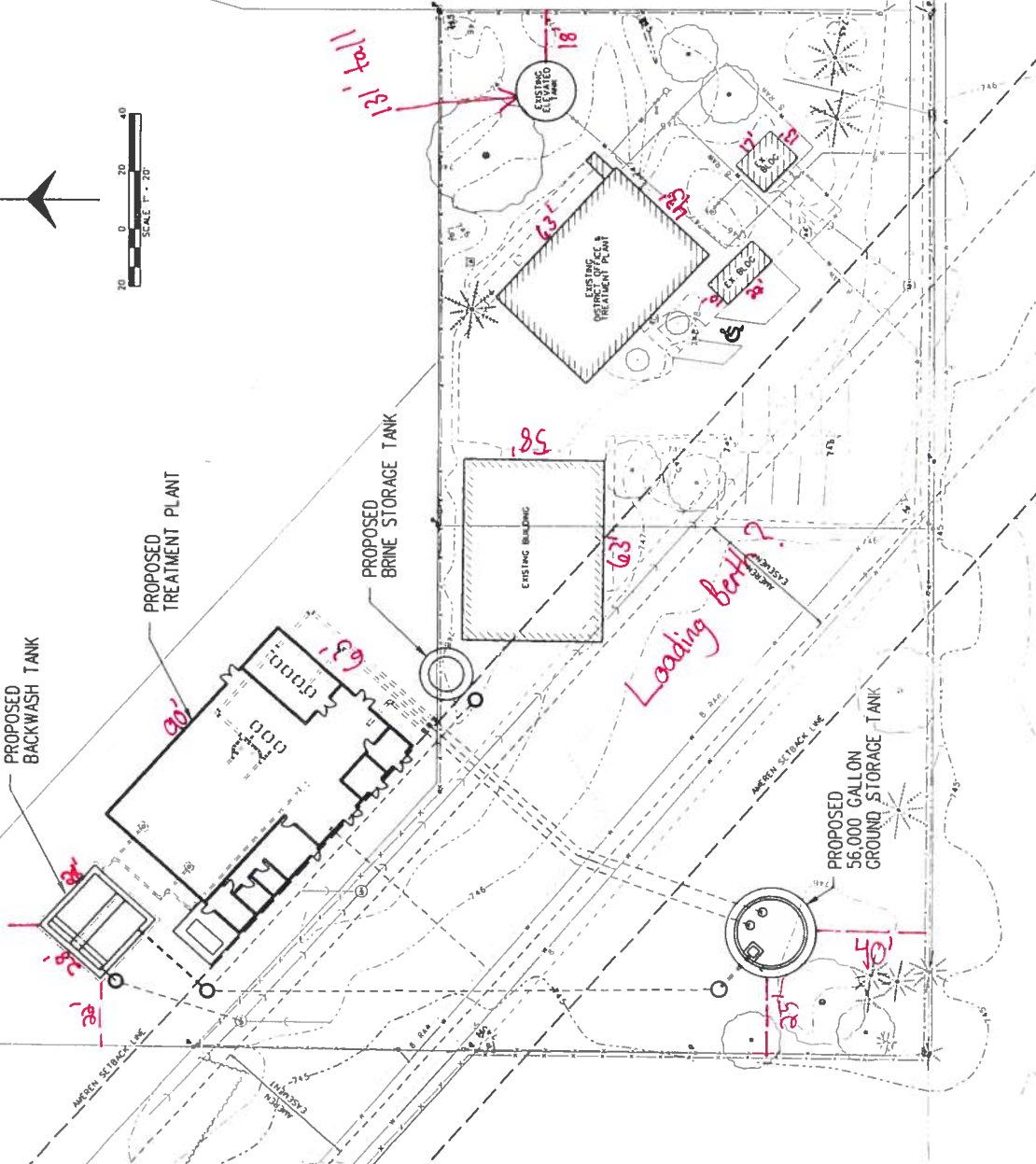
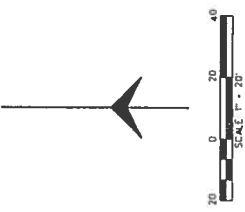
Middle town Drive

Residential
Development

Access
Easement

RECEIVED
JUN 19 2012

CHAMPAIGN CO. P & Z DEPARTMENT



PRELIMINARY

718-S-12 & 719-V-12

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

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

Date: **June 28, 2012**

Petitioners: **Sangamon Valley Public Water District and Parkhill Enterprises, LLC**

Request: CASE: 718-S-12

Authorize the following on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required variance in related Case 719-V-12 on the subject property described below:

Part A. Authorize the expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.

Part. B Authorize the replacement of a non-conforming water tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.

CASE: 719-V-12

Authorize the following for expansion of a non-conforming water treatment plant in related Case 718-S-12 on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12:

Part A. The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

Part B. The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.

PRELIMINARY

Part C. Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 55 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.

Part D. Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet on the subject property described below.

SUBJECT PROPERTY

An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 28, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District intends to purchase the subject property from the co-petitioner, Parkhill Enterprises, LLC.
2. The subject property is an approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.
3. The subject property is located adjacent to the Village of Mahomet. The Village has been notified of these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned R-4 Multiple Family Residence and is in agricultural use and a small portion is used for operations of Sangamon Valley Public Water District.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is in agriculture production and is zoned R-4 Multiple Family Residence.
 - (2) Land on the south is in agricultural production and is zone AG-1 Agriculture.
 - (3) Land east of the subject property is in residential use and is zoned R-4 Multiple Family Residence.
 - (4) Land west of the subject property is in residential use and is located within the Village of Mahomet Village limits.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the water treatment plant:
 - A. The site plan received June 19, 2012, indicates the following:
 - (1) The original non-conforming water treatment plant which consists of a 63' × 43' treatment plant and District office, related smaller buildings, and the 131 feet tall elevated water storage tank. All situated on a .70 acre non-conforming lot of record.

PRELIMINARY

- (2) An unauthorized 63' × 58' building to the west of the original plant that is partially on a .80acre lot that has not been approved by the Village of Mahomet. This lot is a portion of the property proposed to be rezoned in related case 717-AM-12.
 - (3) The proposed expansion onto an additional 2.10 acres (proposed to be rezoned in related case 717-AM-12) north of the existing property and consists of the following buildings and structures:
 - (a) A proposed 90' × 63' treatment plant.
 - (b) A proposed backwash tank.
 - (c) A proposed brine storage tank.
 - (d) A proposed 56,000 gallon ground storage tank.
- B. Regarding the proposed Special Use and existing operations:
- (1) The petitioner proposes to construct a new water treatment plant that will allow Sangamon Valley Public Water District to provide drinking water for a growing demand.
 - (2) Currently, there are 4 full-time employees and 4 half-time employees employed by the SVPWD. Eventually, SVPWD would like to have 11 total employees working on the subject property.
 - (3) The existing plant will be used as an administration building after the proposed plant is constructed.
 - (4) There is an existing well on the property which the SVPWD uses as its water supply. SVPWD also uses a well which is shared with the Lake of the Woods Forest Preserve on forest preserve property.
 - (5) The water source for SVPWD is the Mahomet Aquifer.
- C. The subject property primarily consists of Catlin silt loam which has an LE of 87 and a small portion of Drummer silty clay which has an LE of 98.
- D. The petitioner has requested the following variances:
- (1) The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.

- (2) The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a Water Treatment Plant as a Special Use in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes a Water Treatment Plant as a Special Use only in the AG-2, I-1, and I-2 Zoning Districts.
 - B. The maximum allowed lot area in the AG-2, Agriculture Zoning District is determined by Footnote 13 to Section 5.3 that states the following:
The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
 - (1) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - (a) The LOT is RRO exempt;
 - (b) The LOT has a Land Evaluation score greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System* and;
 - (c) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as on January 1, 1998.
 - (2) LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 - (a) The LOT is located within a Rural Residential Overlay district; and
 - (b) The LOT has a Land Evaluation score greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System*.
 - (3) The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
 - (a) A 'Remainder Area Lot.' A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO exempt LOT less than 35 acres in LOT AREA. No construction or use that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot.'
 - (b) Any LOT greater than or equal to 35 acres in LOT AREA.
 - C. 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:

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- (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 establishes standard conditions for a Water Treatment Plant and they are as follows:
 - (a) Minimum LOT Size of 5 acres
 - (b) Front setback from the street centerline of 100 feet
 - (c) Side yard of 50 feet
 - (d) Rear yard of 50 feet
 - (e) Minimum of a 6 feet high wire mesh fencing

- 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) "AREA, LOT" is the total area within the LOT LINES.

- (3) “FRONT YARD” as an a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINE each abut a STREET RIGHT OF WAY both such YARDS shall be classified as front yards (capitalized words are defined in the Ordinance).
- (4) “GRADE” is the average of the elevations o the surface of the ground measured at all corners of a BUILDING.
- (5) “HEIGHT” As applied to an Enclosed or Unenclosed STRUCTURE: STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (8) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (9) “REAR YARD” as a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT (capitalized words are defined in the Ordinance).
- (10) “STRUCTURE” as anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS (capitalized words are defined in the Ordinance).
- (11) “SETBACK LINE” as the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY LINE (capitalized words are defined in the Ordinance).

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- (12) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (13) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (14) "YARD" as an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein (capitalized words are defined in the Ordinance).
 - (15) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- D. 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.
- E. 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.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
 - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- G. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.

PRELIMINARY

- (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2. The requested variances are as follows:
- (a) The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.
 - (b) The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.
 - (c) Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 30 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.
 - (d) Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet on the subject property described below.

H. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

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, **“Location of groundwater wells and associated piping.”**

- B. The existing water treatment plant (consisting of the existing treatment plant and District office and the elevated water storage tank) was established prior to the adoption of the Champaign County Zoning Ordinance.

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, **“New water plant will be a green building designed by Sodemann & Associates and Smart Energy Design Assistant Center located at the University of Illinois.”**
 - B. Regarding surface drainage:
 - (1) The subject property is not located in a drainage district.
 - (2) LIDAR imaging indicates that there is little topographic change on the subject property and the surrounding area. Drainage from the subject property appears to flow to the south of the subject property.
 - C. The subject property is primarily accessed by easement from Prairieview Road in the northeast corner of the property. Regarding the general traffic conditions on Prairieview Road at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The Volume on Prairieview Road is 3,000 AADT.
 - (2) No significant increase in traffic is anticipated.
 - (3) The Township Highway Commissioner and County Engineer have been notified of these cases and no comments have been received at this time.
 - D. Regarding fire protection of the subject property, the subject property is within the protection area of the Cornbelt Fire Protection District. The Fire Protection District Chief has been notified of this request no comments have been received at this time.
 - E. The subject property is not located within a Special Flood Hazard Area.
 - F. Regarding outdoor lighting on the subject property, outdoor lighting is not indicated on the site plan.

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- G. Regarding wastewater treatment and disposal on the subject property, the subject property is connected to a sanitary sewer system.

- H. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (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 is 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.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 or later edition of the National Electrical Code NFPA 70.
- I. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will not be injurious to the district:
- (1) There is no evidence to suggest that the requested waivers (variances) of the standard conditions will be injurious to the district for the following reasons:
 - (a) Traffic to and from the subject property should not increase;
 - (b) There are no drainage issues that would result from this;

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- (c) The proposed use is a urban use and allowed by Special Use Permit in the AG-2 Agriculture Zoning District;
 - (d) Strictly applying the minimum lot size of 5 acres would require more best prime farmland to be converted from agricultural use;
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, “Yes.”
 - B. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District, the proposed use is allowed in the AG-2 Agriculture Zoning District.
 - C. Regarding compliance with the *Zoning Ordinance*:
 - (1) Water Treatment Plants are authorized only by Special Use Permit in the AG-2, I-1, or I-2 Zoning District.
 - (2) Regarding parking on the subject property:
 - (a) Section 7.4.1 D.1. requires one parking space to be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
 - (b) Section 7.4.1 D.2. requires that all parking spaces be surfaced with an all-weather dustless material.
 - (c) Required Parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.
 - (d) Paragraph 7.4.1 C.4. requires that SCREENING be provided as follows:

- i. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a Type B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - ii. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- (d) The site plan received on June 12, 2012, indicates that there will be 6 parking spaces, including a handicap accessible space located outside of the proposed water treatment plant. Screening has not been indicated on the site plan. There are some trees located in the southwest corner of the subject property that could provide screening.
- (e) The site plan received June 12, 2012, indicates that there are nine existing parking spaces located near the existing water treatment plant.
- (3) Regarding loading berths on the subject property:
 - (a) The total building area on the property is approximately 5,760 square feet. Paragraph 7.4.2 C.5. requires buildings with an area of 1-9,999 square feet to provide one 12'×40' loading berth.
 - (b) Section 7.4.2 D.2. Requires that no such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN (8 feet in height and opaque).
 - (b) No loading berth or screening has been indicated on the site plan but the existing water treatment plant has received deliveries since 1973 so there is an unloading area on the property. There are some trees located in the southwest corner of the subject property that could provide screening.

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- D. Regarding compliance with the *Stormwater Management Policy*:
- (1) The proposed Special Use is exempt from the *Stormwater Management Policy* because of the small amount of impervious area.
- E. Regarding the Special Flood Hazard Areas Ordinance:
- (1) The subject property is not located in the Special Flood Hazard Area.
- F. Regarding Subdivision Jurisdiction and Regulations:
- (1) The subject property is located in the Village of Mahomet subdivision jurisdiction.
 - (2) An unauthorized .80 acre lot west of original property was created that is not in compliance with section 13.2.1 of the *Zoning Ordinance*.
 - (3) The proposed lot for the expansion will also require subdivision approval.
 - (4) A special condition is proposed that will ensure the Village of Mahomet subdivision regulations apply.
- 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.
- H. The petitioner has requested waivers (variances) of the standard conditions for a Water Treatment Plant regarding the following conditions:
- (1) Waiver (variance) for a non-conforming elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet. The elevated water storage tank is also the subject of Part B of Case 718-S-12.
 - (2) Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 55 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet. The maximum lot area of 3 acres on best prime farmland is also applicable.
- I. The petitioner has requested the following variance:
- (1) The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.
 - (2) The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

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. A Water Treatment Plant may be authorized in the AG-2, I-1, or I-2 Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - (3) 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 minimum yard requirements in the Ordinance and the proposed site plan appears to not be in compliance with those requirements. However waivers are required if standard conditions are not met.
 - (4) 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.
 - (5) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.
 - (a) Traffic resulting from the proposed use will be minimal.

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- (6) 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 is exempt from the requirements of 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.

- (7) 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.

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

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to not be in compliance with some, but not all of those limits.

- (9) 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.

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

The proposed special conditions should ensure that the proposed Special Use will comply with all relevant regulations.

- (11) 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-2 Agriculture District and is, by definition, an urban use that may be authorized by Special Use.

- (12) 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.

- (13) 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-2 Agriculture District and is, by definition, an urban use that may be authorized by Special Use.

- (14) 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 an area where agriculture still exists.

- (15) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use in this case is not related to this purpose.

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- D. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- (1) There is no evidence to suggest that the requested waivers (variances) of the standard conditions will not be in harmony with the general purpose and intent of the ordinance for the following reasons:
 - (a) Traffic increase will be minimal, if any.
 - (b) The *Zoning Ordinance* allows this use as a Special Use in the AG-2 Agriculture Zoning District.
 - (c) The nearest dwelling is approximately 900 feet from the existing side property line.
 - (d) The nearest dwelling is approximately 60 feet away from the existing rear property line.
 - (e) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding whether the proposed Special Use Permit is an existing nonconforming use.
 - A. The Petitioner has testified on the application, “Yes.”
 - B. The existing water treatment plant existed prior to zoning in Champaign County and is visible in aerial photos from 1973.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES FOR A VARIANCE

12. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. Minimum setbacks from the centerline of a street, minimum front yards, minimum side yards, minimum rear yards, and maximum lot size in the AG-2 District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (1) The minimum setback from a collector street is listed in Section 5.3 and Subsection 4.3.2 as 75 feet.
 - (2) The minimum front yard in regards to a collector street is listed in Footnote 3 of Section 5.3 and Subsection 4.3.2 as 30 feet.
 - (3) The minimum side yard is listed in Section 5.3 as 10 feet.

- (4) The minimum rear yard is listed in Section 5.3 as 20 feet.
 - (5) The maximum lot area on best prime farmland is three acres as listed in Footnote 13 of Section 5.3.
- B. Subsection 6.1.3 establishes standard conditions for a Water Treatment Plant and they are as follows:
- (1) Minimum LOT Size of 5 acres.
 - (2) Front setback from the street centerline of 100 feet (implies a 55 feet front yard).
 - (3) Side yard of 50 feet.
 - (4) Rear yard of 50 feet.
 - (5) Minimum of a 6 feet high wire mesh fencing.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

13. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application that, **“This parcel is adjacent to existing SVPWD property and can thus serve as additional site property to existing facilities.”**
 - B. Regarding the variance of maximum lot size:
 - (1) The land is best prime farmland and consists of primarily of Catlin silt loam that has a Land Evaluation Score of 87 and Drummer silty clay soil that has a Land Evaluation score of 98 and the average Land Evaluation score is approximately 87.
 - (2) The existing water treatment plant existed prior to zoning in Champaign County and is visible in aerial photos from 1973.
 - (3) The Zoning Ordinance requires as a standard condition for a water treatment plant a minimum lot area of 5 acres.
 - C. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H:
 - (1) The existing water treatment plant existed prior to zoning in Champaign County and is visible in aerial photos from 1973.
 - (2) There is existing development to the north and south of the existing easement and it is not known if this easement could be converted to become part of the subject property.

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- D. Regarding the waivers (variances) of standard conditions for a side yard of 40 feet in lieu of 50 feet and a rear yard of 22 feet in lieu of 50 feet:
- (1) The proposed 56,000 gallon ground storage tank will have a side yard of 40 feet in lieu of the required 50 feet.
 - (2) The proposed backwash tank will have a rear yard of 22 feet in lieu of the required 50 feet.
 - (3) The nearest dwelling is approximately 900 feet from the existing side property line.
 - (4) The nearest dwelling is approximately 60 feet away from the existing rear property line.
- E. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
- (1) The elevated water storage tank is more than 100 feet from the centerline of Prairieview Road, but it does not meet the minimum front yard requirement of 55 feet.
 - (2) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.
 - (3) The elevated water storage tank is non-conforming and existed prior to zoning. The petitioner plans to continue to use the elevated water storage tank for the foreseeable future and replace it if damaged or destroyed.
- F. Regarding the waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet:
- (1) The water tower is 131 feet tall and is non-conforming.
 - (2) The elevated water storage tank is non-conforming and existed prior to zoning. The petitioner plans to continue to use the elevated water storage tank for the foreseeable future and replace it if damaged or destroyed.

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

14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application that, **“SVPWD needs to provide public drinking water with adequate facilities, chemical access, testing, and operations on a common site with safety fencing and gates. A separate access to proposed additional land inhibits common access and security.”**
 - B. Regarding the variance of maximum lot size:

- (1) It is not clear why the proposed site plan goes to the north side of Middletown Drive rather than the south side. If the proposed site plan only went to the south side of Middletown Drive this variance would not be required.
- C. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H:
- (1) The existing water treatment plant existed prior to zoning in Champaign County and is visible in aerial photos from 1973.
 - (2) There is existing development to the north and south of the existing easement and it is not known if this easement could be converted to become part of the subject property.
- D. Regarding the waivers (variances) of standard conditions for a side yard of 40 feet in lieu of 50 feet and a rear yard of 22 feet in lieu of 50 feet:
- (1) The proposed 56,000 gallon ground storage tank will have a side yard of 40 feet in lieu of the required 50 feet.
 - (2) The proposed backwash tank will have a rear yard of 22 feet in lieu of the required 50 feet.
 - (3) The nearest dwelling is approximately 900 feet from the existing side property line.
 - (4) The nearest dwelling is approximately 60 feet away from the existing rear property line.
- E. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
- (1) The water tower is more than 100 feet from the centerline of Prairieview Road, but it does not meet the minimum front yard requirement of 55 feet.
 - (2) The water tower is non-conforming and was constructed prior to zoning.
 - (3) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.
- F. Regarding the waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet:
- (1) The water tower is 131 feet tall.
 - (2) The water tower is non-conforming and existed prior to zoning.
 - (3) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application that, **“No, SVPWD simply needs additional land to provide public drinking water to a growing service area. The small parcel size needed create the access condition.”**
 - B. Regarding the variance of maximum lot size:
 - (1) The land is best prime farmland and consists of primarily of Catlin silt loam that has a Land Evaluation Score of 87 and Drummer silty clay soil that has a Land Evaluation score of 98 and the average Land Evaluation score is approximately 87.
 - (2) The Zoning Ordinance requires as a standard condition for a water treatment plant a minimum lot area of 5 acres.
 - (3) The petitioner has proposed a lot area closer to the maximum lot size of 3 acres than the minimum standard condition lot area of 5 acres.
 - C. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H:
 - (1) The existing water treatment plant existed prior to zoning in Champaign County and is visible in aerial photos from 1973.
 - (2) There is existing development to the north and south of the existing easement and it is not known if this easement could be converted to become part of the subject property.
 - D. Regarding the waivers (variances) of standard conditions for a side yard of 40 feet in lieu of 50 feet and a rear yard of 22 feet in lieu of 50 feet:
 - (1) The proposed 56,000 gallon ground storage tank will have a side yard of 40 feet in lieu of the required 50 feet.
 - (2) The proposed backwash tank will have a rear yard of 22 feet in lieu of the required 50 feet.
 - (3) The nearest dwelling is approximately 900 feet from the existing side property line.
 - (4) The nearest dwelling is approximately 60 feet away from the existing rear property line.
 - E. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
 - (1) The water tower is more than 100 feet from the centerline of Prairieview Road, but it does not meet the minimum front yard requirement of 55 feet.

- (2) The water tower is non-conforming and was constructed prior to zoning.
 - (3) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.
- F. Regarding the waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet:
- (1) The water tower is 131 feet tall.
 - (2) The water tower is non-conforming and existed prior to zoning.
 - (3) The nearest dwelling is approximately 45 feet from the base of the elevated water storage tank.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application that, **“The requested variance will continue to allow a public utility to operate on a common site with adequate access, required chemical shipping, storage, and access, and a secure site perimeter.”**
 - B. Regarding the variance of maximum lot size:
 - (1) The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773. The maximum lot size requirement makes no provision for special use permits that may require an area greater than 3 acres.
 - (2) The proposed lot area of 3.6 acres is 120% of the required 3 acre maximum for a variance of 20% but is only 72% of the required 5 acres by the standard conditions.
 - C. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H:
 - (1) The requested variance is a 100% variance.
 - D. Regarding the waivers (variances) of standard conditions for a side yard of 40 feet in lieu of 50 feet and a rear yard of 22 feet in lieu of 50 feet:
 - (1) The requested waiver (variance) for a side yard of 40 feet is 80% of minimum required 50 feet for a variance of 10 feet.
 - (2) The requested waiver (variance) for a rear yard of 22 feet is 44% of minimum required 50 feet for a variance of 33 feet.

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- E. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
 - (1) The requested waiver (variance) for a front yard of 18 feet is 33% of minimum required 55 feet for a variance of 37 feet.

- F. Regarding the waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet:
 - (1) The requested waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet is 262% of the maximum for a variance of 162%.

- G. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 17. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application that, **“By using the existing private access way, security will be better monitored and controlled. Existing fire hydrants will serve the proposed parcel. Variance will allow owner not to construct access from other residential subdivisions and local traffic.”**

 - C. The Township Road Commissioner and County Engineer have received notice of this variance but no comments have been received.

 - D. The Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 18. Regarding proposed special conditions of approval:
 - A. **Regarding Compliance with the Village of Mahomet Subdivision Regulations:**
 - (1) **Documentation of an application for subdivision approval with the Village of Mahomet shall be required to be submitted with any Zoning Use Permit Application for the proposed water treatment plant.**

 - (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed water treatment plant until the Village of Mahomet Administrator has certified in writing that the Sangamon Valley Public Water District has substantially complied with the Village of Mahomet requirements for subdivision approval.**

The special conditions stated above are to ensure the following:

That the petitioner complies with the requirements of the Illinois Plat Act, Section 13 of the Champaign County Zoning Ordinance, and the Village of Mahomet subdivision regulations.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Kerry Gifford (General Manager, SVPWD) received on June 1, 2012, with attachments:
 - A Legal Descriptions
 - B Site Plan
2. Special Use Permit Application signed by Kerry Gifford (General Manager, SVPWD) received June 1, 2012
3. Letter from Michael L. Antoline (Attorney for SVPWD) to Bud Parkhill received June 4, 2012 with attachments:
 - A 765 ILCS 205/1
 - B 220 ILCS 5/3-105
 - C Notes of Decisions
 - D Citing References
 - E 1996 Illinois Attorney General Opinion 024
4. Revised Site Plan received June 12, 2012
5. Letter from Michael L. Antoline (Attorney for SVPWD) to David DeThorne (Champaign County Assistant State's Attorney) received June 18, 2012
6. Variance Application signed by Kerry Gifford (General Manager, SVPWD) with attachments:
 - A Letter from Sodemann and Associates, Inc dated June 15, 2012
 - B Legal Description
 - C Site Plan
7. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
8. Champaign County Land Resource Management Plan (LRMP) Appendix
9. Site Plan from Case 463-AM-82
10. Preliminary Memorandum for Case 717-AM-12 dated June 22, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 12, 2012
 - C Site Plan received June 19, 2012
 - D LRMP Land Use Goals, Objectives, and Policies & Appendix
 - E Section 13 of the Champaign County Zoning Ordinance
 - F Draft Finding of Fact and Final Determination

11. Preliminary Memorandum for Cases 718-S-12 and 719-V-12 dated June 22, 2012, with attachments:
12. Supplemental Memorandum for Case 717-AM-12 dated June 28, 2012.
13. Supplemental Memorandum for Cases 718-S-12 and 719-V-12 dated June 28, 2012, with attachments:
 - A Annotated Land Use Map
 - B Annotated Site Plan
 - C Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT: CASE 718-S-12

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 718-S-12 held on **June 28, 2012**, 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*}*:

 - 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*}*:

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

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

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

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS* an existing nonconforming use and the requested Special Use Permit *WILL* make the existing use more compatible with its surroundings
6. Regarding necessary waivers of standard conditions:
 - A. Regarding the requested waiver of the standard condition in Section 6.1.3 for a communications tower for **a setback from the centerline of CR 1200E of 70 feet instead of the Standard Condition setback from street centerline of 100 feet:**
 - (1) The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare. *{Because*}*:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district. *{Because*}*:

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

E. Regarding the requested waiver of the standard condition in Section 6.1.3 for a communications tower for a rear yard of 40 feet instead of the Standard Condition side yard of 50 feet:

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

7. ***{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}***

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

FINDINGS OF FACT: CASE 719-V-12

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 719-V-12 held on **June 28, 2012** the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE SPECIAL CONDITION IMPOSED}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE SPECIAL CONDITION IMPOSED}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:

6. The requested variance *{SUBJECT TO THE SPECIAL CONDITION IMPOSED}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure

because: _____

7. ***{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:}***

FINAL DETERMINATION: CASE 718-S-12

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval 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 **718-S-12** is hereby *{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the petitioners **Sangamon Valley Public Water District and Parkhill Enterprises, LLC** to authorize:

- Part A. Authorize the expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.**
- Part. B Authorize the replacement of a non-conforming water tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.**

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST: Secretary to the Zoning Board of Appeals

Date

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FINAL DETERMINATION: CASE 719-V-12

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* 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 719-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Sangamon Valley Public Water District and Parkhill Enterprises, LLC** to authorize:

Part A.The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

Part B.The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.

Part C.Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 55 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.

Part D.Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet.

SUBJECT TO THE FOLLOWING CONDITION(S):

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST: Secretary to the Zoning Board of Appeals

Date